



## Legal Changes of September 2022

Voicu & Filipescu is a full service law firm, covering all legal areas relevant to your company's activity. This issue of our monthly newsletter provides you with a brief description of some of the recent legal amendments in:

- Data protection
- Dispute resolution
- Employment

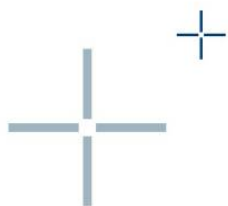
We are celebrating [21 years on the Romanian legal market](#) being grateful to all our clients, collaborators and professionals for the entire activity carried out over the years and for their contribution to our development.



[Legal 500, EMEA 2022 edition](#), recommends Voicu & Filipescu for our lawyers' activity in 6 practice areas: Corporate and Commercial, Employment, PPP and Procurement, Real Estate and Construction, Restructuring and Insolvency and TMT.

[Chambers and Partners Europe, 2022 edition](#) recommends Voicu & Filipescu for our lawyer's activity in the field of dispute resolution.

[IFLR 1000, 2022 edition](#) recommends Voicu & Filipescu for our lawyer's activity in three practice areas: M&A, Banking and Finance and Project Development. Also, Mr. Dumitru Rusu – Partner, head of the Banking and Finance practice, was selected as a *Highly Regarded Lawyer* for the practice areas of Capital Markets and Banking.



Business Catalysts





# data protection - legislative changes published in September 2022

## I. ROMANIA

### 1 SANCTIONS APPLIED BY THE NATIONAL SUPERVISORY AUTHORITY (ANSPDCP)

#### 1.1 REALMEDIA NETWORK S.A. was sanctioned for violating the provisions of Article 32 para. (1) point b) and para. (2) of the GDPR with a fine amounting to LEI 39,272.00 (the equivalent of EUR 8,000)

Following the investigation, it was found that a personal data breach occurred at the level of the controller which led to the unauthorized disclosure and/or access to personal data belonging to 194,309 data subjects.

The security breach concerned the following personal data: name, surname, telephone number, e-mail address, postal address, personal identification number, signature, copies of identity cards, including identification codes, function/quality, bank details, information included in land registry/land registry extracts, property titles and profile pictures of users of the real estate "imobiliare.ro" platform.

The investigation was initiated following a intervention ex officio by the National Supervisory Authority, in the context of the related information regarding the breach being published in online media.

#### 1.2 RAIFFEISEN BANK S.A. was sanctioned for violating the provisions Article 5 para. (1) point d) of the GDPR with a fine amounting to LEI 9,763.60 (the equivalent of EUR 2,000) and with a warning for violating the provisions of Article 5 para. (1) lit. a) and b) and Article 6 of the GDPR

Following the investigation, the National Supervisory Authority found that Raiffeisen Bank, as processor, erroneously entered the telephone number of the data subject in the application through which transactions were initiated at the request of customers, although the data subject was not a customer of the Bank and did not request the initiation of transactions.

Furthermore, the National Supervisory Authority found that the Bank processed inaccurate data (telephone number) of individuals, occasional customers, who conducted money transactions via the application, using the telephone number of the data subject in 44 transactions, thus violating the principle of data accuracy provided for in Article 5 para. (1) point (d) of the GDPR.

#### 1.3 VODAFONE ROMANIA S.A. was sanctioned for violating the provisions Article 29 and Article 32 para. (1) point b), para. (2) and para. (4) of the GDPR with a fine amounting to LEI 9,890.80 (the equivalent of EUR 2,000)

Following the investigation, it was found that the controller failed to verify compliance with the caller identification procedure by individuals working under its authority.

This allowed third parties to fraudulently purchase new phones on behalf of the controller's customers. In addition, personal data included in agreements concluded by customers with the controller, as well as those contained in the personal MyVodafone accounts, could be accessed by third parties.

The investigation was initiated following two notifications of personal data breaches submitted by the controller.



## II. EUROPEAN UNION

### 1 RELEVANT ISSUES AT THE EUROPEAN DATA PROTECTION BOARD (EDPB) LEVEL

#### 1.1 EDPB adopts Statement no. 03/2022 on the European Police Cooperation Code

At its Plenary meeting held on September 12, 2022, the EDPB adopts the Statement no. 03/2022 on the European Commission proposal of December 8, 2021 on the European Code on Police Cooperation.

The aim of the Code is to strengthen law enforcement cooperation between Member States, and in particular the exchange of information between competent authorities.

The document is available at the following link:  
[edpb\\_statement\\_202203\\_european\\_police\\_cooperation\\_code\\_en.pdf\(europa.eu\)](https://edpb.europa.eu/edpb_statement_202203_european_police_cooperation_code_en.pdf).

### 2 SANCTIONS APPLIED IN THE EU

#### 2.1 The Irish Data Protection Authority ("DPC") imposed to Meta Platforms Inc. a fine of EUR 405 million for breaches of the GDPR

Following the investigation, the CPD found that the controller processed personal data concerning the category of vulnerable persons, in violation of the fundamental principles of the GDPR.

Thus, when an under-aged user of the social network Instagram converted their account from a personal to a business account, their phone number and email address automatically became public, whereas when initially creating an account for a user under 18, this data is automatically set as private.

The number of data subjects affected is in the millions.

#### 2.2 The French Data Protection Authority ("CNIL") imposed to INFOGREFFE a fine of EUR 250,000 for breaches of the GDPR

Following the investigation, the CNIL found that the controller kept the personal data of 25% of its members and subscribers for longer than the declared 36 months, without justification, and that the manual anonymisation implemented at the request of users concerned only a very small number of accounts.

The controller also failed to take sufficient measures to ensure the security of the processing of personal data. Thus, for the 3.7 million accounts of data subjects, the use of a strong password was not required. In addition, they were kept in the controller's database, along with the security questions and the related answers in clear, unencrypted text.



## dispute resolution - legal changes published in September 2022

**Decision of the High Court of Cassation and Justice no. 13/2022 regarding the issuance of an appeal in the interest of the law regarding the request that forms the object of Case File no. 471/1/2022, formulated by the Management Board of Galati Court of Appeal was published in the Official Gazette, Part I no. 907 of September 15, 2022 and it is applicable from the same date.**

The High Court admitted the request submitted by Galati Court of Appeal in order to issue an appeal in the interest of the law and, consequently, established that in the interpretation and application of the provisions of art. 120 of Government Emergency Ordinance no. 99/2006, in relation to art. 405 para. (1) of the 1865 Civil Procedure Code, art. 706 para. (1) of the Civil Procedure Code, art. 201 of Law no. 71/2011 and art. 6 para. (1), (4) and (5) of the Civil Code, in conjunction with art. 1 para. (2) of Decree no. 167/1958 and art. 2,504 para. (1) of the Civil Code:

- The legal basis applicable to the statute of limitation of the right to obtain the enforced execution of the mortgage is governed by the rules of the substantive law in force at the time when the mortgagee's right to obtain enforcement of the secured claim is born, the procedural rules applicable to the enforcement procedure being irrelevant.
- The right to obtain forced execution based on the mortgage agreement is terminated, by way of accessory relief, as an effect of the limitation period of the right to obtain the enforcement of the claim based on the credit agreement, if the latter begins to run before October 1<sup>st</sup>, 2011.
- Whether the statute of limitation of the right to obtain the enforcement of the guaranteed debt starts to run after October 1, 2011 (included), the enforcement of the mortgage shall not be terminated, by way of accessory relief, even though the right to obtain forced execution of the main claim is time-barred, in which case the applicable statute of limitation period shall be as follows: (i) 3 years, according to art. 405 para. (1) first thesis of the 1865 Civil Procedure Code, if the limitation period of the mortgagee's right to obtain enforcement under the credit agreement began to run between October 1<sup>st</sup>, 2011 and February 14, 2013; (ii) 10 years, according to art. 706 para. (1) second thesis of the Civil Procedure Code, if the limitation period of the mortgagee's right to obtain enforcement under the credit agreement started to run after February 15, 2013 (included).



## employment - legal changes published in September 2022

**Law no. 247/2022 for amending and supplementing certain normative acts on residence documents issued to citizens of the European Union and their family members, as well as in the field of foreigners** was published in the Official Gazette, Part I, no. 845 of August 29, 2022.

Law no. 247/2022 provides for several amendments, including in relation to the provisions of Government Ordinance no. 25/2014 on the employment and secondment of foreigners on the territory of Romania and for the amendment and completion of certain regulations on the regime of foreigners in Romania.

Hence, from the date of entry into force of the new amendments, *i.e.*, 26.09.2022, the provisions of G.O. no. 25/2014 are amended, as follows:

- Applicants are given the option of having the work or secondment permit sent by courier service to the applicant's registered office, home or residence, at the applicant's expense;
- The payment of the fee related to the issuance of the work/secondment permit, in amount of EUR 100 payable in Lei at the official rate of the National Bank of Romania valid on the date of payment is maintained, shall be made, from the date of entry into force of the new amendments, on the date of submission of the file for the issuance of the work/secondment permit and not on the date of issuance of the work/secondment permit, as previously regulated;
- The right of the employer/beneficiary of the service provision to recover the fee paid in case of refusal of issuance of the work/secondment permit is expressly regulated.

**Order of the Ministry of Finances and of the Ministry of Culture no. 2.061/3.318/2022 on establishing the value of the indexed amount that is granted in the form of cultural vouchers for the second semester of 2022** was published in the Official Gazette, Part I, no. 923 of September 21, 2022, in force from the same date.

In accordance with the provisions of Order no. 2.061/3.318/2022, for the second semester of 2022 and including the first two months of the first semester of 2023, *i.e.*, February 2023 and March 2023, the value of the amount to be granted monthly, respectively occasionally, in the form of cultural vouchers is a maximum of 190 Lei/month and a maximum of 380 Lei/event.

**Law no. 273/2022 on the amendment of article 39 para. (2) of Law no. 76/2022 on the unemployment insurance system and employment stimulation** was published in the Official Gazette of Romania, Part I, no. 954 of September 30, 2022, in force starting with October 3, 2022.

Following the amendments adopted with the entry into force of Law no. 273/2022, the amount of unemployment benefit will be equal to the value of the social reference indicator in force on the date of its determination, for individuals with at least one year's contribution period.



The regulation in force prior to the amendment provided that this amount was 75% of the value of the social reference indicator in force at the time it was determined, for individuals with at least one year's contribution period.

**Order of the Minister of Labour and Social Protection no. 1.348/884/2022 for amending and supplementing the Romanian Classification of Occupations** was published in the Official Gazette of Romania, Part I, no. 880 of September 7, 2022, in force from the same date.

The Order is supplementing the Romanian Classification of Occupations – level of occupation (six characters) with new occupations practiced within the national economy, respectively: blockchain technology architect, digital games designer, user interface developer, blockchain technology developer, digital games developer, expert in optimization of the searching browser.

For additional details on this material, please do not hesitate to contact us.

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