

Romania's response

Law no. 677/2001 on the protection of individuals with regard to the processing of personal data and the free movement of such data, amended and completed transposes the acquis represented by Directive 95/46/EC, which regulates the general legal framework of personal data protection at European Union level. The National Supervisory Authority for Personal Data Processing (hereinafter referred to ANSPDCP) shall monitor and control with regard to their legitimacy, all personal data processing, subject to this law. Among its attributions we mention: receiving and solving petitions, notices or requests from natural persons and communicates their resolution, or, as the case may be, the measures which have been taken; performs investigations ex officio or upon requests or notifications. In case of violations of the legal provisions, ANSPDCP may dispose the application of sanctions.

With reference to the communications sector, the provisions of Law no. 506/2004 on the processing of personal data and the protection of privacy in the electronic communications sector, as well as the ones of Law no. 365/2002 on ecommerce are applicable. According to Article 3(4) of Law no. 506/2004, ANSPDCP shall audit the measures taken by the providers according to paragraph (1) and shall issue recommendations concerning the best practices in what concerns the level of security which must be attained by these measures. In case of a data breach, the providers of a publicly available electronic communications service shall notify, without any delay, the data breach to ANSPDCP. The ascertainment of the contravention provided by paragraph (1) a)-j) and l)-q) and imposing sanctions shall be carried out by ANSPDCP.

Concerning the surveillance in the communications sector, on the 13th of June 2012, Law no. 82/2012 on the retention of data generated or processed in connection with the provisions of publicly available electronic communications services or of public communications networks amending Law no. 506/2004 on the processing of personal data and the protection of privacy in the electronic communications sector, which transposes Directive 2006/24/EC, was adopted. The application of the provisions of law mentioned above is carried out with the observance of the dispositions of Law no. 677/2001 on the protection of individuals with regard to the processing of personal data and the free movement of such data, amended and completed.

According to Article 20 of Law no. 82/2012, the competent authority to monitor the applications of the provisions of present law is ANSPDCP, and the ascertainment of the offences provided by paragraph (1) b), c), d) and e), as well as imposing sanctions shall be carried out by ANSPDCP.

In order to increase the public awareness, ANSPDCP initiated, on the occasion of the European Data Protection Day, an information campaign focused on the basic principle data protection as a fundamental right, enshrined by Article 16 of the Lisbon Treaty. In this context, a series of actions were planned, namely brochures, flyers, public information campaign video, as well as the organisation of a symposium aiming at the direct interaction with the participants in order to offer information concerning the personal data protection domain.

The Ministry for Information Society centralizes the statistics received from the providers of public electronic communications networks and from the providers of publicly available electronic communications services, and submits to the European Commission such statistics, annually. These statistics shall not contain personal data and classified information.