

Data. Protection. Adding Value.

GDPR Local Insights*



Romania

Legislation

Law no. 190/2018 on the implementation of Regulation (EU) 2016/679 of the European Parliament and of the Council (GDPR). Law

Supervisory Authority

The National Supervisory Authority for Personal Data Processing is the national data protection supervisory authority in Romania (www.dataprotection.ro).

Special Conditions for Data Processing

- **The processing of a national identification number**, including collection or disclosure of documents containing such a number, for the legitimate interest pursued by the controller or a third party may only be performed upon implementing additional processing related guarantees by the controller (i.e. appointment of a DPO and implementation of retention and review terms).
- In case the employer uses monitoring systems consisting of workplace electronic communication means and/or video surveillance, **processing of personal data pertaining to employees for the legitimate interest of the employer** may only be performed with the observance of several specific conditions (i.e. performance of a legitimate interest assessment; consultation of the union or of the employees' representatives, as the case may be; provision of evidence that other monitoring means were used but proved inefficient).
- **Processing of personal data by political parties, citizens' organizations pertaining to national minorities and non-governmental organizations** may only be performed upon imposing some specific guarantees. In case such guarantees are implemented consent of data subjects is not required.
- **The processing of genetic, biometric and health data** for automated individual decision making or for profiling may only be performed with the explicit consent of the data subject or if the said processing activity is performed based on a specific legal provision, and in both cases upon imposing measures to protect the rights, freedoms and legitimate interests of data subjects.
- **The processing of health data for the purpose of ensuring public health**, as defined by EU Regulation 1.388/2008 may not further be performed for other purposes by any other third-party entity.
- **The processing of personal data and special categories of personal data for the performance of a task carried out in the public interest** may only be performed with the observance of several conditions (i.e. appointment of a DPO).
- Processing of personal data manifestly made public by the data subject or of personal data related to the public status of the data subject or to the public character of the deeds the data subject is involved in, for journalistic purposes and the purposes of academic, artistic or literary expression may be performed without the observance, among others, of data processing principles and data subjects' rights.
- Processing of personal data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes may be performed without the observance of data subjects' rights insofar as the exercise of data subjects' rights might render impossible or seriously impair the achievement of the objectives of those processing activities.
- Public sector non-observance of the data protection rules and regulations is subject to a different investigation regime. Upon completing the investigation, the National Supervisory Authority for Personal Data Processing shall issue a reprimand and a remediation plan. In case the remediation plan is not complied with, pecuniary sanctions may be imposed on the public sector entity by the supervisory authority.
- Designating and changes of DPO requires notification to the National Supervisory Authority for Personal Data Processing. Notifications may be submitted electronically by using the form available on the supervisory authority website www.dataprotection.ro

Special Categories of Data

Restrictions on Individuals' Rights

Other Relevant Exemptions

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*The overview intends to provide general insights on the level of supplementary rules implemented in a country and for such purpose provides examples where the relevant member states have made use of the exemption provided by the GDPR. It is therefore non-exhaustive.

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