

**DECISION no. 100 from 23<sup>rd</sup> of November 2007 regarding the cases in which the data controllers must not notify the supervisory authority**

In the process of implementation of the provisions of art. 22 para. (9) of the Law no. [677/2001](#) for the protection of persons regarding the processing of personal data and the free movement of such data, amended, according to which the supervisory authority may establish exemptions from the notification,

Having regard to the fact that some processing are not subject, during their common use, to affect, at least visible, the rights of the data subjects,

Viewing the Note of approval no. 5 dated 1<sup>st</sup> of September 2007 of the Legal and Communication Bureau of the National Supervisory Authority for the Personal Data Processing regarding the proposal to issue a decision considering some cases in which the data controllers may not notify certain data processing,

Based on the provisions of art. 3 para. (5) and (6) from the Law no. [102/2005](#) regarding the establishment, organization and functioning of the National Supervisory Authority for the Personal Data Processing, amended, and those of art. 6 para. (2) letter. b) of the Regulation of organization and functioning of the National Supervisory Authority for the Personal Data Processing, approved by The Permanent Bureau of the Romanian Senate no. [16/2005](#),

**the President of the National Supervisory Authority for the Personal Data Processing issues this decision.**

**Art. 1**

The notification for the personal data processing is not necessary in the following situations:

- a)** when the processing is done by the compartments/competent persons of public or private entities for the purpose of performing their legal tasks for organizing and fulfilling their own common activity of administrative and financial-economic record;
- b)** when the processing of personal data refers to its own employees and is being done in order to subscribe stocks in the interest of the employees;
- c)** when the processing of personal data referring to the physical persons subjects to a contest or exam is performed in order to hire labor resources for occupying vacant jobs;

- d)** when the processing of personal data part of a sent curriculum vitae, voluntary, by physical persons id performed by public and private entities in the quality of potential employers;
- e)** when the processing of personal data regarding the participants to seminars, conferences and other similar events id done exclusively for the purpose of that event, under the condition that the processing refers only to data necessary for the performance of such an event;
- f)** when the processing of personal data referring to the contact persons of public or private entities id done by other public or private entities, exclusively for the purpose of performing professional or formal activities, by keeping a register of the contact data;
- g)** when the processing of personal data referring to the members is done by the associations, foundations or any other organization without patrimonial purpose, exclusively for the performance of the specific activities of the organization under the term that data are not to be delivered to third parties without the consent of the data subject;
- h)** when the processing of personal data is done by cults and religious associations recognized by the law, exclusively for the realization of their specific activities;
- i)** when the processing of personal data is done by accredited researchers by the National Council for the Study of the Security Archives, related to the persons whose data are stored in that archive, exclusively for journalistic, literary or artistic, statistics or historical or scientific research purposes only;
- j)** when the processing of personal data is done by physical persons who have access to their own file deposited into the archive of the Council for the Study of the Security Archives in order to obtain the existence, exercise or defend a right in front of the court of law or for the purpose of journalistic, literary or artistic, statistics or historical or scientific research;
- k)** when the processing of personal data is done exclusively for purpose of journalistic, literary or artistic.

## **Art. 2**

In case that the processing of personal data defined at art. 1 imply the transmission/transfer of data to other states it is necessary to fill in the corresponding sections of the Notification Form F1, stated in annex 1 of the

National Supervisory Authority President` Decision no. [60/2006](#) on establishing standard forms for the notifications provided by Law No. 677/2001 on the protection of individuals with regard to the processing of personal data and the free movement of such data, only in the cases mentioned at art. art. 1 letter. a) and g).

**Art. 3**

The exemptions as stated at art. 1 and 2 do not exonerate the data controller from the fulfillment of all the other obligations that it has according to the provisions of the legislation in the field of personal data protection.

**Art. 4**

This decision enters into force on the date of its publication into the Official Monitor of Romania, Part I.

**Art. 5**

This decision does not contravene with the provisions of the president of the National Supervisory Authority no [90/2006](#) on the situations in which the notification for personal data processing is not required , published in the Official Monitor of Romania, Part I, no. 654 from 28<sup>th</sup> of July 2006, and of the Decision [28/2007](#) regarding the transfer of data to other states, , published in the Official Monitor of Romania, Part I, no. 182 from 16<sup>th</sup> of March 2007.

\_\*\*\*\*\_

President of the National Supervisory Authority for Personal Data  
Protection

**Georgeta Basarabescu**

Published in the Official Monitor no. 823 dated 3<sup>rd</sup> of December 2007