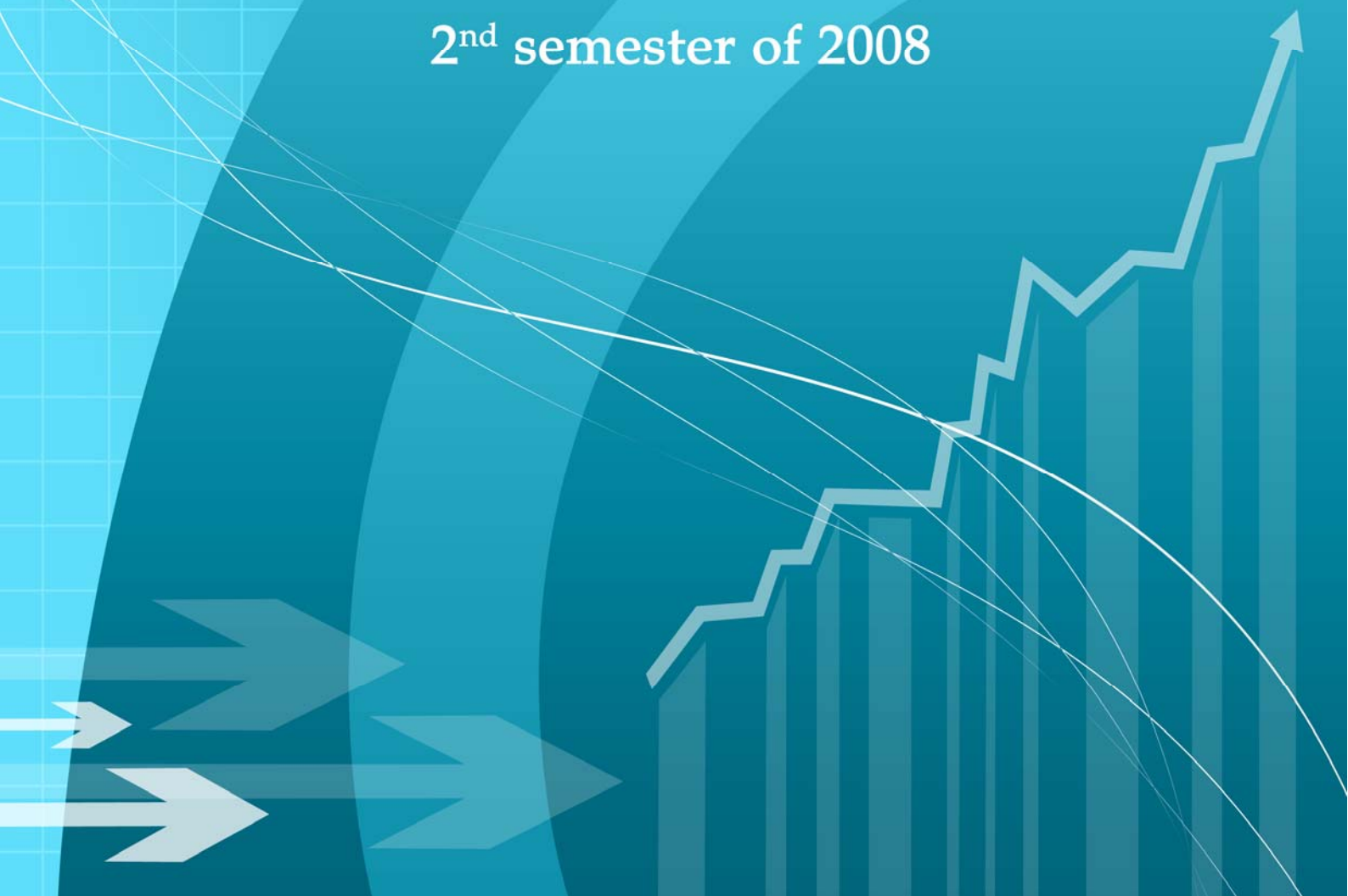


NATIONAL SUPERVISORY AUTHORITY
FOR PERSONAL DATA PROCESSING

Informative Bulletin

2nd semester of 2008



Informative Bulletin

2nd trimester of 2008

1. The communication and information activity

- ❖ **Reunion with the theme “Personal data protection in the activity carried out by public administration authorities – Craiova, 8th of May 2008**

The seminar is part of the information campaign started by the supervisory authority, in order to clarify the method of unitary application of the legal provisions concerning the protection of person regarding the processing of personal data, within the activity carried out at communal, urban and district level.

- ❖ **International conference “Credit bureau – important factor of a healthy credit activity” – Bucharest, 14th of May 2008**

Having in mind the opportunity of this event, Mr. Șerban Epure – director of Credit Bureau, Mrs. Elena Petculescu – president of Bancpost, Mr. Radu Grațian Ghețea – president of the Romanian Association of Banks (RAB), Mr. Cristian Bichi – deputy of the National Bank of Romania, Mr. Oscar Maddedu – the Financial Division of the World Bank and Mr. Dan Vlaicu – president of the National Authority for Consumer Protection have spoken.

The representative of the National Supervisory Authority for Personal Data Processing sustained the presentation with the theme “The right to

information in the financial – banking sector”, emphasising the importance of observing the accomplishment of the clients’ information by the participants in the evidence system like the credit bureau type. In the same time, the main provisions of Decision no. 105/2007 were brought to their attention.

- ❖ **Symposium “The processing and transfer of personal data carried out within the activities of preventing, investigation and repressing criminal offences and maintaining public order, as well as other activities in the field of criminal law, with the limitations and restrictions imposed by law”,** event which was included in the *Plan of continuous training at decentralized level for 2008 of the Prosecutor’s Office attached to the Appeal Court of Bucharest – 28th of May 2008*

At this meeting the representatives of the supervisory authority and prosecutors attached to the appeal court, tribunals and courts of law have participated.

With this occasion, the magistrates have raised the problem of wealth declarations which must be made public, according to the law and which, on the other hand, contain a lot of personal data, including the exact address of the domicile. In this context, they underlined the necessity of modifying the legislation concerning the wealth declarations in order to respect the right to private life of the judges.

- ❖ **Reunion with the theme “Personal data protection in the activity carried out by public administration authorities” – Hunedoara, 19th of June 2008**

The prefect of Hunedoara district addressed the invitation to the president of the National Supervisory Authority for Personal Data Processing to participate, during June 2008, to the seminar “Personal data protection in

the activity carried out by public administration authorities”, where the mayors, secretaries of the territorial administrative units and representatives of the deconcentrated services at district level will participate.

On 20th of June 2008, following the invitation of Hunedoara Chamber of Commerce’s vice-president, Mrs. Georgeta Basarabescu sustained an ample allocution concerning the private data controllers’ obligations, in the context of the processing carried out.

2. The investigation activity

Within the general investigation plan for the period January – December 2008, the investigation planed were around four main themes (SWIFT, maintenance and treatment services, on-line sales, education), the thematic investigation being programmed to be carried out during a trimester.

During April – June 2008, 60 investigations were performed, distributed as follows:

- 21 investigations in April;
- 14 investigations in May;
- 25 investigations in June.

Among these, 28 were thematic investigation, carried out at centres which offer maintenance and treatment services; 9 in April, 8 in May and 11 in June.

In this trimester, 3 investigations following complaints, 1 following notice and 17 ex officio were carried out. In May, 2 investigation following complaints, 4 following notice and 8 ex officio and 3 investigation following complaints, 8 following notice and 14 ex officio were carried out were performed.

In the second trimester of 2008, 5 investigation in the territory were carried out (4 in May and 1 in June) and the rest in Bucharest.

Following the investigation performed in this period, 32 sanctions were applied:

- 14 in April (7 fines and 7 warnings);
- 7 in May (3 fines and 4 warnings);
- 11 in June (6 fines and 5 warnings).

Out of these applied sanctions, 3 were contested.

In the second trimester of 2008, the fines applied were in quantum of 17.000 RON:

- 6.000 RON in April;
- 2.000 RON in May;
- 9.000 RON in June.

Following the investigations performed during this period and the findings, 3 Decisions and 3 Recommendations were issued:

- one *decision* through which the data controller was forbidden to start the processing of personal data until the accomplishment of the conditions concerning the data subject's information, prior obtaining the consent for the processing of personal data, according to the provisions of Law no. 677/2001 and of Law no. 506/2004, modified and amended and the transmission of certain amendments/modifications to the form, following the revision of the manner in which certain point from the notification form were checked;
- a *decision* through which the data controller was forced to cease the processing of the personal numerical code and for the banking code of its clients, for the purpose to "provide goods and services" and "advertising, marketing and publicity" and to erase those data;

- a *decision* disposing to the data controller, a public institution, to erase the personal data of the petitioner contained in a internal documents, published on their website;
- a *recommendation* disposing to the data controller, a public institution, to take the necessary measures in order to modify an article from a internal regulation, in order to ensure the observance of the provisions of Article 5 of Law no. 677/2001, according to which the personal data may be processed, including the disclosure to third parties, only if the data subject has given his/her unequivocal and expressed consent or is subject to the cases established by Article 5 paragraph (2) of the same law;
- a *recommendation* disposing to the data controllers, a public institution, to take the necessary measures in order to realise an efficient and uniform training, including through issuing written instructions, of its personnel concerning the obligations in order to observe the provisions of Law no. 677/2001, within the processing of personal data;
- one *recommendation* disposing to the data controller to take the necessary measures in order to limit the categories of personal data from the Electronic Archive of Real Movable Guaranties posted on its own website, to the data strictly necessary to accomplish the purpose of the processing.

32 Olari Street, 2nd district, Postal Code 024057, Bucharest

Tel. : 252.55.99

Fax : 252.57.57

www.dataprotection.ro

E-mail : anspdcpc@dataprotection.ro

