

Legal Alert

25 - 29 September 2017

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More details on the application of the General Data Protection Regulation

The National Authority for the Supervision of Personal Data Processing issued on 21st of September 2017 the Guidelines for the Application of the Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data ("**General Data Protection Regulation**").



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Taking into consideration that the General Data Protection Regulation will become directly applicable in Romania as of 25th May 2018, the National Authority for the Supervision of Personal Data Processing ("ANSPDCP") issued a set of guidelines for the application of such regulation ("Guidelines"), intended to come to the aid of personal data controllers.

In essence, these Guidelines represent a brief summary of the provisions of the General Data Protection Regulation that must be observed with by the personal data controllers in order to be compliant in this respect.

The main recommendation issued by ANSPDCP is for the data controllers/processors to appoint a data protection officer. Such officer will perform a series of operations in order to inform, counsel and monitor with respect to data processing within the respective entity, as well as it will act as a liaison with ANSPDCP. According to the General Data Protection Regulation, the appointment of a data protection officer is mandatory only for certain controllers/processors that cumulatively fulfill a series of conditions. ANSPDCP issues the recommendation that such data protection officer be appointed in all cases, for all controllers/processors, taking into account the high protection level it would confer.

Moreover, ANSPDCP recommends that the respective controller/processor would identify the actions that must be undertaken in order to comply with the processing requirements of the General Data Protection Regulation, and prioritize with respect to their implementation depending on the risks entailed by such processing for the data subject.

Amongst the obligations mentioned in the Guidelines, the data controllers/processors have the following duties:

- to maintain a continuous record of the processing activities,
- to perform an impact assessment procedure with respect to personal data, in case of personal data processing that would present significant risks for the data subject,
- to draft a series of internal procedures in order to guarantee the continuous observance of the data protection regulations, even in the case of a breach of security, amendments upon the respective data, or claims issued by the data subject.

For the complete text of the Guidelines (i.e., available only in Romanian), please access the following link

http://www.dataprotection.ro/?page=Lansare_Ghid_aplicare_RGPD&lang=ro.

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