

Press release on the publication of doctoral theses

Regarding the statements of the Minister of Education and Research, Mrs. Monica Anisie, published in the public space on February 18, 2020, according to which "the author's agreement for the publication of the doctoral thesis is a request of ANSPDCP", we make the following clarifications:

At the request of the Ministry of Education and Research regarding the publication of doctoral theses, the National Supervisory Authority submitted a point of view on February 4, 2020.

Thus, the provisions of art. 168 para. (9) of Law no. 1/2011 of the national education, with the subsequent modifications and completions, according to which:

"(9) The doctoral thesis is a public document. It is also written in digital format. In the field of arts, the doctoral thesis may be accompanied by the digital recording of the original artistic creation. The doctoral thesis and its annexes are published on a website administered by the Ministry of Education, Research, Youth and Sports, in compliance with the legislation in force in the field of copyright. "

Therefore, taking into account the above-mentioned provisions regarding the publication of doctoral theses, the Authority specified that, according to the provisions of art. 6 para. 1 lit. c) of Regulation (EU) 679/2016 (General Data Protection Regulation - RGPD) the processing of personal data (including disclosure) may be carried out in order to fulfill a legal obligation incumbent on the controller (Ministry of Education and Research).

At the same time, the National Supervisory Authority specified that, according to art. 12-14 of the RGPD, any data controller has the obligation to ensure the right to information of the data subject (the one whose data are disclosed), in a concise, transparent, intelligible and easily accessible form, using clear and simple language .

In this respect, generic information, posted on the operator's website, may be used, which must also indicate the rights of the data subjects (respectively, the right to information, the right of access, the right to rectification, the right to delete - "the right to be forgotten ", the right to restrict processing, the right to data portability, the right to object, the right not to be subject to a decision based exclusively on automatic processing), as well as the manner in which they are exercised.

As such, compared to the above, we specify that in the reply sent to the Ministry of Education and Research, the National Supervisory Authority did not make any reference to the need for the consent of the authors of doctoral theses in order to publish them.

In conclusion, according to the above, the publication of doctoral theses can be done by the Ministry of Education and Research based on the legal obligation established by art. 168 para. (9) of Law no. 1/2011 of the national education, with the subsequent modifications and completions.

We strongly limit ourselves to the statements of the Minister which reflect a misinterpretation of the provisions of the RGPD and a misunderstanding of the point of view expressed by the National Supervisory Authority.

Legal and Communication Department

ANSPDCP