

Transmission of complaints to the National Authority for the Supervision of Personal Data Processing

The General Data Protection Regulation establishes a single set of rules designed to effectively protect the privacy of individuals in the territory of the European Union.

The General Data Protection Regulation gives individuals several rights, namely:

the right of access (art. 15);

the right to rectification (art. 16);

the right to be erased ("the right to be forgotten" - art. 17);

the right to restrict processing (art. 18);

the right to data portability (art. 20);

the right to opposition (art. 21);

the right not to be the subject of a decision based exclusively on automatic processing (art. 22).

In order to exercise these rights, the natural person must address a request to the operator who processed his personal data.

The operator must reply to that person within one month of receipt of the request and, if he does not intend to comply with that request, give reasons for such refusal. This response period may be extended by two months where necessary, taking into account the complexity and number of requests. In this case, the operator must notify the data subject of any such extension within one month of receipt of the request, stating the reasons for the delay.

If the data subject:

is dissatisfied with the way the request is resolved or

did not receive a response from the operator,

it has the possibility to lodge a complaint with the National Supervisory Authority.

Complaints to the National Supervisory Authority may be lodged by any data subject who considers that the processing of his or her personal data infringes the legal provisions in force, in particular if his or her habitual residence, place of work or alleged infringement finds out or, as the case may be, takes place on the Romanian territory.

The complaint is submitted in person or through a representative (with the attachment of the power of attorney issued under the law by a lawyer or a notary public, as the case may be).

The complaint may also be filed by the agent of the person concerned, who has the quality of spouse or relative up to and

including the second degree, under the conditions of art. 3 of Decision no. 133/2018 on the approval of the Procedure for receiving and resolving complaints.

Complaints must be made in writing in Romanian or English.

Complaints can be submitted to the General Registry at the headquarters of the National Supervisory Authority or can be sent by post, including electronic, or by using the electronic form, available on the Authority's website, in the Complaints section https://www.dataprotection.ro/?page=Plangeri_RGPD&lang=ro.

According to the Decision of the President of the National Supervisory Authority no. 133/2018, when submitting complaints it is mandatory:

detailed specification of their object,

specifying the steps taken by the petitioner (the person concerned) against the requested operator or the authorized person complained against,

specifying the information available to support the claims,

attaching conclusive evidence to the extent that he has it.

For the receipt and valid registration of complaints it is mandatory:

providing the following data of the petitioner: name, surname, postal address of domicile or residence; if the complaint is filed electronically, provide the petitioner's e-mail address;

providing the identification data of the requested operator or of the authorized person in charge, such as name and surname / surname, address / registered office, or at least of the available information held by the petitioner, in order to identify him;

in the case of complaints sent through the representative, provide the following data of the representative: name and surname / name, postal address / office, e-mail address, telephone number, registration number in the register of associations and foundations

Complaints submitted are signed in handwriting or electronically, and in the case of petitions sent electronically that cannot be signed, the National Supervisory Authority may request confirmation of the correctness of the data transmitted electronically.

Petitioners may request the confidentiality of certain personal data, expressly mentioned, provided in the complaint, except where, for the proper resolution of the subject matter of the complaints lodged, the identification data of the petitioner must be disclosed to the requested entity.

The supervisory authority shall inform the data subject about the admissibility of the complaint, within a maximum of 45 days from the registration, according to the provisions of art. 9 of Decision no. 133/2018.

If it is found that the information in the complaint or the documents submitted is incomplete or insufficient, the National Supervisory Authority shall request the data subject to complete the complaint in order to be considered admissible for the purpose of an investigation. A new period of no more than 45 days shall elapse from the date of completion of the complaint.

The National Supervisory Authority shall inform the data subject of the progress or outcome of the investigation within 3 months from the date on which it was informed that the complaint was admissible.

Where a more thorough investigation or coordination with other supervisory authorities is necessary, the National Supervisory Authority shall inform the person concerned of the progress of the investigation, every 3 months, until its completion.

The complaint in which the identification data of the petitioner are not specified (name, surname, postal address of domicile or residence) is considered anonymous and is filed, without formulating an answer to the petitioner, according to the provisions of art. 10 of Decision no. 133/2018.

The procedure for receiving and resolving complaints is regulated by Decision no. 133/2018 of the President of the National Supervisory Authority, published in the Official Gazette no. 600 of July 13, 2018, available on the Authority's website www.dataprotection.ro, Legislation / Decisions Section A.N.S.P.D.C.P., at: <https://www.dataprotection.ro/servlet/ViewDocument? Id = 1517>

The online complaint form is available at

https://www.dataprotection.ro/formulare/formularPlangere.do?action=view_action&newFormular=true

Legal and communication office

ANSPDCP