

DECISION no.

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on establishing the cases in which the transmission authorization is not necessary
cross-border use of personal data

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1.

mun. Chigindu

with a view to ensuring effective protection of rights and freedoms
fundamental rights of individuals, especially the right to private life6 in the ce
concerning the protection of personal data, established by Convention no. 108 for
protection of persons with regard to the automated processing of personal data,
signed in Strasbourg on 28 January 1981, Directive 95l46lCE of the Parliament
European Parliament and of the Council on the protection of individuals with regard to
processing of personal data and free movement of these data, Law no. 133
of July 8, 2011 on the protection of personal data;
taking into account the provisions of arL 32 para. (2) of the Law on data protection with
personal character, which states that the personal data intended for transmission
to another state are protected in accordance with the aforementioned law;
considering the basic conditions for the processing of personal data
established in art. 4 of the Law on the protection of personal data, according to which,
personal data subject to processing must be: processed in a manner
correct qi according to the provisions of the law, collected for specific purposes, explicit qi
legitimate, and subsequently not be processed in a manner incompatible with these purposes,
appropriate, relevant and not excessive in relation to the purpose for which they are collected
qi / or further processed, exact qi, if necessary, updated, stored in a formd
which allow the identification of the subjects of personal data for a period which
it will not exceed the time necessary to achieve the purposes for which they are collected and subsequently

into the

processed;

taking as a basis the provisions of art. 5 para. (1) of the Law on data protection with
personal character, which states that the processing of personal data is
effect with the consent of the subject of personal data 'para. (3) al
of the same article, according to which, in case of incapacity for exercise or
limited exercise of the subject of personal data, consent regarding
the processing of personal data is granted, in written form, by
the legal representative, as well as qi para. (4), which stipulates c6, in case of death

subject to personal data, consent to the processing of his data
is granted, in written form, by his successors, if such consent
was not given by the subject of personal data during life;
data protection with
taking into account the provisions of art.32 par. (3) of the Law on
personal character, according to which, the cross-border transmission of character data
personnel which are the subject of processing or which are to be processed after
transmission can take place only with the authorization of the National Center for Protection
Personal Data of the Republic of Moldova, in the manner established by law qi only in
Step. 1 of 3

if the State of destination ensures an adequate level of protection of rights
subjects of personal data and data intended for transmission;
Establishing, in the light of the provisions of art. 4 qi art. 5 of the Law on protection
personal data, as a basic condition for cross-border transmission
personal data the existence of the consent of the data subject, manifested
free, express and unconditional, in written or electronic form, as required
electronic document, by which the data subject agrees to be transmitted
cross-border personal data concerning him;
taking into account the grandmother established in art.32 par. (7) of the Law on protection
personal data, according to which the provisions of par. (3) – (6) of the same article
do not apply if the transfer of personal data is made on the basis
the provisions of a special law or of an international treaty ratified by the Republic
Moldova, especially if the transfer is made for the purpose of prevention or investigation
crimes. The special law or the international treaty must contain guarantees regarding
protection of the rights of the subject of personal data;
Taking into account the norms stipulated in art. 32 para. (8) of the Law on protection
personal data, qi namely c6, the provisions of par. (1) – (6) do not apply in the case
in which the processing of data with coffee, personal act is done exclusively for journalistic purposes,
artistic or literary, if these data were made public voluntarily and manifestly
by the subject of personal data or are closely related to the quality of
its public person or the public nature of the facts in which it is
involved;
based on the provisions of art. 19 para. (1) qi art. 20 aIin. (1) lit. a), b), r) of the Law
on the protection of personal data, Chapter I point 2, Chapter II 'point 2 9i
pct.
3 lii. b), c) and d) of the Regulation of the National Center for Data Protection with
-Character
Personally, approved by Law no. 182-XVI of July 10, 2008, the director
Of the National Center for the Protection of Personal Data, –

III.

HAVE:

1.

Authorization by the National Center for Character Data Protection
of the Republic of Moldova of the cross-border transmission of data with character
personnel is not required in the following cases:
a) when there is the consent of the subject of the personal data manifested
free, express and unconditional, in written or electronic form, according to
the requirements of the electronic document, by which the data subject consents to be
transmitted cross-border data concerning him6, in accordance with the provisions
art. 5 para. (l) of the Law on the protection of personal data or with
the condition of observing the requirements expressly stated in art. 5 para. (3) qi para. (4) al
precitation law, in case of situations of incapacity for exercise or capacity
limited exercise of the subject of personal data qi, respectively, in
the case of the death of the subject of personal data;
b) when the transfer of personal data is made based on the provisions of a
special laws or of an international treaty ratified by the Republic of Moldova, in
the purpose of prevention or investigation
speciut if the transfer is made
crimes, with special conditions or the international treaty to contain

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Pag. 2 of

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guarantees on the protection of the rights of the subject of personal data,
In accordance with Art. 32 para. (7) of the Law on data protection
personal;
c) when the processing of personal data is done exclusively for purposes
jumalistic, artistic or literary, if these data have been made public in a way
voluntary and manifest by the subject of personal data or are
closely related to his quality as a public person or to his public character
of the facts in which he is involved, in accordance with the provisions of art.32
para. (S) of the Law on the protection of personal data '
exempt suppliers (operators / persons
provisions
authorized by the operator / terfi) information that records eazd personal data
compliance with the other obligations incumbent on them according to the legal provisions in the field
personal data.
This decision shall enter into force on the date of issue, and shall be published on the website
official of the National Center for Personal Data Protection qi in
Official Gazette of the Republic of Moldova '

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Vitalie PANI \$
Director

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Pag. 3 of 3