

**PARLIAMENT
of the Republic of Moldova**

Law No. 182-XVI of 10.07.2008

**on the approval of the National Center for Personal Data Protection Regulation, structure,
staff-limit and its financial arrangements**

Published: 01.08.2008 in the Official Gazette No. 140-142

art. No. 578

Date of enactment: 10.07.2008

AMENDED:

I. by [LP289 din 21.12.12, MO27-30/08.02.13 art.100](#) (<http://lex.justice.md/md/346647/>)

(PL289 of 21.12.12 on amending and completing the Law no 182-XVI of 10 of July on the approval of the National Center for Personal Data Protection Regulation, structure, staff-limits and its financial arrangements)

II. by [LP208 din 21.10.11, MO222-226/16.12.11 art.619; în vigoare 16.05.12](#) (<http://lex.justice.md/md/341360/>)

(PL 208 of 21.10.11 on amending and supplementing of certain legislative acts, entered into effect on 16.05.12)

III. by [LP58 din 01.04.11, MO65-68/22.04.11 art. 167](#) (<http://lex.justice.md/md/346647/>)

(PL 58 of 01.04.11 on amending and supplementing of certain legislative acts)

Title amended by PL 289 of 21.12.12, published in the Official Gazette 27-30/08.02.13 art.100

I.

The Parliament of the Republic of Moldova

**Law No 289 of 21.12.12 on amending and completing the Law no 182-XVI of 10 of July on the
approval of the National Center for Personal Data Protection Regulation, structure, staff-
limits and its financial arrangements**

Published: 08.02.2013 in the Official Gazette No 27-30

art No: 100

The Parliament adopts the present organic law.

Single Article – The Law no 182-XVI of 10 of July 2008 on the approval of the National Center for Personal Data Protection Regulation, structure, staff-limits and its financial arrangements (Official Gazette of the Republic of Moldova, 2008, no 140-142, Art. 578), with further amendments, is to be amended and supplemented as follows:

1. In the title of the Law, the syntagma “staff-limits“is substituted by the syntagma “number-limits”.

2. Article 1:

The Single paragraph becomes paragraph (1);

To the paragraph (1) letter c), syntagma “number-limits” is substituted by the syntagma “number-limits”;

The article is supplemented with the para. (2) with the following content:

“(2) On a reasoned proposal of the National Center for Personal Data Protection Director, the structure and number-limits of the Center is amended by a Parliamentary Decision.”

3. At the Annex no 1 chapter II, pt. 3:

at the letter i), the wording “functional duties” is substituted by the wording of “job description”;

at the letter j), the wording “establishes the staff” is substituted by the wording “approves the state staff of”.

PRESIDENT OF THE PARLIAMENT

Marian LUPU

No 289. Chisinau, 21 of December 2012.

II.

The Parliament of the Republic of Moldova

**Law No 208 of 21.10.2011
on amending and supplementing the certain acts**

Published: 16.12.2011 in the Official Gazette no 222-226

art No: 619

The Parliament adopts present organic law.

[Extract of the amendment of the Law No. 182-XVI of 10 July 2008 regarding the approval of the Statute, structure, staff-limit and financial arrangements of the National Center for Personal Data Protection (the Official Gazette of the Republic of Moldova, 2008, no. 140-142, art. 578)]

Art. VI. Law No. 182-XVI of 10 July 2008 regarding the approval of the Statute, structure, staff-limit and financial arrangements of the National Center for Personal Data Protection (the Official Gazette of the Republic of Moldova, 2008, no. 140-142, art. 578), with the subsequent amendments, shall be amended and completed as follows:

1. The Article 2 shall be edited as follows:

“Art.2 – Financial resources of the National Center for Personal Data Protection shall be approved by the Parliament and included in the state budget. The Center can be funded also from other sources not forbidden by law.”

2. To Annex no.1:

The Chapter I, item 1, the word “independent” shall be completed with the word “and impartial”, and the phrase “no. 17-XVI of 15 February 2007” shall be excluded;

Chapter II:

to the item 2, after the word “orders” shall be completed with the word “decisions”;

the item 3:

the letter c) the words “personal data holders” shall be substituted with the words “controllers, processors”;

the letter d) and the letter e) shall have the following content:

“d) issues decisions on authorizing or prohibiting the processing operations of personal data, on suspending or cessation of the personal data processing, carried out with violations of the legal provisions in the field of personal data protection;

e) establishes contraventions and draws up minutes according to the provisions of the Contravention Code of the Republic of Moldova.”.

shall be completed with the letters e¹) – e³) with the following content:

“e¹) notices the law enforcement bodies if there are signs of commission of crimes related to the violation of personal data subjects’ rights”;

“e²) develops guidelines necessary to bring personal data processing in compliance with the provisions of the law on personal data protection”;

“e³) issues orders in the area of personal data protection, and standard forms for notifications and for its own registers;”;

the letter h) shall have the following content:

“h) appoints in position, modifies, suspends and terminates the work relationships , according to law on public officials, employs and dismisses the other staff of the Center;”

the item 4 shall have the following content:

“4. The Center shall submit to the Parliament, the President of the Republic of Moldova and the Government, annually, until March 15, an activity report for the preceding calendar year. The report shall be published, free of charge, in the Official Gazette of the Republic of Moldova and on the website of the Center”;

the item 5, the word “helped” shall be substituted with the word “assisted”.

the item 6 shall be completed with the letter d¹) content:

d¹) “establishes contraventions and draws up minutes according to the provisions of the Contravention Code of the Republic of Moldova.”

the item 10, shall be completed with the letter d) with the following content:

d) to disclose the information based on limited access to which they have access, as well as after their employment has terminated.”;

Chapter III:

the item 2, the letter a) shall have the following content:

a) Department of the evidence and control of data controllers and processors:

- handles the evidence of the processing operations of personal data, of data controllers and processors, administers the registers instituted by the Center and elaborates the technical rules related to the processing of personal data;
- inspects the notifications submitted personally by data controllers or by the processors;

- carries out prior checks and monitors the compliance by the data controllers or processors of the legal measures taken by the Center;
- establishes contraventions and draws up minutes according to the provisions of the Contravention Code of the Republic of Moldova;
- exercises any other attributions established by the Director of the Center;

the letter c):

to first subdivision, the words “of the natural and legal persons whose rights have been violated”, shall be excluded.

to the second subdivision, the word “dispositions” shall be substituted with the word “decisions”;

to the third subdivision, the word “petitions” shall be substituted with the word “complaints”.

in the annex no. 2, the words “personal data holders” shall be substituted with the words “data controllers and processors”.

PRESIDENT OF THE PARLIAMENT
No 208. Chisinau, 21 October 2011

Marian LUPU

III

The Parliament of the Republic of Moldova **Law No 58 of 01.04.2011 on amending and supplementing certain legislative acts**

[Extract to the amendment of the Law No. 182-XVI of 10 July 2008 on the approval of the Statute, structure, staff-limit and financial arrangements of the National Center for Personal Data Protection (the Official Gazette of the Republic of Moldova, 2008, no. 140-142, art. 578)]

Published: 22.04.2011 in the Official Gazette No 65-68

art No: 167

The Parliament adopts present organic law.

Art. XI. – At the chapter IV pt. 3 of the annex no 1 of the Law no 182-XVI of 10 of July 2008 on the approval of the Statute, structure, staff-limit and financial arrangements of the National Center for Personal Data Protection (the Official Gazette of the Republic of Moldova, 2008, no 140-142, Art. 578), the syntagma “the Parliament Apparatus” is substituted by syntagma “the Parliament Secretariat”, and the syntagma “the Government Apparatus”, is substituted by “of the State Chancellery”.

PRESIDENT OF THE PARLIAMENT
No. 58, Chisinau, 1 April 2011.

Marian LUPU

PARLIAMENT **of the Republic of Moldova**

Law No. 182-XVI of 10.07.2008

regarding the approval of the Statute, structure, staff-limit and financial arrangements of the National Center for Personal Data Protection

Published: 01.08.2008 in the Official Gazette No. 140-142 / art. No. 578

Date of enactment: 10.07.2008

In accordance with the Law Nr.17-XVI of 15 February 2007 on personal data protection,
The Parliament adopts the present ordinary law.

Art.1. – It is approved:

(1)

- a) The Statute of the National Center for Personal Data Protection, according to the Annex no.1;
- b) The structure of the National Center for Personal Data Protection, according to the Annex no.2;
- c) The staff-limit of the National Center for Personal Data Protection, counting 21 units.

[Art.1(1),c) amended by PL 289 of 21.12.12, OG 27-30/08.02.13 art.100]

(2) At the justified proposal of the Director of the National Center for Personal Data Protection, the structure and staff-limit of the Center is to be amended by Parliamentary Decision.

[Art.1(2) introduced by PL 289 of 21.12.12, OG 27-30/08.02.13 art.100; the single paragraph becomes para.(1)]

Art.2. – The financial resources of the National Center for Personal Data Protection is approved by Parliament and are included in the state budget. The Center can be funded from other sources not prohibited by law.

[Art.2 in the wording of PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; in effect since 16.05.12]

Art.3. – The Government from the 1st of January 2009:

- a) will start the financing of the National Center for Personal Data Protection;
- b) will provide headquarters for the National Center for Personal Data Protection;
- c) will ensure the transfer to the National Center for Personal Data Protection of all the materials regarding personal data protection.

Art.4. –The present Law enters into force on the date of its adoption.

Deputy Chairman of the Parliament

Maria POSTOICO

Nr.182-XVI. Chisinau, 10 July 2008.

Annex no 1

Regulation of the National Center for Personal Data Protection

I. GENERAL PROVISIONS

1. The National Center for Personal Data Protection, hereinafter the *Center*, is an autonomous public authority, independent of other public authorities, natural persons and legal entities, which exercises its legally awarded attributions by the Law on personal data protection.

[Pt.1 amended by PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; into effect since 16.05.12]

2. The Center's aim is to protect the fundamental freedoms and rights of natural persons, especially the right for private life regarding the processing and transborder transfer of personal data.

3. In its activity, the Center is guided by the Constitution of the Republic of Moldova, by the Convention for the protection of individuals with regard to automatic processing of personal data, by the Additional Protocol to the Convention, by other international agreements that the Republic of Moldova is part of, by the Law on personal data protection, by the present Regulation, and by other normative acts.

4. The permanent headquarters of the Center is located in Chisinau municipality.

II. ORGANIZATION AND FUNCTIONING OF THE CENTER

1. The Center is led by the Director, appointed in the position according to the provisions of the Law on personal data protection.

2. The Director of the Center exercises its attributions by issuing orders and disposals.

[Pt.2 amended by PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; into effect 16.05.12]

3. The Director of the Center exercises the following duties:

- a) organizes and coordinates the activity of the Center;
- b) monitors the means of application of the legislation on personal data protection;
- c) ensures that the personal data controllers and the processors and other concerned persons during the processing of personal data to be informed on their rights and obligations;

[Pt.3, c) amended by PL208 of 21.10.11, OG 222-226/16.12.11 art.619; into effect 16.05.12]

d) signs the decision on the approval or refusal of authorization of processing operations of personal data, to suspend or terminate the processing of personal data carried out with the breach of the legislation on personal data protection;

[Pt.3, d) in wording of PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; into effect 16.05.12]

e) establishes contraventions and concludes up minutes according to the Contravention Code of the Republic of Moldova;

[Pt.3, e) in wording of PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; into effect 16.05.12]

e¹) notifies law enforcement bodies in case of indications of committing offenses related to infringements of personal data subjects's rights;

[Pt.3, e¹) introduced by PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; into effect 16.05.12]

e²) issues necessary instructions to bring the processing of personal data in accordance with the Law on personal data protection;

[Pt.3, e²) introduced by PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; in effect 16.05.12]

e³) issues orders in personal data protection field and standard forms for the notifications and their own records;

[Pct.3, e³) introduced by PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; in effect 16.05.12]

f) signs financial and banking documents, as well as reports of the Center and has his own liability for the economical and financial activity of the Center;

g) approves internal regulations of the Center;

h) hires in positions, amends, suspends and terminates, under the legislation provisions the labor relations of the civil servants, employs the contracted staff, amends, suspends and terminates the labor relations of the contracted staff of the Centre;

[Pt.3, h) in wording of PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; in effect 16.05.12]

i) approves the job descriptions of staff of the Centre;

[Pt.3, i) amended by PL 289 of 21.12.12, OG 27-30/08.02.13 art.100]

j) approves staff of the Center, in accordance with applicable law, the position's salaries, resolve issues related to the increases to salary and bonuses;

[Pt.3, j) amended by PL289 of 21.12.12, OG 27-30/08.02.13 art.100]

k) grants holidays for the staff of the Center;

l) applies disciplinary sanctions to the Center's staff;

m) solves questions regarding the professional development of the staff of the Center, schooling, and delegating them to official trips;

n) ensures the cooperation with central and local public authorities, with mass media, civil organizations, as well as with similar foreign institutions.

4. Annually, before the March 15, the Center shall submit to the President of the Republic of Moldova, Parliament and the Government the activity Report for the previous year, which is published free of charge in the Official Gazette of the Republic of Moldova and on the website of the Center.

[Pt.4 in wording of PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; into effect 16.05.12]

5. While exercising its attributions, the Director of the Center is assisted by the Deputy Director, appointed in position according to the Law on personal data protection.

[Pt.5 amended by PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; into effect 16.05.12]

6. The Deputy Director of the Center exercises the following attributions:

a) during the temporary absence of the Director, ensures the interim of his duties;

b) coordinates the activity of the sub-divisions of the Center according to the Director's disposal;

c) approves the acts elaborated by the sub-divisions, the activity of which he is coordinating;

d) coordinates the elaboration of the annual activity Report of the Center, of the draft of annual budget of the Center, of instructions with regulatory nature, as well as other activities done according to the Director's disposal;

d¹) finds offense and concludes up minutes according to the Contravention Code of the Republic of Moldova;

[Pt.6, d¹) introduced by PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; in effect 16.05.12]

e) executes other attributions established by the Director of the Center.

7. The staff of the Center consists of civil servants, and are subject to the regulations of the Law on the public positions and status of civil servants and contractual staff, which perform ancillary activities and are subject to the provisions of the labor law.

[Pt.7 in wording of PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; into effect 16.05.12]

8. The staff of the Center has the Authority's ID badges, the model of which is approved by the Director.

9. The staff of the Center, during carrying out their obligations, has the following duties:

- a) to exercise its working attributions in strict conformity with the law in force;
- b) to respect the position's duties with professionalism and promptitude;
- c) to strictly respect the deontological and internal order norms of the Center;
- d) to improve permanently its professional qualification.

10. While exercising its working attributions, the staff of the Center does not have the right to:

- a) practice any other remunerated activity, with the exception of the scientific, pedagogical and creative activities;
- b) to receive or offer financial recompenses or other undue advantages, that contravene to the legitimate interests of the society and state;
- c) to exercise its duties with the purpose of advertising.
- d) to disclose information to which access is limited to which he/she has access, even after leaving from the service.

[Pt.10, d) introduced by PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; into effect 16.05.12]

III. ATTRIBUTIONS OF THE SUB-DIVISIONS OF THE CENTER

1. The Center consists of sub-divisions managed by heads, appointed by the Director of the Center.

2. Depending on the field of competence, the sub-divisions of the Center exercise the following attributions:

a) Evidence and Control Department:

- keeps evidence of the personal data processing, of the data controllers and their processors, manages the registers established by the Center and elaborates the technical norms on processing of personal data;
- examines the notifications submitted by the data controllers or via their processors;
- carries out preliminary controls and monitors the process of performing by the controllers or their processors of the legal measures disposed by the Centre;
- establishes contraventions and concludes up minutes according to the Contravention Code of the Republic of Moldova;
- performs other duties set by the Director of the Centre;

[Pt.2, a) in wording of PL208 of 21.10.11, OM 222-226/16.12.11 art.619; into effect 16.05.12]

b) External Relations and European Integration Department:

- organizes the Center's activity of external relations and implements the Action Plan on European Integration aspirations of the Republic of Moldova in the field of personal data protection;
- performs studies and analyses of the international practice and legislation on processing and protection of personal data;

- exercises any other attributions established by the Director of the Center;

c) Planning and Economical-Financial Department:

- represents, in the courts, the interests of the Center;

[Pt.2, c) amended paragraph via PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; into effect 16.05.12]

- issues drafts and opinions on the Bills regarding the processing of the personal data, as well as draft orders and disposals of the Director of the Center;

[Pt.2, c) amended paragraph via PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; into effect 16.05.12]

- manages the public relations activity and resolution of complaints received by the Centre;

[Pt.2, c) amended paragraph via PL 208 of 21.10.11, OG 222-226/16.12.11 art.619; into effect 16.05.12]

- performs other duties set by the Director of the Centre;

d) Economic-financial and planning Department:

- manages the patrimony, coordinates the activity of accounting and elaboration of the annual budget of the Center;

- keeps the evidence and manages the labor relations of the Center's staff;

- exercises any other attributions established by the Director of the Center.

IV. CONSULTATIVE COUNCIL

1. With the view of consulting and assisting the Center, the Consultative Council by the Center is created on a voluntary principle.

2. The Chairman of the Consultative Council is the Director of the Center.

3. The structure of the Consultative Council should obligatory include: the chairmen of the National Security, Defense, and Public Order Commission, and of the Human Rights Commission of the Parliament; representatives from the Parliament Secretariat, Apparatus of the President of the Republic of Moldova, State Chancellery; as well as from Central and Local Public Administration Authorities, from civil associations which act in the field of human rights with regard to the personal data processing.

[Pt.3 amended via PL 58 of 01.04.11, OG 65-68/22.04.11 art.167]

4. The nominal composition and the Organizational and Functional Regulation of the Consultative Council are approved by the Director of the Center.

5. The members of the Consultative Council are obliged not to disclose confidential information and the personal data obtained within the mentioned activity.

Annex no 2

STRUCTURE

of the National Center for Personal Data Protection

Director

Deputy Director

Evidence and Control Department

External Relations and European Integration Department

Legal and Public Relations Department

Planning and Economical-Financial Department

[Annex no.2 amended by PL 208 of 21.10.11, OG 222-226/16.12.11 art.619;into effect 16.05.12]