

NATIONAL CENTER FOR DATA PROTECTION  
WITH PERSONAL CHARACTER OF THE REPUBLIC OF MOLDOVA

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DECISION

on the cessation of processing operations

of personal data

i ”December 2014 mun. Chisinau

1. in order to ensure an efficient protection of rights and freedoms  
fundamental rights of individuals, the right to private life, especially protection  
personal data, established by Convention no. 108 for protection  
persons regarding the automated processing of personal data, signed  
in Strasbourg on 28 January 1981, Directive 95/46 / EC of the European Parliament and of the Council  
Council on the protection of individuals with regard to the processing of data with  
personal character and free circulation of these data, the Constitution of the Republic of Moldova,  
Law no. 133 of July 8, 2011 on the protection of personal data,  
Instructions regarding the processing of personal data in the electoral process,  
approved by Order of the Director of the National Center for Data Protection with  
Personal Character no. 03/1 of February 28, 2013;

Considering the importance of ensuring the protection of personal data,  
such as the need to guarantee the principle of proportionality of the data processed,  
in relation to the proposed purpose, whatever it may be,

taking into account the notions: personal data as any computer  
relating to an identified or identifiable natural person (data subject with  
personal data), processing of personal data - any operation or  
series of operations that are performed<sup>4</sup> on personal data by means  
automated or non-automated, such as collection, registration, organization,  
storage, preservation, adaptation or modification, extraction, consultation, use,  
disclosure by transmission, dissemination or in any other way, alluring or  
combining, blocking, deleting or destroying, operator - physical person or person  
public law or private law, including public authority, any other  
institution or organization which, individually or together with others, establishes  
the purposes and means of processing personal data provided in this way  
expressly by the legislation in force, established at art. 3 of the Law on data protection with  
personal character;

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,  
the personal data that are the object of the processing must be: processed in a way  
coreet and according to the provisions of the law, collected for specific, explicit purposes  
legitimate, and subsequently not be processed in a manner incompatible with these purposes,  
adequate, relevant and not excessive in terms of the purpose for which they are collected  
and / or further processed, exact gl, if necessary, updated, stored in a form  
which 8 & 4 allow the identification of personal data subjects over a period which  
will not exceed the time necessary to achieve the purposes for which they are selected and subsequently  
processed;

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Taking as a basis the provisions of art. 5 paragraph, (1) of the Law on data protection with  
personal data, which states that the processing of personal data is  
carried out with the consent of the subject of personal data, with the exceptions  
exposed in par. (5) of the same article;

taking into account the provisions of art. 6 para. (1) of the Law on data protection with  
personal character, according to which the processing of special categories of character data  
personnel is prohibited, except for the case established in letter. d) of the paragraph  
respectively - the processing is performed in the context of legitimate activities by the associate  
public, political parties and other socio-political organizations, by trade unions, associations of  
patronage, philosophical or religious organizations, hecomercial cooperative organizations, with  
provided that § 4 processing relates only to their members or to persons with whom  
they have permanent contacts in connection with their purposes<sup>31</sup> provided that the data do not  
be disclosed to third parties without the consent of the subjects of personal data,

The. based on the notification of the National Center for Character Data Protection  
Staff of the Republic of Moldova by the Central Electoral Commission of the Republic  
Moldova on the alleged violation of the principles of data protection with  
personal character by some political parties;

Decisions of the Central Electoral Commission no. 3088 of November 29, 2014 and no.  
3099 of November 30, 2014 regarding the appeals no. AP-9/114 of 27 November  
2014 and, respectively, no. AP 9/128 of November 29, 2014, by which the fact was invoked  
illegal processing of personal data, manifested by the collection,  
storage / storage, use, disclosure by transmission of this data (name,  
first name, patronymic, home address), by the Liberal Democratic Party of  
Moldova and the Party of Socialists of the Republic of Moldova, data recorded in the series  
and / or envelopes sent to data subjects, having an electoral tone;

noting the sending of such informative / electoral letters  
a large number of personal data subjects, including persons  
recipients, who are not members of the political formations from which they receive  
such letters;

establishing as unfounded and excessive, in view of the provisions of art. 4 gi art. 5 ale  
Law on the protection of personal data, processing of personal data  
personal data of subjects who are not members of a political party or other social organization  
political ', in the situation where there is no consent of the data subject, freely manifested,  
express and unconditional, in written or electronic form, according to the requirements  
electronic document, through which the data subject accepts and the data is processed  
targets him;

based on the provisions of art. 19 para. (1), art. 20 para. (1) letter a), c) and paragraph, (2) letter d)  
of the Law on the protection of personal data, Chapter II, pet. 2 gi pet. 3 lit. d)  
from the Regulation of the National Center for Personal Data Protection,  
approved by Law no. 182-XV1 of July 10, 2008, director of the National Center for  
Protection of Personal Data of the Republic of Moldova, -

HAVE:

1. the establishment by the political parties of the data processing operations  
with personal earacter who target subjects who are not members of these formatium, with  
except for situations based on the existence of the data subject's consent

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Personally, freely, expressly and unconditionally, in written or electronic form,  
according to the requirements of the electronic document, by which the data subject accepts and is  
processed the data concerning him.

2. This decision enters into force on the date of issue, it is published on the website  
official of the National Center for Personal Data Protection 31 in  
Official Gazette of the Republic of Moldova.

3. The decision with the right to appeal in order of administrative contentious within 30  
of days.

Vitalic PANIS  
Director

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