

PARLIAMENT
of the Republic of Moldova

Law Nr. 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

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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:

- a) The Statute of the National Center for Personal Data Protection, according to the Annex nr.1;
- b) The structure of the National Center for Personal Data Protection, according to the Annex nr.2;
- c) The staff-limit of the National Center for Personal Data Protection, counting 21 units.

Art.2. – The National Center for Personal Data Protection is financed from the state budget.

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 approval.

Deputy Chairman of the Parliament

Maria POSTOICO

Nr.182-XVI.

Chisinau, 10 July 2008.

STATUTE
of the National Center for Personal Data Protection

I. GENERAL PROVISIONS

1. The National Center for Personal Data Protection, hereinafter named as 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 nr.17-XVI of 15 February 2007 on personal data protection.
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 regarding personal data protection, by the present statute, 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 function according to the provisions of the Law on personal data protection.
2. The Director of the Center exercises its attributions by issuing orders and dispositions.
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 holders and the persons concerned during the processing of personal data are informed on their rights and obligations;
 - d) signs warnings and prescriptions, decisions on suspending, stopping of the processing, partial or total erasure of the data processed with legislative violations;
 - e) addresses requests to judicial authorities for protecting the rights of the personal data subjects and represents their interests in the courts;
 - f) signs financial and banking documents, as well as reports of the Center and has personal responsibility for the economical and financial activity of the Center;
 - g) approves internal regulations of the Center;
 - h) employs and discharges the staff of the Center;
 - i) approves the functional duties of the Center's personnel;
 - j) establishes for the staff of the Center, according to the provisions of the law in force, the functions salaries, resolves the items dealing with the pay rise and with granting bonuses;
 - k) grants vacations for the staff of the Center;
 - l) applies disciplinary sanctions to the Center's personnel;

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

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

4. The Director of the Center presents in the plenary session of the Parliament the report on the activity of the Center for the expired year.

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

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 directive;

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 annual budget of the Center, of the instructions with normative character, as well as other documents elaborated according to the Director's directive;

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

7. The staff of the Center consists of public servants and contracted employees, employed through a contest within the legal provisions.

8. The staff of the Center has certificates (ID's), the model of which is approved by the Director.

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

a) to exercise its working attributions in strict conformity with the law in force;

b) to respect the function 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:

a) to 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 the legitimate interests of the society and of the state;

c) to exercise its duties with the aim of publicity.

III. ATTRIBUTIONS OF THE SUB-DIVISIONS OF THE CENTER

1. The Center consists of sub-divisions managed by heads, designated 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 of Personal Data Holders Department:

- keeps evidence of the personal data processing and of the holders of these data, manages the registers established by the Center and elaborates the technical norms on processing of personal data;

- carries out preliminary controls and investigations, applies, if necessary, sanctions and monitors the process of realization of the legal measures, disposed by the Center, by the personal data holders;

- authorizes the processing and transborder transfer of the personal data as stipulated in the law in force;

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

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) Legal and Public Relations Department:

- represents, in the courts, the interests of the Center, of natural persons and legal entities whose rights have been violated;

- elaborates drafts and positions on the draft normative acts regarding the processing of the personal data, as well as draft orders and dispositions of the Director of the Center;

- manages the activity of public relations and of solving the petitions addressed to the Center;

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

d) Planning and Economical-Financial Department:

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

- keeps the evidence and manages the job relations of the Center's personnel;

- 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 composition 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 Apparatus, Apparatus of the President of the Republic of Moldova, Government Apparatus; as well as from Central and Local Public Administration Authorities, from civil associations which act in the field of human rights protection with regard to the personal data processing.

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 during the mentioned activity.

STRUCTURE
of the National Center for Personal Data Protection

Director

Deputy Director

Evidence and Control of Personal Data Holders Department

External Relations and European Integration Department

Legal and Public Relations Department

Planning and Economical-Financial Department