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Ad Hoc Information Request

Data protection: Redress mechanisms and their use

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Mapping of Redress mechanisms in the area of data protection

Redress Mechanism Number	Type of possible outcomes of procedure	First Instance ¹	Total Number of times this procedure was initiated in 2009 (please provide source of information in footnote)	Total Number of times this procedure was initiated in 2010 (please provide source of information in footnote)	Total Number of times this procedure was initiated in 2011 (please provide source of information in footnote)
1	Fine	ANSPDCP ²³	47 ⁴	51	50
2	Deletion of data	ANSPDCP	7 ⁵	5	0

¹ Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro Unofficial English translation available at:

http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf Under Law No. 677/2001, the aggrieved person has the possibility of forum shopping and can address a complaint to the DPA and obtain specific remedies (Art 25) or can file a compensation for damages claim to the competent court (Art 18). The Law does not specify the circumstances in which one venue should be chosen over the other, it does not provide for additional benefits for going to court, just mentions in Art. 25 (2) that the complaint to the DPA cannot be filed if another complaint with the same object and the same parties had been previously filed with the courts. In practice, complaints seem to be made to the DPA with appeal to the courts (Art 26) should the aggrieved party not be satisfied with the decision of the DPA. In addition, the DPA has the right to refer a matter to the courts (Art 25(8)) however, the Law does not specify the reasons or circumstances when the DPA should decide to desist and forward the complaint to the courts.

² The national supervisory body – National Authority for the Supervision of Personal Data Processing (*Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal*, ANSPDCP), ANSPDCP website available at: www.dataprotection.ro/ (All hyperlinks were accessed on 30 March 2012).

³ Please note that in accordance with Article 25(3) of the of the Personal Data Protection Act No. 677/2001 a complaint must be sent to the relevant data controller 15 days as a pre-condition to filing a complaint with the ANSPDCP.

⁴ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to NFP Request No. 15 from 11.01.2012, on file with the NFP.

⁵ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to NFP Request No. 15 from 11.01.2012, on file with the NFP.

3	Temporary suspension of processing of personal data	ANSPDCP	2 ⁶	0	1
4	Permanent suspension of processing of personal data	ANSPDCP	4 ⁷	7	6
5	Warning	ANSPDCP	82 ⁸	43	41
6	Compensation	local court	0 ⁹	0	0
7	Imprisonment	relevant criminal court	- ¹⁰	-	-
8	Criminal fine	relevant criminal court	- ¹¹	-	-

⁶ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to NFP Request No. 15 from 11.01.2012, on file with the NFP.

⁷ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to NFP Request No. 15 from 11.01.2012, on file with the NFP.

⁸ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to NFP Request No. 15 from 11.01.2012, on file with the NFP.

⁹ There are two relevant decisions identified in the databases in 2009 however, the FOIA requests did not provide any information regarding such procedures initiated in 2009, 2010 or 2011.

¹⁰ No public information is currently available regarding the number of judgments issued on grounds of each specific article of the Criminal Code or special criminal law provisions.

¹¹ No public information is currently available regarding the number of judgments issued on grounds of each specific article of the Criminal Code or special criminal law provisions.

Information under redress mechanisms 1 - 8 provided by ANSPDCP in its Response No. 0003329 dated 10.01.2012 to NFP Request No.15 from 11.01.2012., on file with the NFP.

Similar NFP requests sent to the Ministry of Justice,¹² Ministry of Administration and Internal Affairs¹³ and to the Prosecution Service¹⁴ did not provide additional information regarding criminal cases with a data protection element. The Ministry of Administration and Internal Affairs in its response¹⁵ stated that it received 46 complaints during 2009 - 2011 (nine in 2010 and 37 in 2011) regarding alleged illegal processing of personal data revealing a positive trend but it also mentions that following investigation, all notifications were upheld. One of the complaints in 2011 related to the alleged breach of data protection rights by a Ministry employee. The official response mentions that the Ministry did not forward any such complaints to the prosecution office, the court system or the supervisory authority as “Law 677/2001 does not provide for the procedure of ‘forwarding the complaints to the ANSDCP for a remedy.’”¹⁶

Internet research reveals a very limited number of non-criminal cases further detailed in the text of this report. The court web based portal,¹⁷ which should be a useful research tool, has unreliable content (e.g. there are no court decisions listed for 2009 for some local courts), and a very rudimentary search system. The portal has a list of topics to search under but this does not include ‘data protection,’ “Law 677/2001” and a search for the specific case law found elsewhere by decision number and relevant court came back with no match.

¹² Response No. 2/2583 from 19.01.2012 of the Ministry of Justice to NFP Request No. 17 from 11.01.2012, on file with the NFP.

¹³ Response No. 1461 from 23.02.2012 of the Ministry of Administration and Internal Affairs to NFP Request No. 16 from 11.01.2012, on file with the NFP.

¹⁴ Response No. 30 from 27.01.2012 of the Prosecution Service to NFP Requests No. 18 and 58 from 11.01.2012 and 24.01.2012, on file with the NFP.

¹⁵ Response No. 1461 from 23.02.2012 of the Ministry of Administration and Internal Affairs to NFP Request No. 16 from 11.01.2012, on file with the NFP.

¹⁶ Response No. 5737 from 17.04.2012 of the Ministry of Administration and Internal Affairs to NFP Request No. 136 from 04.04.2012, on file with the NFP.

¹⁷ <http://portal.just.ro/Jurisprudenta.aspx>.

Detailed information

Ad Redress Mechanism Number 1: fine

- Range of possible outcomes: fine between RON 500 and RON 50,000¹⁸ (approximately €120 and €12,000) ;
- Legal basis: Article 31, 32, 33, 34 of Personal Data Protection Act No. 677/2001.¹⁹
- Type of procedure: Data Protection Authority (ANSPDCP) – administrative procedure.
- Possibilities of appeal: 2nd and further to the relevant civil / administrative court (Article 26 of the Personal Data Protection Act No. 677/2001). Two appeals recorded in 2009²⁰ and one in 2010²¹ where the relevant Appeal Court rejected requests to overturn decisions of the ANSPDCP regarding violations of the rights protected by the Personal Data Protection Act No. 677/2001 and imposing fines.
- Burden of proof: the party making a statement before a court must bring supporting evidence based on general civil procedure rules (Article 1169 of the old Civil Code²²).
- Available mechanism to lower the burden of proof: None.
- Requirement of legal representation: Under Article 25(1) of the Personal Data Protection Act No. 677/2001, the complainant can initiate and be active in his or her own procedure.
- Is there free legal advice/representation available from a public body (please specify the public body)? Under Emergency Government Ordinance OUG 51/2008,²³ there is a right to means tested free legal aid – applicable to all procedures apart from criminal cases. There is no specific legal aid provision for procedures before the ANDPDCP.

¹⁸ Expressed in current Lei (Romanian currency) as opposed to old Lei. On 1 July 2005, the Leu was revalued at the rate of 10,000 "old" Lei (ROL) for one "new" Leu (RON).

¹⁹ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

²⁰ Romania, Decision No. 1992/15.10.2009 of the Court of Appeal Bucharest (*Curtea de Apel București, Secția VIII Contencios Administrativ și Fiscal, Decizia Civilă Nr. 1992, Ședința Publică din 15.10.2009*) available at www.legi-internet.ro/jurisprudenta-it-romania/decizii-it/date-cu-caracter-personal/protectia-vietii-private-si-a-datelor-cu-caracter-personal-dreptul-persoanei-vizate-de-a-se-opune-prelucrarii-datelor_807.html and Decision No. 1392/21.05.2009 of the Court of Appeal Bucharest (*Curtea de Apel București, Secția VIII Contencios Administrativ și Fiscal, Decizia Civilă Nr. 1392, Ședința Publică din 21.05.2009*) available at www.legi-internet.ro/jurisprudenta-it-romania/decizii-it/date-cu-caracter-personal/prelucrarea-datelor-cu-caracter-personal-notificarea-autoritatii-de-supraveghere.html.

²¹ Romania, Decision No. 5/04.01.2012 of the Court of Appeal Bucharest (*Curtea de Apel București, Secția VIII Contencios Administrativ și Fiscal, Decizia Civilă Nr. 5, Ședința Publică din 04.01.2010*) available at www.legi-internet.ro/jurisprudenta-it-romania/decizii-it/date-cu-caracter-personal/prelucrarea-datelor-cu-caracter-personal-obligatia-de-notificare_803.html.

²² Text of the old Civil Code available at: www.legex.ro/Cod-Nr.0-din-26.11.1864-5.aspx. Art. 1169 of the old Civil Code remains in force until the new Civil Procedure Code comes into force in July 2012 under the Emergency Government Ordinance OUG No. 79/2011. The text of the OUG No. 79/2011 is available at: www.cdep.ro/pls/legis/legis_pck.htm_act?id=106031. The new Civil Code does not deal with burden of proof; the text of the new Civil Code is available at: www.legex.ro/Codul-Civil-98477.aspx.

²³ The text of the Emergency Government Ordinance OUG No. 51/2008 regarding legal aid is available at: www.dreptonline.ro/legislatie/ordonanta_instituire_ajutor_materie_civila_oug_51_2008.php.

- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? Yes, under Article 25(1) of the Personal Data Protection Act No. 677/2001, the claimant can appoint a representative in the proceedings (the law specifically mentions civil society organizations and associations). Also, ANSPDCP can initiate ex officio proceedings under Article 25(10) of the Personal Data Protection Act No. 677/2001 if it becomes aware of a violation of data protection rights enshrined in the Personal Data Protection Act No. 677/2001 though there are no specific conditions in the Law besides mentioning Tribunalul Bucuresti as the appropriate court.²⁴
- Cost of procedure: No information available either in the 2009 and 2010 Annual Reports of the Data Protection Authority²⁵ or the official response to the NFP request letters.²⁶
- Average duration of procedure: Under Article 25(3) of the Personal Data Protection Act No. 677/2001, following an unsuccessful claim against the data controller (but not earlier than 15 days from lodging the complaint with the relevant controller), the claimant can bring the same claim to ANSPDCP. ANSPDCP must respond giving an explanation of its decision within 30 days from the date the claim was made. A further 15 days are allowed to appeal the decision before the local administrative court under Article 26 of the Personal Data Protection Act No. 677/2001 under a fast track procedure.²⁷
- Outcomes (please provide as much disaggregated information as available) for 2009, 2010, 2011: 2009: 47 fines, aggregate quantum of 76,100 RON (approximately €19,000); 2010: 51 fines, aggregate quantum 65,500 RON (approximately €16,000); 2011: 50 fines, aggregate quantum 61,300 RON (approximately €15,000).²⁸

²⁴ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

²⁵ ANSPDCP reports available at: <http://www.dataprotection.ro/servlet/ViewDocument?id=623> (2009) and <http://www.dataprotection.ro/servlet/ViewDocument?id=763> (2010).

²⁶ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to NFP Request No. 15 from 11.01.2012, on file with the NFP.

²⁷ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

²⁸ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to NFP Request No. 15 from 11.01.2012, on file with the NFP.

Ad Redress Mechanism Number 2: rectify, block, erase or delete processed data

- Range of possible outcomes: partial or complete rectification, blocking, erasure or destruction of processed data.
- Legal basis: Article 21(3)(d) of the Personal Data Protection Act No. 677/2001.
- Type of procedure: Data Protection Authority (ANSPDCP)– administrative procedure.
- Possibilities of appeal: 2nd and further to the relevant administrative court (Article 26 of the Personal Data Protection Act No. 677/2001).
- Burden of proof: the party making a statement before a court must bring supporting evidence according to general civil procedure rules (Article 1169 of the old Civil Code – see Footnote 22 above).
- Available mechanism to lower the burden of proof: None
- Requirement of legal representation: Under Article 25(1) of the Personal Data Protection Act No. 677/2001, the complainant can initiate and be active in his or her own procedure.²⁹
- Is there free legal advice/representation available from a public body (please specify the public body)? Under Emergency Government Ordinance 51/2008, there is a right to means tested free legal aid – applicable to all procedures apart from criminal cases. There is no specific legal aid provision for procedures before the ANSPDCP.
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? Yes, under Article 25(1) of the Personal Data Protection Act No. 677/2001, the claimant can appoint a representative in the proceedings (includes civil society organizations and associations). Also, ANSPDCP can initiate proceedings under Article 25(10) of the Personal Data Protection Act No. 677/2001.³⁰
- Cost of procedure: No information available either in the 2009 and 2010 Annual Reports of the Data Protection Authority³¹ or the official response to the NFP request letters.³²
- Average duration of procedure: Under Article 25(3) of the Personal Data Protection Act No. 677/2001, following an unsuccessful claim against the data controller (but not earlier than 15

²⁹ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf .

³⁰ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf .

³¹ ANSPDCP, 2009 Annual Report available at: <http://www.dataprotection.ro/servlet/ViewDocument?id=623> and 2010 Annual Report available at www.dataprotection.ro/servlet/ViewDocument?id=763 (Romanian version only).

³² Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to the NFP Request No. 15 from 11.01.2012, on file with the NFP.

days from lodging the complaint with the relevant controller), the claimant can bring the same claim to ANSPDCP. ANSPDCP must respond giving an explanation of its decision within 30 days from the date the claim was made. A further 15 days are allowed to appeal the decision to the local administrative court under Article 26 of the Personal Data Protection Act No. 677/2001 under a fast track procedure.³³

- Outcomes (please provide as much disaggregated information as available) for 2009, 2010, 2011: 2009 there were seven processed data deletion orders; 2010 there were five processed data deletion orders; 2011 there were no processed data deletion orders.³⁴

³³ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf .

³⁴ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to NFP Request No. 15 from 11.01.2012, on file with the NFP.

Ad Redress Mechanism Number 3, 4: suspension of data processing

- Range of possible outcomes: suspend personal data processing temporarily or permanent prohibition of personal data processing.
- Legal basis: Article 21(3)(d) of Personal Data Protection Act No. 677/ 2001.
- Type of procedure: Data Protection Authority (ANSPDCP) – administrative procedure.
- Possibilities of appeal: 2nd and further to the relevant administrative court (Article 26 of the Personal Data Protection Act No. 677/2001).
- Burden of proof: the party making a statement before a court must bring supporting evidence according to general civil procedure rules (Article 1169 of the old Civil Code – see Footnote 22 above).
- Available mechanism to lower the burden of proof: None.
- Requirement of legal representation: Under Article 25(1) of the Personal Data Protection Act No. 677/2001, the complainant can initiate and be active in his or her own procedure.³⁵
- Is there free legal advice/representation available from a public body (please specify the public body)? Under Emergency Government Ordinance OUG 51/2008, there is a right to means-tested free legal aid – applicable to all procedures apart from criminal cases. There is no specific legal aid provision for procedures before the ANSPDCP.
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? Yes, under Article 25(1) of the Personal Data Protection Act No. 677/2001, the claimant can appoint a representative in the proceedings (the Law mentions explicitly civil society organizations and associations). Also, ANSPDCP can initiate proceedings under Article 25(10) of the Personal Data Protection Act No. 677/2001.³⁶
- Cost of procedure: No information available either in the 2009 and 2010 Annual Reports of the Data Protection Authority³⁷ or the official response to the NFP request letters.³⁸
- Average duration of procedure: Under Article 25(3) of the Personal Data Protection Act No. 677/2001, following an unsuccessful claim against the data controller (but not earlier than 15 days from lodging the complaint with the relevant controller), the claimant can bring the same claim to ANSPDCP. ANSPDCP must respond giving an explanation of its decision within 30 days from the date the claim was made. A further 15 days are allowed to appeal the decision

³⁵ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

³⁶ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

³⁷ ANSPDCP's 2009 Annual Report available at: www.dataprotection.ro/servlet/ViewDocument?id=623 and 2010 Annual Report available at: www.dataprotection.ro/servlet/ViewDocument?id=763 (Romanian version only).

³⁸ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to the NFP Request No. 15 from 11.01.2012, on file with the NFP.

to the local administrative court under Article 26 of the Personal Data Protection Act No. 677/2001 under a fast track procedure.³⁹

- Outcomes (please provide as much disaggregated information as available) for 2009, 2010, 2011: 2009 - there were two temporary suspension orders and four stop processing orders; 2010 - there were no temporary suspension orders and seven stop processing orders; 2011 - there was one temporary suspension order and six stop processing orders.⁴⁰

³⁹ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

⁴⁰ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to NFP Request No. 15 from 11.01.2012, on file with the NFP.

Ad Redress Mechanism Number 5: warning

- Range of possible outcomes: warning.
- Legal basis: Article 5(2) of the Government Ordinance 2/2001⁴¹ on the legal framework of sanctions.
- Type of procedure: administrative.
- Possibilities of appeal: 2nd and further to the relevant administrative court (Article 31 - 34 of the Government Ordinance nr. 2/2001).
- Burden of proof: the party making a statement before a court must bring supporting evidence according to general civil procedure rules (Article 1169 of the old Civil Code – see Footnote 12 above).
- Available mechanism to lower the burden of proof: None
- Requirement of legal representation: Under Article 25(1) of the Personal Data Protection Act No. 677/2001, the complainant can initiate and be active in his or her own procedure.⁴²
- Is there free legal advice/representation available from a public body (please specify the public body)? Under Emergency Government Ordinance 51/2008, there is a right to means tested free legal aid – applicable to all procedures apart from criminal cases. There is no specific legal aid provision for procedures before the ANSPDCP.
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? Yes, under Article 25(1) of the Personal Data Protection Act No. 677/2001, the claimant can appoint a representative in the proceedings (includes civil society organizations and associations). Also, ANSPDCP can initiate proceedings under Article 25(10) of the Personal Data Protection Act No. 677/2001.⁴³
- Cost of procedure: No information available either in the 2009 and 2010 Annual Reports of the Data Protection Authority⁴⁴ or the official response to the NFP request letters.⁴⁵

⁴¹ The text of the Government Ordinance No. 2/2001⁴¹ on the legal framework of sanctions (Ordonanța Guvernului nr. 2/2001 privind regimul juridic al contravențiilor) is available at: www.avocatnet.ro/content/articles/id_8582/Ordonanta-Guvernului-nr-2-2001-privind-regimul-juridic-al-contravențiilor-actualizata-la-data-de-27042007.html.

⁴² Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

⁴³ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

⁴⁴ ANSPDCP, *2009 Annual Report* available at: www.dataprotection.ro/servlet/ViewDocument?id=623 and *2010 Annual Report* available at www.dataprotection.ro/servlet/ViewDocument?id=763 (Romanian version only).

⁴⁵ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to the NFP Request No. 15 from 11.01.2012, on file with the NFP.

- Average duration of procedure: Under Article 25(3) of the Personal Data Protection Act No. 677/2001, following an unsuccessful claim against the data controller (but not earlier than 15 days from lodging the complaint with the relevant controller), the claimant can bring the same claim to ANSPDCP. ANSPDCP must respond giving an explanation of its decision within 30 days from the date the claim was made. A further 15 days are allowed to appeal the decision to the local administrative court under Article 26 of the Personal Data Protection Act No. 677/2001 under a fast track procedure.⁴⁶
- Outcomes (please provide as much disaggregated information as available) for 2009, 2010, and 2011: ANSPDCP issued 82 warnings in 2009; 43 warnings in 2010 and 41 warnings in 2011.⁴⁷

⁴⁶ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

⁴⁷ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to NFP Request No. 15 from 11.01.2012, on file with the NFP.

Ad Redress Mechanism Number 6: compensation for damages

- Range of possible outcomes: compensation quantum to be established based on loss proven;
- Legal basis: Arts. 1351-1395 of the New Civil Code on liability for damages⁴⁸.
- Type of procedure: civil administrative procedure.
- Possibilities of appeal: 2nd and further to the relevant civil courts.
- Burden of proof: the party making a statement before a court must bring supporting evidence based on general civil procedure rules (Article 1169 of the old Civil Code⁴⁹).
- Available mechanism to lower the burden of proof: None.
- Requirement of legal representation: Under Article 25(1) of the Personal Data Protection Act No. 677/2001, the complainant can initiate and be active in his or her own procedure.⁵⁰
- Is there free legal advice/representation available from a public body (please specify the public body)? Under Emergency Government Ordinance OUG 51/2008,⁵¹ there is a right to means tested free legal aid – applicable to all procedures apart from criminal cases.
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? Yes, under Article 25(1) of the Personal Data Protection Act No. 677/2001, the claimant can appoint a representative in the proceedings (the law specifically mentions civil society organizations and associations). Also, ANSPDCP can initiate ex officio proceedings under Article 25(8) of the Personal Data Protection Act No. 677/2001 if it becomes aware of a violation of data protection rights enshrined in the Personal Data Protection Act No. 677/2001 though there are no specific conditions in the Law besides mentioning Tribunalul Bucuresti as the competent court.⁵²
- Cost of procedure: No information available either in the 2009 and 2010 Annual Reports of the Data Protection Authority⁵³ or the official response to the NFP request letters.⁵⁴

⁴⁸ Text of the old Civil Code available at: www.legex.ro/Cod-Nr.0-din-26.11.1864-5.aspx. The new Civil Code came into force at the end of 2011 and the equivalent provisions are contained in Art. 1349; the text of the new Civil Code is available at: <http://www.legex.ro/Codul-Civil-98477.aspx>.

⁴⁹ Art. 1169 of the old Civil Code remains in force until the new Civil Procedure Code comes into force in July this year under the Emergency Government Ordinance OUG. No. 79/2011. The text of the OUG No. 79/2011 is available at: www.cdep.ro/pls/legis/legis_pck.htm?act?id=106031. The new Civil Code does not deal with burden of proof; the text of the new Civil Code is available at: <http://www.legex.ro/Codul-Civil-98477.aspx>.

⁵⁰ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

⁵¹ The text of the Emergency Government Ordinance OUG No. 51/2008 regarding legal aid is available at: www.dreptonline.ro/legislatie/ordonanta_instituire_ajutor_materie_civila_oug_51_2008.php.

⁵² Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

⁵³ ANSPDCP reports available at: www.dataprotection.ro/servlet/ViewDocument?id=623 (2009) and www.dataprotection.ro/servlet/ViewDocument?id=763 (2010).

- Average duration of procedure: no set duration provisions.
- Outcomes (please provide as much disaggregated information as available) for 2009, 2010, 2011: due to limited availability of caselaw in the databases, two cases were identified during the relevant period (both decided in 2009) in which moral damages were requested based on Articles 998-999 of the Old Civil Code and the Personal Data Protection Act No. 677/2001. The claimant was successful in one case and €10,000 damages were awarded (the petition referred to personal data including medical information disclosed inappropriately causing psychological distress with an initial claim for €100,000).⁵⁵ A second claim for moral damages was decided in favour of the defendant and the Court of Appeal Constanta did not award any damages.⁵⁶

⁵⁴ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to NFP Request No. 15 from 11.01.2012, on file with the NFP.

⁵⁵ Romania, Decision No. []/[].05.2009 of the District Court Bucharest Sector 1 (*Judecătoria Sectorul 1 București, Decizia Civilă Nr. [], Ședința Publică din 16.03.2009*). Excerpts available at: www.juridice.ro/100724/judecatoria-sectorului-1-daune-morale-pentru-publicarea-pe-internet-a-datelor-personale.html.

⁵⁶ Romania, Civil Decision No. 298/19.01.2010 of the Court of Appeal Constanța (*Curtea de Apel Constanța, Decizia Civila nr. 298, Ședința Publică din 14.12.2009*). Excerpts available at: <http://jurisprudencedo.com/Parata-la-plata-sumei-euro-cu-titlu-de-daune-morale-In-motivarea-cererii-reclamanta-a-aratat-ca-la-data-a-primit-un-plic-expediat-de-catre-parata-iar.html>

Ad Redress Mechanism Number 7: imprisonment

- Range of possible outcomes: life or 15 days to 30 years (Art. 53 of the Criminal Code⁵⁷);

Legal basis: Article 31 - **Failure to Notify and Malevolent Notification**, Article 32 - **Illegal Processing of Personal Data**, Article 33 - **Failure to Fulfill the Obligations Regarding the Confidentiality and Enforcement of Security Measures**, Article 34 - **Refusal to Supply Information** of Personal Data Protection Act No. 677/2001 where the infringement of the rights enshrined therein is committed in such circumstances as to be a criminal act.⁵⁸

- Type of procedure: criminal law procedure.
- Possibilities of appeal: 2nd and further to the relevant criminal court.
- Burden of proof: the prosecution and the court must provide the necessary supporting evidence under Article 65 of the Criminal Procedure Code⁵⁹.
- Available mechanism to lower the burden of proof: None.
- Requirement of legal representation: Under Article 25(1) of the Personal Data Protection Act No. 677/2001, the complainant can initiate and be active in his or her own procedure.⁶⁰
- Is there free legal advice/representation available from a public body (please specify the public body)? Article 91 of the Criminal Procedure Code (see note 31 below) establishes the right to legal aid in criminal proceedings.
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? Under Art. 21(3) letter d) the DPA may notify the prosecution. Also, under Article 25(1) of the Personal Data Protection Act No. 677/2001, the claimant can appoint a representative in the proceedings (the law specifically mentions civil society organizations and associations).⁶¹
- Cost of procedure: No information available either in the 2009 and 2010 Annual Reports of the Data Protection Authority⁶² or the official response to the NFP request letters.⁶³

⁵⁷ Romania, Criminal Code Law 15/1968 (*Legea nr. 15/1968 Lege Codul Penal al României*), available at: www.cdep.ro/proiecte/2009/300/00/4/leg_pl304_09.pdf. Unofficial English translation is available at: <http://legislationline.org/download/action/download/id/1695/file/c1cc95d23be999896581124f9dd8.htm/preview>

⁵⁸ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

⁵⁹ Romania, Criminal Procedure Code Law 135/2010 (*Legea nr. 135/2010 privind Codul de Procedură Penală*), available at: http://www.dreptonline.ro/legislatie/codul_procedura_penala_2007.php.

⁶⁰ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

⁶¹ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

⁶² ANSPDCP reports available at: <http://www.dataprotection.ro/servlet/ViewDocument?id=623> (2009) and www.dataprotection.ro/servlet/ViewDocument?id=763 (2010).

⁶³ Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to NFP Request No. 15 from 11.01.2012, on file with the NFP.

- Average duration of procedure: no set duration provisions.
- Outcomes (please provide as much disaggregated information as available) for 2009, 2010, 2011: 2009: not applicable.

Ad Redress Mechanism Number 8: criminal fine

- Range of possible outcomes: the quantum is calculated based on the formula set in the former Art. 53 of the Criminal Code⁶⁴, new Art. 61 of the New Criminal Code⁶⁵: RON 10 – RON 500 (approximately €2.4 to €120) X 30 to 400 fine-days a range of RON 300 to RON 200,000 (approximately €72 to €48,000);
- Legal basis: Article 31 - **Failure to Notify and Malevolent Notification**, 32 - **Illegal Processing of Personal Data**, 33 - **Failure to Fulfill the Obligations Regarding the Confidentiality and Enforcement of Security Measures**, 34 - **Refusal to Supply Information** of Personal Data Protection Act No. 677/2001 where the infringement of the rights enshrined therein is committed in such circumstances as to be a criminal act.⁶⁶
- Type of procedure: criminal law procedure.
- Possibilities of appeal: 2nd and further to the relevant criminal court.
- Burden of proof: the prosecution and the court must provide the necessary supporting evidence under Article 65 of the Criminal Procedure Code⁶⁷.
- Available mechanism to lower the burden of proof: None.
- Requirement of legal representation: Under Article 25(1) of the Personal Data Protection Act No. 677/2001, the complainant can initiate and be active in his or her own procedure.⁶⁸
- Is there free legal advice/representation available from a public body (please specify the public body)? Article 91 of the Criminal Procedure Code establishes the right to legal aid in criminal proceedings.⁶⁹
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? Under Art. 21(3) letter d) the DPA may notify the prosecution. Also, under Article 25(1) of the Personal Data Protection Act No. 677/2001, the claimant can

⁶⁴ Romania, Criminal Code Law 15/1968 (*Legea nr. 15/1968 Lege Codul Penal al României*), available at: www.cdep.ro/proiecte/2009/300/00/4/leg_pl304_09.pdf.Unofficial English translation is available at: <http://legislationline.org/download/action/download/id/1695/file/c1cc95d23be999896581124f9dd8.htm/preview>

⁶⁵ Romania, New Criminal Code Law 286/2009 (*Legea nr. 286/2009 Lege privind Codul Penal*), available at www.just.ro/LinkClick.aspx?fileticket=cuvvg21oQ0Qs%3d&tabid=1473 (24.07.2009).

⁶⁶ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

⁶⁷ Romania, Criminal Procedure Code Law 135/2010 (*Legea nr. 135/2010 privind Codul de Procedură Penală*), available at: http://www.dreptonline.ro/legislatie/codul_procedura_penala_2007.php.

⁶⁸ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

⁶⁹ Romania, Criminal Procedure Code Law 135/2010 (*Legea nr. 135/2010 privind Codul de Procedură Penală*), available at: http://www.dreptonline.ro/legislatie/codul_procedura_penala_2007.php.

appoint a representative in the proceedings (the law specifically mentions civil society organizations and associations).⁷⁰

- Cost of procedure: No information available either in the 2009 and 2010 Annual Reports of the Data Protection Authority⁷¹ or the official response to the NFP request letters.⁷²
- Average duration of procedure: no set duration provisions.
- Outcomes (please provide as much disaggregated information as available) for 2009, 2010, 2011: 2009: not applicable.

General Notes on the enforcement activity of ANSPDCP:

Both ANSPDCP Annual Reports for 2009 and 2010⁷³ refer to budget cuts which affected the Authority's ability to perform its control and investigation role.

In 2009, ANSPDCP received 428 complaints, issued 82 warnings, 47 fines (aggregate value of RON 76,100 (approximately €19,000), four orders to desist from handling data, seven orders to delete data and two orders for the temporary suspension of data handling. In addition, one complaint was sent to the prosecution office for further investigation, there were 373 requests for investigations rejected by ANSPDCP on the grounds of being outside its competence or where the necessary requirements provided for by the Personal Data Protection Act No. 677/2001 were not met. 258 petitions received were resolved.⁷⁴

In 2010, ANSPDCP received 569 complaints and 136 notifications, issued 43 warnings, 51 fines (aggregate value of RON 65,500 - approximately €16,000), seven orders to desist from handling data and five orders to delete data. In addition, there were two complaints sent to the prosecution office for further investigation and 578 requests for investigations were rejected by ANSPDCP on the grounds of being outside its competence or where the necessary requirements provided for by the Personal Data Protection Act No. 677/2001 were not met. 188 petitions received were resolved.⁷⁵

⁷⁰ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

⁷¹ ANSPDCP reports available at: www.dataprotection.ro/servlet/ViewDocument?id=623 (2009) and www.dataprotection.ro/servlet/ViewDocument?id=763 (2010).

⁷² Response No. 0003329 from 10.01.2012 of the National Authority for the Supervision of Personal Data Processing to NFP Request No. 15 from 11.01.2012, on file with the NFP.

⁷³ ANSPDCP, *2009 Annual Report* available at: www.dataprotection.ro/servlet/ViewDocument?id=623 and *2010 Annual Report* available at www.dataprotection.ro/servlet/ViewDocument?id=763 (Romanian version only).

⁷⁴ As per Response No. 0003329 from 10.01.2012 of the ANSPDCP to NFP Request No. 15 from 11.01.2012, on file with the NFP.

⁷⁵ *Ibid.*

In 2011, ANSPDCP received 404 complaints and 124 notifications, issued 41 warnings, 50 fines (aggregate value of RON 61,300 - approximately €15,000), six orders to desist from handling data and one order for the temporary suspension of data handling. In addition, ANSPDCP rejected 387 requests for investigations on the grounds of being outside its competence or where the necessary requirements provided for by the Personal Data Protection Act No. 677/2001 were not met, one claim withdrawn by the claimant and none sent to the prosecution service for further investigation. The ANSPDCP responded to 214 petitions.⁷⁶

Further relevant information:

The New Criminal Code (due to come into force probably in 2013)⁷⁷ will introduce specific criminal acts related to the protection of personal data sanctioned with imprisonment and / or criminal fine. Until then, any redress for a breach of the rights protected by the personal data handling legislation in Romania is administrative in nature unless the relevant act is committed in circumstances which would render it criminal activity.

The injured party and /or ANSPDCP can notify the prosecution office or file a suit with the relevant court. ANSPDCP can, under Article 25(8) of the Personal Data Protection Act No. 677/2001, bring a law suit to the Bucharest Tribunal for breach of rights regarding the protection of personal data on behalf of an injured party. Under Article 25(8), no stamp duty applies.⁷⁸

In 2009, there were identified six civil cases and in 2010 one civil case⁷⁹ which referred to the Personal Data Protection Act No. 677/2001 (see court decisions Nos. 1992/2009, 1392/2009 and 5/2010 regarding appeals against sanctions imposed by ANSPDCP under the Personal Data Protection Act No. 677/2001):

- Decision No. 2764/4 November 2009⁸⁰: party refused to communicate certain data invoking the Personal Data Protection Act No. 677/2001, the Court found the data in question was in the public domain therefore the protection under the data protection legislation invoked did not apply.

⁷⁶ *Ibid.*

⁷⁷ The text of the new Criminal Code is available at:

www.just.ro/Sections/PrimaPagina_MeniuDreapta/noulcodpenal/tabid/940/Default.aspx.

⁷⁸ Romania, Personal Data Protection Act No. 677/2001 (*Legea nr. 677/2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date*), available at www.dataprotection.ro/?page=legislatie_primara&lang=ro (21 noiembrie 2001). Unofficial English translation available at: http://ec.europa.eu/justice/policies/privacy/docs/implementation/ro_law_677_2001_en_unofficial.pdf.

⁷⁹ The text of the cases referred to are available at: www.legi-internet.ro/jurisprudenta-it-romania.html#c1526.

⁸⁰ Romania, Decision No. 2764/04.11.2009. of the Court of Appeal Cluj (*Curtea de Apel Cluj, Secția Comercială, de Contencios Administrativ și Fiscal, Decizia Civilă Nr. 2764, Ședința Publică din 4.11.2009*) available at: www.legi-internet.ro/jurisprudenta-it-romania/decizii-it/date-cu-caracter-personal/protectia-persoanelor-cu-privire-la-prelucrarea-datelor-cu-caracter-personal-comunicarea-de-date-cu-caracter-personal-noiembrie-2009_805.html.

- Decision No. 1535/29 April 2009⁸¹: similar legal issue in discussion, the Court decided the public information should be communicated. However, some of the data requested was found to fall under the exception in Personal Data Protection Act No. 677/2001 therefore it could be withheld.
- Decision No. 1600/10 April 2009⁸²: an individual sued the Romanian Government contending that the introduction of biometric passports was against the rights provided for in the Personal Data Protection Act No. 677/2001. The Court rejected the submission.
- Decision No 1277/10 December 2009⁸³: the Court found that the Personal Data Protection Act No. 677/2001 was not relevant for the facts of the case. The case was decided on principles of contract, credit law and consumer law.

Conclusion: The enforcement of rights relating to personal data is still in its infancy in Romania. This is due to lack of clarity of the relevant legislative framework as well as the low level of public awareness in this field, including among professionals. The introduction of specific criminal acts in the new Criminal Code is a step in the right direction although more debate and education of the public and of the legal profession will be necessary in order to secure enforcement.

⁸¹ Romania, Decision No. 1535/20.04.2009. of the Court od Appeal Cluj (*Curtea de Apel Cluj, Secția Comercială, de Contencios Administrativ și Fiscal, Decizia Civilă Nr. 1535, Ședința Publică din 29.04.2009*) available at: www.legi-internet.ro/jurisprudenta-it-romania/decizii-it/date-cu-caracter-personal/protectia-persoanelor-cu-privire-la-prelucrarea-datelor-cu-caracter-personal-comunicarea-de-date-cu-caracter-personal-aprilie-2009.html.

⁸² Romania, Decision No. 1600/10.04.2009. of the Court od Appeal Cluj (*Curtea de Apel București, Secția VIII Contencios Administrativ și Fiscal, Decizia Civilă Nr. 1600, Ședința Publică din 10.04.2009*) available at: www.legi-internet.ro/jurisprudenta-it-romania/decizii-it/date-cu-caracter-personal/protectia-vietii-private-si-a-datelor-cu-caracter-persobal-stocarea-de-date-biometrice-in-pasapoarte-electronice-aprilie-2009-curtea-de-apel-bucuresti.html.

⁸³ Decision No. 1277/10.10.2009 of the Court of Appeal Bacău (*Curtea de Apel Bacău, Secția Comercială, de Contencios Administrativ și Fiscal, Decizia Nr. 1277, Ședința Publică din 10.10.2009*) available at: www.legi-internet.ro/jurisprudenta-it-romania/decizii-it/date-cu-caracter-personal/prelucrarea-datelor-cu-caracter-personal-caracteristicile-datelor-cu-caracter-personal-in-cadrul-prelucrarii.html.

Official exact title EN	Official title (original lang.)	Full reference
Personal Data Protection Act	Legea pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date	Romania, Personal Data Protection Act No. 677/2001 (<i>Legea nr. 677 din 21 noiembrie 2001 pentru protecția persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date</i>), Official Journal No. 790/12 December 2001.
Civil Code	Codul Civil	Romania, Civil Code (<i>Decret Lege nr. 1655 din 4 decembrie 1864 privind Codul Civil</i>), Official Journal No. 271/4 December 1864 last modified by OUG No. 79/2011.
New Civil Code	Noul Cod Civil	Romania, New Civil Code (<i>Legea nr. 287 din 17 iulie 2009 privind Codul Civil</i>), Official Journal No. 505/15 July 2011 last modified by OUG No. 79/2011.
Emergency Government Ordinance on the new Civil Code	Ordonanța de Urgență a Guvernului pentru reglementarea unor măsuri necesare intrării în vigoare a Legii nr. 287/2009 privind Codul Civil	Romania, Emergency Government Ordinance on the new Civil Code (<i>Ordonanța de Urgență a Guvernului nr. 79 din 28 septembrie 2011 pentru reglementarea unor măsuri necesare intrării în vigoare a Legii nr. 287/2009 privind</i>), Official Journal No. 696/30 September 2011.
Emergency Government Ordinance regarding legal aid in civil proceedings	Ordonanța de Urgență a Guvernului privind ajutorul public judiciar în materie civilă	Romania, Emergency Government Ordinance regarding legal aid in civil proceedings (<i>Ordonanța de Urgență a Guvernului nr. 51 din 21 aprilie 2008 privind ajutorul public judiciar în materie civilă</i>), Official Journal No. 327/25 April 2008 last modified by Law No. 251/2011.
Government Ordinance	Ordonanța privind regimul	Romania, Government Ordinance on the

regarding the legal framework of sanctions	juridic al contravențiilor	legal framework of sanctions (<i>Ordonanța nr. 2 din 12 iulie 2001 privind regimul juridic al contravențiilor</i>), Official Journal No. 584/18 September 2001 last modified by Law No. 202/2010.
Criminal Procedure Code	Codul de Procedură Penală	Romania, Criminal Procedure Code (<i>Legea nr. 135 din 1 iulie 2010 privind Codul de Procedură Penală</i>), Official Journal No. 486/15 July 2010
Criminal Code	Codul Penal	Romania, Criminal Code (<i>Legea nr. 15 din 21 iunie 1968 Codul Penal al României</i>), Official Journal No. 79 – 79bis/21 June 1968 last modified by Law No. 27/2012
New Criminal Code	Noul Codul Penal	Romania, Criminal Code (<i>Legea nr. 286 din 17 iulie 2009 privind Codul Penal</i>), Official Journal No. 510/24 July 2009.