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ROMANIA
MINISTRY OF INTERNAL AFFAIRS
GENERAL INSPECTORATE OF THE BORDER POLICE



INFORMATION NOTE REGARDING THE PROCESSING OF PERSONAL DATA BY THE ROMANIAN BORDER POLICE

This information note explains how the Romanian Border Police collects, uses and protects personal data, in accordance with the provisions of the General Data Protection Regulation (GDPR) and Law no. 363/2018. You will find details about your rights regarding personal data, the reasons and grounds for their processing, the recipients of the data, as well as the safeguards applied.

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1. GENERAL CONSIDERATIONS

On 4 May 4 2016, the legislative package regulating the protection of personal data was published in the Official Journal of the European Union:

➤ [EU Regulation 2016/679](#) of the European Parliament and of the Council of 27 April 2016 *on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC* (General Data Protection Regulation - GDPR);

EU Regulation 2016/679 entered into force on 25 May 2016 and is applicable from 25 May 2018. The provisions of the GDPR are directly applicable in the territories of the EU Member States, without, in principle, the need for transposition or implementation measures. However, GDPR provides that, in certain situations, national implementing provisions are required or Member States are empowered to adopt certain legal provisions.

Thus, [Law no. 190/2018](#) *on measures to implement Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95 /46/CE*, entered into force on 31 July 2018.

➤ [EU Directive 2016/680](#) of the European Parliament and of the Council on the protection of natural persons regarding the processing of personal data by the competent authorities for the purpose of preventing, detecting, investigating or prosecuting crimes or executing penalties and on the free movement of such data and repeal of the Council's Framework Decision 2008/977/JHA.

EU [Directive 2016/680](#) entered into force on 5 May 2016 and was transposed into the national law by [Law no. 363/2018](#) *on the protection of individuals with regard to the processing of personal data by the competent authorities for the purpose of preventing, discovering, investigating, prosecuting and combating criminal offences or the execution of criminal penalties, educational and security measures, as well as on the free movement of such data*.

Regarding the scope of the two legal instruments, we specify that they are complementary, GDPR having general applicability except:

- activities not covered by Union law;
- activities carried out by Member States falling within the scope of Chapter 2 of Title V of the EU Treaty;
- activities carried out by a natural person in the course of a purely personal or household activity;
- activities carried out by the competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences, or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security (area which is regulated by EU Directive 2016/680).

Organizations and individuals that process personal data have the obligation to keep them so as to ensure their confidentiality and security. These obligations are subsumed to the right to the protection of personal data, regulated by GDPR.

In Romania, EU Regulation 2016/679 applies to the processing carried out:

- by means of an automated processing system (computer);

- on paper or in any other form of non-automated processing if they are part of a filing system or are intended to be included in such a system;
- regardless of their form: photos or video recordings of the image or recordings of the voice, biometric data.

2. INFORMATION ON THE PROCESSING OF PERSONAL DATA BY THE ROMANIAN BORDER POLICE

2.1. Identity of the data controllers within the Romanian Border Police

This notice aims to provide general information about the processing of your personal data and the rights you have under EU [Regulation 2016/679](#) and the national legislation on the protection and security of personal data, in force.

In accordance with the national and European legislation, in force, the General Inspectorate of the Romanian Border Police (GIBP), in its capacity as personal data controller, is constantly concerned with ensuring the protection of individuals with regard to the processing of personal data it carries out according to the legal framework in force.

The Romanian Border Police (RBP) is part of the Ministry of Internal Affairs (MIA) and is the specialized institution of the state exercising its attributions regarding the supervision and control of the crossing of the state border, preventing and combating illegal migration and acts specific to cross-border crime committed in the area of competence, observing the legal regime of the state border, passports and foreigners, ensuring the interests of the Romanian state on the inner Danube, including the Macin arm and the Sulina canal located outside the border area, in the contiguous area and in the exclusive economic zone, ensuring public order and tranquility in the area of competence, according to the law.

In accordance with [GEO no. 104/2001](#) provisions *on the organization and functioning of the Romanian Border Police*, as subsequently amended and supplemented, the RBP activity constitutes a public service and is carried out in the interest of the person, the community and in support of state institutions, exclusively on the basis and in the execution of the law.

The Romanian Border Police has in its [structure](#) the central unit, territorial units and educational units that process personal data. Thus, within the Romanian Border Police there are distinct data controllers: *General Inspectorate of the Romanian Border Police (G.I.B.P.), Territorial Inspectorates of the Border Police (T.I.B.P. Iași, T.I.B.P. Giurgiu, T.I.B.P. Timișoara, T.I.B.P. Oradea and T.I.B.P. Sighetu Marmăției) and Constanta Coast Guard.*

2.2. General information about the General Inspectorate of the Romanian Border Police

The General Inspectorate of Border Police (GIBP) is the central unit of the RBP, with legal personality and territorial competence for the entire area of responsibility of the border police, which exercises the management and is responsible for the entire activity of the border police, carries out activities of investigation and investigation of particularly serious crimes circumscribed to organized crime, illegal migration and cross-border crime committed in the area of territorial competence of the RBP, as well as any other powers given to it by law.

GIBP is a personal data controller, in accordance with Article 4 point 7 of [EU Regulation 2016/679](#) *of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (GDPR).*

2.3 The legal basis for the processing

❖ European legislative framework

- EU [Regulation 2016/399](#) of the European Parliament and the Council *regarding the Union Code on the border crossing regime for persons* (Schengen Borders Code);
- EU [Regulation 2017/458](#) of the European Parliament and of the Council *amending EU Regulation 2016/399 as regards the strengthening of checks against relevant databases at the external borders*;
- [The Convention for the Application of the Schengen Agreement of 14 June 1985](#), signed at Schengen on 19 June 1990, *on the gradual abolition of checks at common borders*, as subsequently amended and supplemented;
- EU [Regulation 2018/1240](#) of the European Parliament and of the Council *establishing the European Travel Information and Authorization System (ETIAS) and amending EU Regulations no. 1077/2011, no. 515/2014, 2016/399, 2016/1624 and 2017/2226*;
- EU [Regulation 2017/2226](#) of the European Parliament and of the Council *establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States, laying down the conditions for access to EES for law enforcement purposes and amending the Convention implementing the Schengen Agreement and Regulations (EC) no. 767/2008 and no. 1077/2011*;
- EU [Regulation 2019/817](#) of the European Parliament and of the Council *on establishing a framework for interoperability between EU information systems in the field of borders and visa*;
- EU [Regulation 2018/1861](#) of the European Parliament and of the Council *on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending the Convention implementing the Schengen Agreement and amending and repealing Regulation (EC) no. 1987/2006*;
- EU [Regulation 2019/1896](#) of the European Parliament and of the Council *on the European Border and Coast Guard and repealing Regulations (EU) no. 1052/2013 and 2016/1624*;
- EC [Regulation 2009/810](#) of the European Parliament and of the Council *on the establishment of a Community Visa Code*;
- EU [Regulation 2024/1358](#) of the European Parliament and of the Council *on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of EU Regulations 2024/1351 and 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and the identification of third-country nationals and stateless persons residing without authorisation and on requests for comparison with Eurodac data submitted by Member States' law enforcement authorities and Europol for law enforcement purposes, amending EU Regulations 2018/1240 and 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) no. 603/2013 of the European Parliament and of the Council*;
- [Directive 2004/38/CE](#) of the European Parliament and the Council *regarding the right to free movement and residence on the territory of the member states for citizens of the Union and their family members, amending EEC Regulations no. 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC*;
- EU [Directive 2016/681](#) of the European Parliament and of the Council *on the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime*;

- EU [Directive 2023/977](#) of the European Parliament and the Council *on the exchange of information between the law enforcement authorities of the Member States and repealing Council Framework Decision 2006/960/JHA*;
- EU [Decision 2024/210](#) of the Council *on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania*;
- EU [Regulation 2016/679](#) of the European Parliament and of the Council *on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation)*;
- EU [Directive 2016/680](#) of the European Parliament and of the Council *on the protection of natural persons regarding the processing of personal data by the competent authorities for the purpose of preventing, detecting, investigating or prosecuting crimes or executing penalties and on the free movement of such data and repeal of the Council's Framework Decision 2008/977/JHA*;
- [Directive 2002/58/CE](#) *on the processing of personal data and the protection of privacy in the electronic communications sector*.

❖ **National legislative framework**

- [GEO no. 104/2001](#) *on the organization and functioning of the Romanian Border Police, as subsequently amended and supplemented, republished*;
- [GEO no. 105/2001](#) *on the state border of Romania*;
- [GD no. 445/2002](#) *for the approval of the methodological norms for the application of the O.U.G. no. 105/2001*;
- [Law no. 300/2022](#) *establishing the organizational framework for the national operationalization of the Entry/Exit System and the European Travel Information and Authorization System (ETIAS)*;
- [Law no. 266/2023](#) *on ensuring the national framework for interoperability between the information systems of the European Union in the field of borders and visas, police and judicial cooperation and asylum and migration*;
- [Law no. 76/2023](#) *on the organization and functioning of the National Alerting Information System and Romania's participation in the Schengen Information System, as well as amending and supplementing GEO no. 194/2002 on the regime of foreigners in Romania*;
- [MIAO no. 58/2024](#) *for the approval of the working procedures regarding the activities of the competent national authorities within or subordinated to the Ministry of Internal Affairs related to alerts from the National Alerting Information System or the Schengen Information System*;
- [Law no. 284/2018](#) *on the use of air passenger name record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, as well as for the prevention and removal of threats to national security*;
- [Law no. 248/2005](#) *on the free movement of Romanian citizens abroad*;
- [Law no. 360/2002](#) *on the status of the police officer*;
- [GEO no. 194/2002](#) *on the regime of foreigners in Romania*;
- [GEO no. 103/2006](#) *on some measures to facilitate international police cooperation, as subsequently amended and supplemented, republished*;
- [GEO no. 102/2005](#) *on the free movement on the territory of Romania of the citizens of the Member States of the European Union, the European Economic Area and the citizens of the Swiss Confederation*;
- [Law no. 190/2018](#) *on measures to implement EU Regulation 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation)*

- [Law no. 363/2018](#) regarding the protection of natural persons regarding the processing of personal data by the competent authorities for the purpose of prevention, discovery, investigation, criminal prosecution and combating of crimes or the execution of punishments, educational and safety measures, as well as regarding the free circulation of this data
- [Law no. 102/2005](#) on the establishment, organization and functioning of the National Supervisory Authority for Personal Data Processing, republished, as subsequently amended and supplemented;
- [Law no. 506/2004](#) on the processing of personal data and the protection of privacy in the electronic communications sector;
- [GO. no. 27/2002](#) on regulating the activity of solving petitions, as subsequently amended and supplemented;
- [Law no. 333/2003](#) on the protection of objectives, assets, values and the protection of persons, with subsequent amendments and additions;
- [GD no. 301/2012](#) for the approval of the Methodological Norms for the application of Law no. 333/2003 regarding the protection of objectives, goods, values and the protection of persons, with subsequent amendments and additions;
- [Law no. 544/2001](#) on free access to information of public interest.

2.4. Purposes of processing

In Article 1 of [GEO no. 104/2001](#) on the organization and functioning of the Romanian Border Police are stated both the general attributions and the general competence of this institution, thus, the Romanian Border Police being part of the Ministry of Internal Affairs and being the specialized institution of the state that exercises its attributions regarding the *supervision and control of the state border crossing, the prevention and combating of illegal migration and the acts specific to cross-border crime committed in the area of competence, the observance of the legal regime of the state border, passports and foreigners, the assurance of the interests of the Romanian state on the inner Danube, including the Macin arm and the Sulina canal located outside the border area, in the contiguous area and in the exclusive economic zone, the observance of public order and tranquility in the area of competence, according to the law.*

The regulations regarding the activity of the Romanian Border Police, sequentially included in other laws on the organization and functioning of state institutions, were provided for in special laws aimed at combating a certain type of crime.

The General Inspectorate of the Romanian Border Police processes your personal data in accordance with the provisions of GDPR, as data controller, by automated/manual means, for the following purposes:

- supporting surveillance and control actions of the state border crossing;
- preventing and combating illegal migration and acts specific to cross-border crime committed in the area of competence;
- compliance with the legal regime of the state border, passports and foreigners;
- ensuring other legitimate interests of the Romanian State in the areas where the Romanian Border Police carries out its duties provided for by law;
- carrying out informative-operative, investigation and prosecution activities;
- cross-border cooperation to prevent and combat acts of terrorism, related crimes and crimes against national security, as well as to prevent and eliminate threats to national security;
- prevention, finding and sanctioning of contraventions;
- maintaining and ensuring public order and tranquility;

- transmission of additional information on persons and property related to alerts in the Schengen Information System;
- monitoring / security of persons, spaces;
- monitoring / security of public / private goods;
- carrying out specific activities in the field of human resources;
- carrying out specific activities on the financial line;
- carrying out specific public relations activities;
- solving petitions and other requests made by persons;
- solving the requests for the exercise of the rights recognized to natural persons by art.15-22 of General Data Protection Regulation;
- solving the requests for the exercise of the rights recognized to natural persons by art. 16 and 18 of Law no. 363/2018;
- solving the requests for the exercise of the rights recognized to natural persons by art. 52 of Regulation (EU) 2017/2226 (EES Regulation);
- issuance of recreational/sport fishing permit in border waters;
- emergency management;
- filing actions and representation in court;
- organizing/conducting events;
- carrying out the legal control duties;
- logistic-administrative management;
- public procurement,
- triage of persons for access to the building in Bld. Geniului, nr. 16A.

In order to carry out the above activities, G.I.B.P. **establishes, organizes and owns**, according to the legal attributions, **filing systems and uses automatic and manual means of processing of personal data**, under the law's conditions, in compliance with human rights and the application of the principles of legality, equity and transparency towards the data subject, ensuring the protection of the processed data. According to art. 3^{^1} of GEO no. 104/2001, *"in carrying out its duties, the Romanian Border Police **organizes its own database**, in which it **keeps evidences and records of personal data**, as well as other records of the information collected, according to the law"*.

The GIBP also processes the personal data of its own employees for purposes provided for by law, circumscribed to the organization of the activity and the performance of the institution's duties.

Where processing is based on **Article 6 paragraph (1) a)** of GDPR *"the data subject has given consent to the processing of his or her personal data for one or more specific purposes"* or **Article 9 paragraph (2) a)** of GDPR *"the data subject has given explicit consent to the processing of such personal data for one or more specific purposes, unless Union or Member State law provides that the prohibition set out in paragraph 1 may not be lifted by the data subject's consent"*, **you have the right to withdraw your consent at any time** without affecting the lawfulness of the processing carried out on the basis of the consent given before its withdrawal. Thus, you can modify or remove the consent at any time, and we will act immediately accordingly, **unless there is a legal reason or legitimate interest not to do so**.

2.5. Categories of personal data processed by G.I.B.P.

In order to fulfill the duties and obligations provided for by the aforementioned normative acts, our institution processes, by automated and manual means, the following categories of personal data:

- National identification code;

- Name and surname, previous name, pseudonyms or nicknames that may have been registered separately;
- Surname and given name of family members;
- Gender;
- Year of birth and place of birth;
- Citizenship;
- Civil status data;
- Data from travel documents;
- Data from identity documents;
- Driving license/registration certificate data;
- Make and model of the car, chassis number;
- Physical/anthropometric features;
- Entry/Exit to/from Romania;
- Phone number/Fax;
- Criminal record data;
- Domicile/ Residence;
- E-mail;
- Position/Profession;
- Job;
- Employer;
- Family situation;
- Military situation;
- Economic and financial situation;
- Data on owned assets;
- Bank Details;
- Image;
- Voice;
- Fingerprint data (according to EES and EURODAC Regulations);
- Facial image (according to EES Regulation);
- The quality held in companies (associate, director);
- Signature;
- Pension file number;
- Data on vocational training – diplomas – studies;
- Data on the health condition;
- Data on trade union membership.

Special categories of personal data processed by G.I.B.P.

- Health Data;
- Biometric data;
- Data on trade union membership.

Processing of national identification numbers

- National identification code;
- Identity document series and number;
- Driving licence number;
- Social or health insurance number.

GIBP reserves the right to request other data necessary for the performance of its duties, strictly in accordance with the legal provisions.

2.6. Recipient categories

The recorded information is used for the fulfillment of legal duties by the data controller (G.I.B.P./T.I.B.P./Coast Guard) or processors and is communicated to the following recipients:

- *the controller*
- *the data subject/the data subject's legal representatives;*
- *central or local law enforcement authorities;*
- *law enforcement authorities of the EU/EEA/CH Member States;*
- *international organisations;*
- *competent authorities according to Article 11 of Law no. 284/2018;*
- *judicial authorities;*
- *professional organisations;*
- *other institutions empowered by law to request information* - to these may be added other entities of public or private law, under the conditions established by express normative acts.

2.7. Transfers of personal data to third countries or international organizations

Transfers of personal data to third countries or international organizations are in principle carried out under the following conditions:

- Transfers on the basis of an adequacy decision;
- Transfers under appropriate safeguards;
- Transfers under agreements to which Romania is a party.

2.8. The period for which the personal data will be stored

As a general rule, the data are stored only for the necessary period to achieve the purpose for which they are collected, but maximum retention periods may also be established by normative acts, regulations and internal provisions.

3. THE RIGHTS OF THE DATA SUBJECTS

3.1. The rights of the data subjects under EU Regulation 2016/679

In accordance with the provisions of the General Data Protection Regulation, data subjects have the following rights:

- The right to information, provided for by art. 13 and art. 14 – *the right of the data subject to be informed of the identity and contact details of the controller and the data protection officer, the purposes for which the data are processed, the categories of personal data concerned, the recipients or categories of recipients of the data, the existence of the rights provided for by the legislation on the protection of personal data for the data subject and the conditions under which they can be exercised;*
- The right of access to data, according to art. 15 – *the right of the data subject to obtain from the data controller, on request and free of charge, confirmation as to whether or not personal data concerning him or her are processed by it;*
- The right to rectification of inaccurate data concerning him/her, as well as the completion of incomplete data, provided for by art. 16 – *the exercise of this right can be achieved by means of a reasoned request, addressed to the General Inspectorate of the Romanian Border Police, headquarters: Bucharest, 42C Geniului Avenue, district 6;*
- The right to be erased ("*the right to be forgotten*"), provided for by art. 17 – *the right of the data subject to obtain, upon request and free of charge, to the extent that the conditions laid down by law are met, the deletion of personal data relating to that person;*

- The right to restriction of processing, according to art. 18 – *the right of the data subject to obtain, upon request and free of charge, to the extent that the conditions laid down by law are met, the marking of stored personal data, in order to limit their further processing;*
- The right to data portability, according to art. 20 – *the right of the data subject to receive, upon request and free of charge, personal data in a structured, commonly used and machine-readable format, as well as the right for such data to be transmitted by the data controller to another data controller, insofar as the conditions laid down by law are met;*
- The right of object, provided for in art. 21 – *the right of the data subject to object at any time, on compelling legitimate grounds relating to his or her particular situation, to the processing of personal data relating to him or her, provided that the conditions laid down by law are met;*
- The right not to be subject to an individual decision, provided for in art. 22 – *the right of the data subject to request and obtain the withdrawal, cancellation or reassessment of any decision based solely on processing carried out by automated means (including profiling) which produces legal effects concerning the data subject or similarly significantly affects him/her;*
- The right to address the court or the National Supervisory Authority for Personal Data Processing, provided for in art. 77, art. 78 and art. 79 – *the right of the data subject to complain to the National Supervisory Authority for Personal Data Processing, respectively to address the court to defend any rights guaranteed by the applicable legislation in the field of personal data protection, which have been violated.*

3.2. The rights of the data subjects provided for by Law no. 363/2018

The rights contained in Law no. 363/2018 are presented below:

- The right to information (art. 12, 13, 14 of Law no. 363/2018);
- The right of access to data (art. 16 of Law no. 363/2018);
- The right to rectification (art. 18 paragraphs 1 – 2 of Law no. 363/2018);
- The right to delete data - "*the right to be forgotten*" (art. 18 paragraph 3 of Law no. 363/2018);
- The right to restrict processing (art. 18 paragraph 4 of Law no. 363/2018);
- The right to submit a complaint to a supervisory authority (art. 57 of Law no. 363/2018);
- The right to go to justice (art. 58 of Law no. 363/2018).

3.3. Restrictions and limitations on the exercise of the rights of data subjects

Restrictions on the exercise of the rights of the data subjects are provided for in Article 23 of Regulation (EU) 2016/679.

Union or Member State law to which the data controller or processor is subject to may restrict, by way of a legislative measure, the scope of the obligations and rights provided for in Articles 5, 12 to 22 and 34 of GDPR, insofar as its provisions correspond to the rights and obligations provided for in Articles 12 to 22 of GDPR, where such restriction respects the essence of the fundamental rights and freedoms and constitutes a necessary and proportionate measure in a democratic society to ensure:

- (a) national security;
- (b) the defence;
- (c) public security;

- (d) the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;
- (e) other important objectives of general public interest of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and fiscal matters and matters of public health and social security;
- (f) the protection of judicial independence and judicial proceedings;
- (g) the prevention, investigation, detection and prosecution of breaches of ethics in regulated professions;
- (h) the monitoring, inspection or regulatory function related, even occasionally, to the exercise of official authority in the cases referred to in points (a) to (e) and (g);
- i) protection of the data subject or the rights and freedoms of others;
- (j) enforcement of civil law claims.

Also, the postponement, restriction, omission or limitation of the provision of information at the request of the data subject are provided for in Articles 15 and 17 of Law no. 363/2018.

- postponement, restriction or omission (art. 15);
- limitations to the right of access floor (art. 17).

Pursuant to Article 20 of Law no. 363/2018, in the situations provided for in art. 15, art. 17 paragraph (3), art. 19 paragraph (6) of Law no. 363/2018, the data subject may address the supervisory authority for the exercise of the rights provided for by law.

The controller has the obligation to inform the data subject of the possibility provided for in Article 20 paragraph (1) of Law no. 363/2018.

In the situation provided for in art. 20 paragraph (1) from Law no. 363/2018, the supervisory authority undertakes the necessary measures according to its legal powers. The supervisory authority informs the person concerned about the issues found, as well as about the possibility of addressing the court.

3.4. How to exercise the data subject's rights

The **Personal Data Protection Department** operates at the level of the General Inspectorate of the Romanian Border Police, which also has the task of solving the requests of the data subjects.

For the exercise of the rights provided for by EU Regulation 2016/679 or by Law no. 363/2018, you can submit a written request, dated and signed, to **Bucharest, 42C Geniului Avenue, district 6, postal code 060117** by mail, fax: 021.312.11.89, or using the e-mail address: **pfr@igpf.ro**.

You can also submit it in person at the public relations counter at the headquarters of the General Inspectorate of the Border Police or directly to the GIBP's Data Protection Officer at: **dataprotection.igpf@igpf.ro** or **sergiu.malita@igpf.ro**.

If you make the **request in electronic format**, the information is provided in electronic format where possible, unless you request another format.

Applications must be **drafted, dated and signed by** the person whose data has been processed and are considered valid only if **you prove your identity** (with a copy of an identity document or legitimacy, when the application is submitted in person).

Verification of the identity of the applicant is necessary for the purpose of:

- obtaining reasonable proof of the identity of the applicant/obtaining certain proof of the relationship between the applicant and the data subject, where the request is made on behalf of the data subject;
- protecting personal data against unauthorized or unlawful access;
- ensuring the data subject that G.I.B.P. takes all technical and organizational measures to ensure the security and confidentiality of personal data.

Additional information collected may not be processed for any purpose other than to confirm your identity.

For more details on the rights of the data subjects and how to exercise them, please access the Guide on the exercise of the rights of the data subjects at the level of the RBP.

For processing carried out within another controller within the Romanian Border Police (T.I.B.P./Coast Guard), we recommend you to contact it directly.

3.4.1. Exercise of the data subject's rights by representation

Pursuant to Article 80 of GDPR, the data subject has the right to mandate a not-for-profit body, organisation or association, which has been properly constituted in accordance with national law, whose statutory objectives are in the public interest, which is active in the field of the protection of the rights and freedoms of data subjects with regard to the protection of their personal data, to lodge the complaint on his/her behalf, to exercise on his/her behalf the rights referred to in Articles 77, 78 and 79 of GDPR, as well as to exercise the right to receive compensation referred to in Article 82 of GDPR on behalf of the data subject, if this is provided for in national law.

Member States may provide that any body, organisation or association referred to in Article 80 paragraph (1) of GDPR, independently of the mandate of a data subject, has the right to lodge a complaint in that Member State with the supervisory authority which is competent pursuant to Article 77 of GDPR and to exercise the rights referred to in Articles 78 and 79 of GDPR, if it considers that the rights of a data subject under GDPR have been infringed as a result of the processing.

Also, according to art. 59 of Law no. 363/2018, in order to defend his/her rights, the data subject has the right to mandate a body, organization or association, which is not-for-profit, established under the law, whose statutory objectives are in the public interest and which is active in the field of protection of the rights and freedoms of data subjects with regard to the protection of personal data, to file the complaint on his/her behalf and to exercise on his/her behalf the rights provided by this law.

3.5. Time limits

GIBP is obliged to communicate to the data subject information on the actions taken following an application submitted pursuant to Articles 16 and 18 of Law 363/2018, respectively art. 15-22 of GDPR, without undue delay and within the time limits provided by these normative acts, namely:

- ❖ **within 60 calendar days – according to Law no. 363/2018;**
- ❖ **within one month of receipt of the request** (*this period may be extended by two months when necessary, taking into account the complexity and number of requests; the controller shall inform the data subject of any such extension within one month of receipt of the request, also giving the reasons for the delay*) – **according to GDPR.**

If it does not take action on the request of the data subject, the data controller shall inform the data subject, without delay and no later than one month after receipt of the request, of the

reasons for not taking action and the possibility of lodging a complaint with a supervisory authority and seeking a judicial remedy (in accordance with GDPR).

4. THE NATIONAL SUPERVISORY AUTHORITY FOR THE PROCESSING OF PERSONAL DATA

According to the law on the establishment, organization and functioning (Law no. 102/2005), the National Supervisory Authority for Personal Data Processing (NSAPDP) is the public authority with legal personality, autonomous and independent from any other authority of the public administration, as well as from any natural or legal person in the private field.

The Authority's main objective is to defend the fundamental rights and freedoms of natural persons, in particular the right to intimate, family and private life in connection with the processing of personal data and the free movement of such data. This right has a complex content, of great importance for the freedom and personality of the citizen, and in our country it is guaranteed by the Constitution (art. 26).

The lawfulness of the processing of personal data falling within the scope of EU Regulation 2016/679 and the legislation transposing EU Directive 2016/680 is monitored and controlled by NSAPDP.

For this purpose, the supervisory authority has the following tasks (art. 57 of GDPR):

- monitors and ensures the application of GDPR;
- promotes actions to raise awareness and understanding among the public of risks, rules, guarantees and rights in terms of processing - special attention is paid to activities that are specifically aimed at children;
- provides advice, in accordance with domestic law, to the national parliament, the government and other institutions and bodies regarding legislative and administrative measures related to the protection of the rights and freedoms of natural persons with regard to processing;
- promotes actions to raise awareness of controllers and the persons empowered by them regarding their obligations under GDPR;
- upon request, provides information to any data subject in relation to the exercise of his/her rights in accordance with the regulation and, if necessary, cooperates with the supervisory authorities in other member states for this purpose;
- handles complaints submitted by a data subject, body, organization or association in accordance with art. 80 of GDPR and investigates to an adequate extent the subject of the complaint and informs the complainant about the progress and result of the investigation, within a reasonable time, in particular if a more thorough investigation or coordination with another supervisory authority is required;
- cooperates, including by exchanging information, with other supervisory authorities and provides mutual assistance to ensure the consistency of the application and compliance with GDPR;
- carries out investigations regarding the application of GDPR, including on the basis of information received from another supervisory authority or from another public authority;
- monitors relevant developments, insofar as they have an impact on the protection of personal data, especially the evolution of information and communication technologies and commercial practices;

- adopts standard contractual clauses mentioned in art. 28 paragraph (8) and art. 46 paragraph (2) letter (d) of GDPR;
- draws up and keeps up to date a list in relation to the requirements regarding the impact assessment on data protection, in accordance with art. 35 paragraph (4) of GDPR;
- provides advice on the processing operations referred to in art. 36 paragraph (2) of GDPR;
- encourages the development of codes of conduct in accordance with art. 40 paragraph (1), gives its opinion on them and approves those that offer sufficient guarantees, in accordance with art. 40 paragraph (5) of GDPR;
- encourages the establishment of certification mechanisms as well as seals and marks in the field of data protection in accordance with art. 42 paragraph (1) and approves the certification criteria in accordance with art. 42 paragraph (5) of GDPR;
- where appropriate, carries out a periodic review of the certifications granted, in accordance with art. 42 paragraph (7) of GDPR;
 - elaborates and publishes the accreditation criteria of a code of conduct monitoring body in accordance with art. 41 and of a certification body in accordance with art. 43 of GDPR;
 - coordinates the accreditation procedure of a code of conduct monitoring body in accordance with art. 41 and of a certification body in accordance with art. 43 of GDPR;
- authorizes the contractual clauses and provisions mentioned in art. 46 paragraph (3) of GDPR;
- approves the mandatory corporate rules in accordance with art. 47 of GDPR;
- contributes to the activities of the committee;
- keeps up-to-date internal records regarding the violations of GDPR and the measures taken, in particular the warnings issued and the sanctions imposed in accordance with art. 58 paragraph (2) of GDPR;
- performs any other tasks related to the protection of personal data.

NSAPDP facilitates the submission of complaints referred to in art. 57 paragraph (1) (f) of GDPR through measures such as making available a complaint submission form that can be completed including in electronic format, without excluding other means of communication.

The performance of the duties of the supervisory authority shall be free of charge for the data subject. Where requests are manifestly unfounded or excessive, in particular because of their repetitive character, the supervisory authority may charge a reasonable fee, based on administrative costs or refuse to deal with them.

Without prejudice to any other administrative or judicial remedies, any data subject has the right to lodge a complaint with a supervisory authority, in particular in the Member State where he/she has his habitual residence, where his place of work is located or where it took place the alleged violation, if it considers that the processing of personal data which it targets violates GDPR.

In order to defend the rights provided for by EU Regulation 2016/679 and/or Law no. 363/2018, the persons whose personal data are subject to processing carried out within GIBP, may submit a complaint to NSAPDP at its headquarters in 28-30 G-ral Gheorghe Magheru Avenue, district 1, Bucharest, postal code: 010336, by mail, fax: 031.805.96.02, on website: www.dataprotection.ro or using e-mail: anspdc@dataprotection.ro.

To file a complaint with NSAPDP [click here](http://www.dataprotection.ro).

During all personal data processing, GIBP is subject to the control of the National Supervisory Authority for Personal Data Processing (<https://www.dataprotection.ro/>) and develops

collaboration relations with the Office of the Personal Data Protection Officer within the Ministry of Internal Affairs, which is the specialized structure that exercises the guidance, coordination and monitoring of the unitary application of the legislation in the field of the protection of individuals with regard to the processing of personal data by the structures and units of the Ministry of Internal Affairs.

The guidelines, decisions and recommendations issued by the National Supervisory Authority for Personal Data Processing, as well as the coordination documents developed by the Office of the Personal Data Protection Officer within the Ministry of Internal Affairs are taken into consideration:

- Law no. 102/2005 *on the establishment, organization and functioning of the National Supervisory Authority for Personal Data Processing, republished, as subsequently amended and supplemented*;
- Law no. 129/2018 *amending and supplementing Law no. 102/2005 on the establishment, organization and functioning of the National Supervisory Authority for Personal Data Processing, as well as for the repeal of Law no. 677/2001 for the protection of individuals regarding the processing of personal data and the free movement of such data*;
- NSAPDP decision no. 128/2018 *on the approval of the standard form of the personal data breach notification in accordance with EU Regulation 2016/679 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC*;
- NSAPDP decision no. 133/2018 *on the approval of the Procedure for receiving and resolving complaints*;
- NSAPDP decision no. 161/2018 *on the approval of the Procedure for conducting investigations*;
- NSAPDP decision no. 238/2019 *amending Annex no. 2 to the Procedure for conducting investigations*;
- NSAPDP decision no. 174/2018 *on the list of operations for which it is mandatory to carry out the impact assessment on the protection of personal data*.

Useful Links:

- <https://www.dataprotection.ro/>
- https://www.edpb.europa.eu/edpb_ro
- https://www.edps.europa.eu/_en
- https://commission.europa.eu/law/law-topic/data-protection_ro
- https://ec.europa.eu/justice/article-29/documentation/opinion-recommendation/index_en.htm

5. DEFINITIONS

‘personal data’ - any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

‘processing’ - any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure

by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

‘controller’ - the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;

‘processor’ - a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

‘supervisory authority’ - an independent public authority which is established by a Member State pursuant to art. 51 of GDPR;

‘supervisory authority concerned’ means a supervisory authority which is concerned by the processing of personal data because:

- the controller or processor is established on the territory of the Member State of that supervisory authority;
 - data subjects residing in the Member State of that supervisory authority are substantially affected or likely to be substantially affected by the processing;
- or
- a complaint has been lodged with that supervisory authority;

‘personal data breach’ - a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to personal data transmitted, stored or otherwise processed;

‘filing system of personal data’ - any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.

6. PRINCIPLES AND LAWFULNESS OF THE PROCESSING OF PERSONAL DATA

6.1. Principles relating to personal data processing

Pursuant to Article 5 of the General Data Protection Regulation, the personal data are:

- processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’);
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes (‘purpose limitation’);
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (‘data minimisation’);
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (‘accuracy’);

- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

6.2. Lawfulness of Processing

Pursuant to Article 6 of the General Data Protection Regulation, the processing is lawful only if and to the extent that at least one of the following conditions applies:

- (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- (c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

7. SPECIAL DATA CATEGORIES

- The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited (art. 9 of GDPR);
- The processing of the personal identification number or other national identifier is limited (art. 4 of Law no. 190/2018);
- The processing of personal data relating to the commission of criminal offences by the data subject or to criminal convictions, security measures or administrative or contravention sanctions, applied to the data subject, may be carried out only by or under the control of public authorities (art. 10 of GDPR).

8. CONTACT DETAILS

The General Inspectorate of the Border Police (GIBP)

headquarters: Bucharest, 42C Geniului Avenue, district 6, postal code 060117

e-mail: pfr@igpf.ro

phone number: 021.316.25.98, 021.318.25.92

fax: 021.312.11.89
information phone: (+4)0219590

The Data Protection Officer

Within GIBP exists the [Personal Data Protection Department](#):
headquarters: Bucharest, 42C Geniului Avenue, district 6, postal code 060117
e-mail: dataprotection.igpf@igpf.ro / sergiu.malita@igpf.ro
phone number: 021.316.25.98 / interior 19.270
fax: 021.316.35.11

The National Supervisory Authority for Personal Data Processing (NSAPDP)

headquarters: Bucharest, 28-30 G-ral Gheorghe Magheru Avenue, district 1, postal code 010336
website: www.dataprotection.ro
e-mail: anspdcg@dataprotection.ro
phone number: 031.805.92.11
fax: 031.805.96.02

To file a complaint with NSAPDP [click here](#).

The Teritorial Inspectorate of the Border Police from SIGHETU MARMAȚIEI

headquarters: Sighetu Marmatiei, 38 Dragoș Vodă Street, postal code 435500, Maramureș County
e-mail: itpf.sighetu.marmariei@mai.gov.ro;
phone number: 0262 314 528;
fax: 0262 316 446.

The Teritorial Inspectorate of the Border Police from ORADEA

headquarters: Oradea, 2 Calea Aradului Street, postal code 410223, Bihor County
e-mail: ijpf.bihor@mai.gov.ro
phone number: 0259 401 400
fax: 0259 418 924

The Teritorial Inspectorate of the Border Police from TIMIȘOARA

headquarters: Timișoara, 49 Sever Bocu Street, postal code 300278, Timiș County
e-mail: itpf.timisoara@mai.gov.ro
phone number: 0257 306 340
fax: 0256 306 355

The Teritorial Inspectorate of the Border Police from GIURGIU

headquarters: Giurgiu, 36 Mircea cel Bătrân Street, postal code 080036, Giurgiu County
e-mail: itpf.giurgiu@mai.gov.ro
phone number: 0246 213 640
fax: 0246 211 785

The Teritorial Inspectorate of the Border Police from IAȘI

headquarters: Iași, 3-5 George Coșbuc Street, postal code 700469, Iași County
e-mail: itpf.iasi@mai.gov.ro
phone number: 0232 272 220

fax: 0232 460 094

The Coast Guard from CONSTANȚA

headquarters: Constanța, 3 Zmeurei Alley, postal code 900433, Constanța County

e-mail: gardadecoasta.igpf@mai.gov.ro

phone number: 0241 641 188

fax: 0241 698 668

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