

GENERAL Secretary's Office  
 LEGAL Office

To the TMU Senate  
 Committee for the coordination of the drafting, adaptation  
 and check of the implementation of the Charter, regulations,  
 procedures and decisions of the University's governing  
 bodies

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## REGULATION ON THE PROTECTION OF PERSONAL DATA

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### This REGULATION was:

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## CHAPTER I SCOPE

This University Regulation governs the protection of personal data and their free movement within Titu Maiorescu University. All employees of Titu Maiorescu University are required to comply with all provisions on the protection of personal data of employees, students or collaborators of the University.

## CHAPTER II LEGAL FRAMEWORK

- Regulation 679/27-Apr-2016 on the protection of individuals with regard to personal data treatment, the free movement of such data and the abrogation of Directive 95/46/EC (General Data Protection Regulation).
- LAW No 190 of 18 July 2018 on measures implementing Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to personal data treatment and on the free movement of such data and abrogating Directive 95/46/EC (General Data Protection Regulation).

## CHAPTER III GENERAL PROVISIONS

**Art. 1.** This Regulation lays down the measures necessary for the implementation, in Titu Maiorescu University of Bucharest, of the provisions of Law No 190 of 2018 on measures implementing Regulation (EU) 679 of 2016 of the European Parliament and of the Council on the protection of individuals with regard to personal data treatment and on the free movement of such data and abrogating Directive 95/46/EC, published in the Official Journal of the European Union, Series L, No 119 of 4 May 2016, hereinafter referred to as the General Data Protection Regulation.

### **Art. 2. Definitions:**

(1) For the purposes of the General Regulation on the protection of personal data and the law, the following terms and expressions shall be defined as follows:

a) *public authorities and bodies* - the Chamber of Deputies and the Senate, the Presidential Administration, the Government, ministries, other specialised bodies of the central public administration, autonomous public authorities and institutions, local and county public administration authorities, other public authorities, as well as the institutions subordinated/coordinated to them. for the purposes of this law, the following shall also be assimilated to public authorities/bodies: religious establishments and associations and foundations of public utility;

b) *national identification number* - the number by which a natural person is identified in certain registration systems and which has general applicability, such as: personal identification number, series and number of the identity card, passport number, driving licence number, social health insurance number;

c) *remediation plan* - annex to the report of detection and sanctioning of the infringement, drawn up under the conditions provided for in Article I, by which the National Supervisory Authority for Personal Data Treatment, hereinafter referred to as the National Supervisory Authority, establishes measures and a deadline for remediation;

d) *remedial measure* - the solution ordered by the National Supervisory Authority in the remedial plan in order for the authority/public body to fulfil the duties laid down by law;

e) *remedial period* - the period of time not exceeding 90 days from the date of the notification of the report on the offence detection and sanctioning, within which the authority/public body has the possibility to remedy the detected irregularities and fulfil the legal requirements;

f) *performance of a task serving a public interest* - includes those activities of political parties or organisations of citizens belonging to national minorities, non-governmental organisations, which serve the achievement of objectives laid down by constitutional law or public international law or the democratic system functioning, including the encouragement of citizens' participation in decision-making and the preparation of public policies, respectively the promotion of democratic principles and values.

**Art. 3.** Titu Maiorescu University, as a personal data controller, in accordance with the requirements of Regulation No 679 of 27 April 2016 on the protection of individuals with regard to personal data treatment and on the free movement of such data (GDPR) and abrogating Directive 95/46/EC (General Data Protection Regulation) and Regulation No. 102/2005 on the establishment and operation of the National Authority for the Supervision of Personal Data Treatment, is required to administer under secure conditions and only for the stated purposes ("education and culture", "statistics" and "scientific research"), the personal data provided by the customer, for him/herself or for a family member of the customer.

**Art. 4.** Personal data will be collected by Titu Maiorescu University only for purposes that concern contractual relations with university employees, university students or contractual partners.

**Art. 5.** Personal data will be collected by Titu Maiorescu University only after the holder of personal data is informed about the purpose of personal data collection and gives his/her consent.

**Art. 6.** Personal data will be treated only by structures and staff of Titu Maiorescu University designated for each category of personal data.

**Art. 7.** Personal data will be collected and treated as follows:

(1) treated in good faith and in accordance with legal provisions; collected for specified, explicit and legitimate purposes;

(2) adequate, relevant and not excessive in relation to the purposes for which they are collected and subsequently treated;

- (3) accurate and up to date; data which are inaccurate or incomplete in relation to the purpose for which they are collected and subsequently treated shall be erased or rectified;
- (4) kept in a form allowing identification of the data subject strictly for the time necessary to achieve the purposes for which the data are collected and treated.

## CHAPTER IV PERSONAL DATA TREATMENT

**Art. 8.** Titu Maiorescu University shall treat personal data concerning:

- (1) National identification number: personal identification number, series and number of the identity card, passport number, driving licence number, social health insurance number, series and number of study documents or documents relating to studies, retirement file number;
- (2) Personal identity data:
  - (a) surname and first name, surname and first name of family members, sex, date and place of birth, nationality as shown on identity card, passport, vital records, retirement record, social insurance/health insurance card,
  - b) telephone/fax/e-mail, address or residence, marital status, e-mail address, signature, profession, job, training (diplomas, studies), bank details linked to salary payment facilities;
- (3) Health data
  - a) data on the health status of an employee if it affects the performance of the employee's professional activity; it determines or affects the contractual relationship with the employer;
  - b) data on a student's state of health if they establish or affect the contractual relationship with Titu Maiorescu University or the duties laid down in the contract.

**Art. 9.** The treatment of special data referred to in Article 9 para. 1 and 2 lit. a) of Regulation no. 679/2016 (GDPR) provides the following restrictions:

- (1) The treatment of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade-union membership and the treatment of genetic data, biometric data for the unique identification of a natural person, data concerning health or data concerning the sex life or sexual orientation of a natural person shall be prohibited. Also, the treatment of personal identification numbers or other personal data having an identification function of general applicability are strictly limited to the cases provided for by law.
- (2) Article 9 para. (2)(a) of Regulation 679/2016 (GDPR) shall not apply where the data subject has explicitly consented to the treatment of such personal data for one or more specific purposes, unless European Union or national law provides that the prohibition laid down in paragraph 1 cannot be waived by the consent of the data subject.

## **CHAPTER V DEROGATIONS FROM THE RESTRICTIONS ON PERSONAL DATA TREATMENT**

**Art. 10.** Consent is not required in the following cases:

- a) treatment is necessary for the purposes of carrying out duties and exercising specific rights by the controller or the data subject in the field of employment, social security and social protection insofar as this is authorised by European Union or national law or a collective work agreement entered into pursuant to national law providing adequate guarantees for the fundamental rights and interests of the data subject;
- b) treatment is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally unable to give consent;
- c) treatment is carried out in the course of their legitimate activities and with appropriate guarantees by a foundation, an association or any other non-profit-making body of a political, philosophical, religious or trade-union nature, provided that the treatment relates only to members or former members of that body or to persons with whom it has permanent contact in relation to its purposes and that the personal data are not disclosed to third parties without the consent of the data subjects;
- d) the treatment relates to personal data which are manifestly made public by the data subject;
- e) treatment is necessary for the establishment, exercise or defence of legal claims or whenever the courts act by virtue of their judicial competence;
- f) the protection of the rights and freedoms of the data subject, in particular of professional secrecy; or
- g) treatment is necessary for archiving purposes of public interest, for scientific or historical research purposes or for statistical purposes in accordance with Article 89(1), on the basis of EU or national law which is proportionate to the aim pursued, complies with the essence of the right to data protection and provides for appropriate and specific measures to protect the fundamental rights and interests of the data subject.
- h) treatment is necessary for reasons of substantial public interest on the basis of European Union or national law which is proportionate to the aim pursued, complies with the essence of the right to data protection and provides for appropriate and specific measures to protect the fundamental rights and interests of the data subject;
- i) treatment is necessary for purposes relating to education and culture", "statistics" and "scientific research", occupational medicine, assessment of the employee's ability to work, under EU law.

## **CHAPTER VI THE PURPOSE OF COLLECTING PERSONAL DATA**

**Art. 11.** The purpose of data collection is to carry out the University's activity object, which consists of education, teaching, scientific research, culture, marketing and advertising and related/supporting activities: student social services, publishing/printing/selling of books, manuals, magazines, etc. The provision of these data is necessary in order to ensure the accuracy of the information and content of the documents drawn up during the activity of Titu Maiorescu University.

**Art. 12.** The persons from whom personal data are collected are persons in contractual relations with Titu Maiorescu University or persons who are subject to public interest.

- (1) Students as well as contacts designated by students;
- (2) Teaching staff in contractual relations with Titu Maiorescu University;
- (3) Auxiliary teaching staff in contractual relations with Titu Maiorescu University;
- (4) Administrative staff (non-teaching) under contract with Titu Maiorescu University;
- (5) Debtors bound by contractual liabilities to Titu Maiorescu University;

**Art. 13.** Personal data may be treated and sent to beneficiaries qualified to receive them.

(1) The recorded information is intended for use by the controller and is communicated only to the following beneficiaries, with the consent of the client: the data subject, legal representatives of the data subject, contractual partners of the controller.

(2) The public authorities qualified to receive personal data are:

- a) the Ministry of Health
- b) Ministry of Education
- c) Ministry of Research, Innovation and Digitisation
- d) Ministry of Justice
- e) Ministry of the Interior
- f) Ministry of Foreign Affairs
- g) Ministry for Romanians Abroad
- h) College of Physicians
- i) Territorial Labour Inspectorate (ITM)
- j) National Authority for Personal Data Treatment Supervision (ANSPDCP)
- k) other professional associations or institutions with responsibilities in the field.

**Art. 14.** Public authorities to whom data are disclosed in the context of a special investigative competence will not be considered as beneficiaries and consequently the consent of the data subject will not be required (e.g. personal data requested by courts, prosecutors, investigation and prosecution bodies, if they are necessary for the conduct of an investigation).

**Art. 15.** Treated personal data may be disclosed to the following beneficiaries:

- a) the data subject
- b) the data subject's legal representatives
- c) data controllers
- d) contractual partners of the University
- e) public authorities
- f) education and research institutions;

- g) insurance and reinsurance companies;
- h) professional organisations;
- i) associations and foundations;
- j) the media.

## CHAPTER VII GUARANTEES

**Art. 16.** According to Regulation No 679/2016 Article 1 5, any data subject shall have the right of access, the right to intervene on data, the right not to be subject to an individual decision and the right to have recourse to justice. At the same time, the right to refuse the treatment of personal data and to request the erasure of data is guaranteed, with the exception of data whose treatment is mandatory, i.e. treatment carried out by financial and tax services, police, justice, social security, school transcripts / diploma supplements, school documents under special regime and similar.

**Art 17.** Titu Maiorescu University, as personal data controller, has the following information duties:

(1) where personal data are obtained directly from the data subject, unless the data subject already possesses such information, the controller shall, by any means permitted by law, bring to the data subject's knowledge:

- (a) the identity of the controller and his representative, if any; the purpose for which the data are being treated;
- b) additional information, such as: the data beneficiaries or categories of beneficiaries; if the provision of all the data requested is mandatory and the consequences of refusing to provide them; the existence of the rights provided for by this law for the data subject, in particular the right of access, the right to intervene on the data and the right to refuse, as well as the conditions under which they may be exercised;
- c) any other information the provision of which is required by order of the supervisory authority, taking into account the specific nature of the treatment.

(2) if the data are not obtained directly from the data subject, at the time of collection or, if disclosure to third parties is intended, at the latest by the time of first disclosure, the controller is required to provide the data subject with at least the following information, unless the data subject already possesses that information:

- a) the identity of the controller and its representative, if any; the purpose for which the data are being treated;
- b) additional information, such as: the categories of data concerned, the data beneficiaries or categories of beneficiaries, the existence of the data subject's rights under this law, in particular the right of access, the right to intervene on the data and the right to refuse, and the conditions under which they may be enforced;
- c) any other information the provision of which is required by order of the supervisory authority, taking into account the specific nature of the treatment.

**Art. 18.** In order to enjoy these rights, the data subjects may address a written request to the University, dated and signed.

**Art. 19.** The data subject's right of access to personal data must be guaranteed.

**Art. 20.** Any data subject shall have the right to obtain from Titu Maiorescu University, upon request and free of charge for one request per year, confirmation as to whether or not his/her personal data are being treated by them.

(1) Titu Maiorescu University is required, when treating personal data concerning the applicant, to notify the applicant, together with the confirmation, at least the following:

- a) the purposes of the data treatment;
- b) the categories of personal data concerned;
- c) the beneficiaries or categories of beneficiaries to whom the personal data have been or will be disclosed, in particular beneficiaries in third countries or international organisations;
- d) where possible, the period for which the personal data are expected to be stored or, if this is not possible, the criteria used to determine this period;
- e) the existence of the right to request the controller to rectify or erase personal data or to restrict the treatment of personal data concerning the data subject or the right to oppose such treatment;
- f) the right to file a complaint with a supervisory authority;
- g) where personal data are not collected from the data subject, any available information on their source;
- (h) the existence of an automated decision-making process including profiling referred to in Article 22(1) and (4) and, at least in those cases, relevant information on the logic used and on the significance and the expected consequences of such treatment for the data subject.

**Art. 21.** The data subject may request the information from Titu Maiorescu University by means of a written, dated and signed request. In the request, the applicant shall specify whether he/she wishes the information to be communicated to a specific address, which may also be an e-mail address, or by means of a mail service ensuring that delivery will be made only in person.

**Art. 22.** Titu Maiorescu University is required to communicate the requested information within 30 days from the date of receipt of the request.

**Art. 23.** Applications shall be submitted to the University Registrar's Office, where they shall be registered and the above-mentioned deadline for delivery shall be communicated.



## **CHAPTER VIII DATA PROTECTION OFFICER**

**Art. 24.** Titu Maiorescu University appoints a Data Protection Officer under the circumstances and conditions laid down in Articles 37-39 of the General Data Protection Regulation (GDPR).

**Art. 25.** The activity and tasks of the personal data protection officer shall be carried out in compliance with the provisions of Articles 38 and 39 of the GDPR and the applicable national legal regulations.

**Art. 26.** For an efficient resolution of the requests to exercise these rights, Titu Maiorescu University assigns specific responsibilities to the DPO who will coordinate the receipt of these requests, will further send the requests to the faculties/departments/directions involved, will centralize the information received from them and will send the final response to the data subjects who submitted these requests (see chapter VI.10).

## **CHAPTER IX RIGHT TO TAKE LEGAL ACTION**

**Art. 27.** Without prejudice to the possibility of filing a complaint with the supervisory authority, data subjects shall have the right to take legal action to defend any rights guaranteed by this Act which have been violated.

**Art. 28.** Any person who has suffered damage as a result of unlawful treatment of personal data may bring an action before the competent court for compensation. The competent court shall be the one located within the jurisdiction of the complainant.

## **CHAPTER X COMPLETION OF PERSONAL DATA TREATMENT PROCEDURES**

**Art. 29.** Treated data will be stored for the time necessary to achieve the purposes for which they were collected and subsequently treated.

(1) This may be, as appropriate:

- (a) the length of the contract entered into with the data subject for the provision of the controller's services and for the storage period established by law;
- b) the period necessary for the collection of data/recovery of claims;

**Art. 30.** Deletion, destruction and storage, the internal procedure and the modalities of carrying out these procedures, shall be determined by each data controller, with the exception of the procedure carried out according to the legal provisions on national archives Titu Maiorescu University, due to the activity it carries out, is required, on the basis of special legal provisions, to keep the data for a certain period of time, but after the expiry of this period they must delete these data.

## **CHAPTER XI MEASURES TAKEN TO ENSURE THE SECURITY OF DATA TREATMENT**

**Art. 31.** Titu Maiorescu University shall take all appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction, loss, alteration, unauthorised disclosure or access.

(1) Users who have access to the personal information database are only users who access the database with their own account name and password, with a recognised right of access to personal information databases. Identification to gain access to the database is done by entering the identification code on the keypad (account name and unique passwords). Regular changes of passwords are only made by users authorised by the data controller.

(2) All users are required to maintain the confidentiality of the data to which they have access. If one or more users are revoked for various reasons, access accounts are automatically suspended. Users who have access to personal data are notified of the confidentiality of personal data both at the time of employment and periodically during the course of their activity.

(3) Users are advised to log off when they leave the workplace.

(4) Users shall access personal data only for the performance of their job duties, according to the types of access by functionality, as well as the procedures regarding these types of access.

a) Any collection and/or modification of personal data by users is permanently recorded (user, date, time and type of modification are recorded); all logins and logouts of all users to the database are also recorded.

b) The computers from which the personal information database is accessed are located in rooms to which access is restricted; the computing units are equipped with up-to-date antivirus, antispam and firewall protection systems.

c) Users are informed about the confidentiality of personal data according to the provisions of Regulation No 679/2016, as well as about the danger of computer viruses, being forbidden to use software programs that come from external sources, being required to maintain the security of personal data treatment.

**Art. 32.** The Data Protection Officer shall suggest, ensure and carry out the training plan for the University employees in the field of personal data.

SENATE Chairman  
Professor Teodor FRUNZETI, PhD