

April 15,
2011

Moldova@EuroDIG 2011 Report



This is a Report on the “Protection of personal data in the Republic of Moldova” a Moldova @ EuroDIG 2011 related workshop, conducted in the Republic of Moldova on April 7th, 2011 by the Ministry of Information Technology and Communications of the Republic of Moldova in partnership with the “CMB” Training Center, Moldova



EURODIG 2011 IN MOLDOVA: THE CONTEXT IN WHICH THE WORKSHOP ON "PROTECTION OF PERSONAL DATA IN THE REPUBLIC OF MOLDOVA" TAKES PLACE

The workshop on **"Protection of personal data in the Republic of Moldova"** organized on April 7th, 2011 hosted by the Ministry of Information Technology and Communications of Moldova, was the first workshop of this kind, gathering together a multi stakeholder group, representing state institutions, private sector and civil society organizations.

Addressing the issue of Data protection is very timely in Moldova, due to several reasons:

- Data protection is part of the **Action Plan on Visa Liberalization** (EU – Republic of Moldova visa dialogue) from December 16, 2010 approved by the Moldovan Government. The Action Plan (<http://www.gov.md/doc.php?l=en&idc=447&id=3397>) stipulates the following:

2.3.4. Data protection

1st phase (legislative and policy framework):

- Consolidation of the legal framework for the protection of personal data, including accession to the 2001 Additional Protocol to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows.

2nd phase (benchmarks for effective implementation):

- Implementation of the legislation on the protection of personal data and; ensuring efficient functioning of the independent data protection supervisory authority also through the allocation of the necessary financial and human resources.

- **Main National Legal provisions on Data Protection:**

Law nr. **17-XVI from 15.02.2007** on Personal Data Protection in Moldova (<http://legislationline.org/topics/country/14/topic/3>). This law should be respected by all institutions that collect any type of personal data.

This Law, has been subject to comments and reviews from OSCE and ODIHR back in 2005, and has been adjusted to the requirements of the relevant international human rights standards and OSCE commitments, in addition to international best practices with regard to human rights and data protection.

This process of modification has been initiated and an updated draft will be presented to the Parliament during the first part of 2011.

In addition to this Law, there is Law Nr. 182-XVI of 10.07.2008 regarding the approval of the Statute, structure, staff-limit and financial arrangements of the National Center for Personal Data Protection, which is another legal

	<p>instrument to coordinate the activities related to Personal Data Protection in Moldova.</p> <ul style="list-style-type: none"> • There is a stringent need to raise awareness and increase the level of awareness of the general population of Moldova in regards to their personal data protection. Citizens of Moldova are exposed on a daily basis to situations in which commercial banks, travel agencies, hospitals, police agents, telecom and internet operators, service providers, etc. are extensively using the personal data of the individuals, and often abusing with the amount of data they collect, thus, violating the Law on Data Protection. • The aspects of privacy and data protection related to Internet and electronic communications are particularly a key topic, especially after the EctHR decision in the case <i>Lordachi vs. Moldova</i>
City:	Chisinau, Moldova
Location:	Conference Hall of the Ministry of Information Technology and Communications of the Republic of Moldova
Date/Time:	April 7 th , 2011 from 9:00 – 12:00
Organizing institutions:	<ol style="list-style-type: none"> 1. Ministry of Information Technology and Communications of the Republic of Moldova 2. “CMB” Training Center 3. State Information Resource Center “Registru”
Moderation and speakers:	<ol style="list-style-type: none"> 1. Mrs. Dona Scola, Vice-Minister of Ministry of Information Technology and Communications of the Republic of Moldova 2. Veronica Cretu, President, “CMB” Training Center, Moldova 3. Bogdan Manolea, ApTI, Romania 4. Victor Morari, National Center for Personal Data Protection of the Republic of Moldova
Main issues discussed during the workshop:	<ul style="list-style-type: none"> - Internet Governance Forum and EuroDIG – the role of the 2 platforms in addressing the issues related to Internet Governance at the international and European level; - What are personal data? - Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such

	<p>data;</p> <ul style="list-style-type: none"> - Moldova Legal Framework: Law on protection of personal data in Moldova; - Personal Data processing; - Main principles for personal data processing; - Personal data processing – how far? Where are the limits? - Confidentiality of personal data; - Minimum security measures for personal data protection; - Policy on data protection: what should it reflect and promote?!
<p>Main issues, questions raised by Moldovan participants on Protection of Personal Data</p>	<ul style="list-style-type: none"> - How do I know whether the Data Protection Law applies to my business/organization? - I want to install covert cameras on my business premises. Would the Data Protection Law prevent me from doing this? - How long should organizations keep data for? - What do I need to put in my fair processing notice, which is given to individuals before I process their information? - What security measures should be in place to protect personal information under the Data Protection Law? - How can a young DPA (Data Protection Authority) ensure its financial independence and raise awareness on data protection issues? Best practices from other countries ... - The minimum security measures for personal data protection are a serious challenge to be implemented by the SMEs and small Internet companies in developing countries. Can we have instead a step-by-step process in adopting the rules instead of imposing difficult-to-be-met-conditions? - How can data protection work in the context of social networks situated outside the country border (e.g. Russia, USA) and with no local presence? - Should the National DPA (Data Protection Authority) play any role in the context of social networks? If yes, how exactly? If not NDPA, then who should have a role in this, if at all?

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| | <ul style="list-style-type: none">- Is the data retention regime really necessary in a democracy?- Is it necessary to have the written consent of the subject for personal data processing?- How can the subject give consent to the holder /processor of personal data (in a special format, as part of a contract/document, email or phone...)?- For how long is the subject's consent valid?- What are the necessary steps to be implemented in an organization, in order to assure the personal data protection?- How is the volume of the data that can be accessed by an institution be set (for ex. Ministry of Education)?- Can only the visualisation of the personal data be considered personal data "processing"?- How can the protection of personal data be ensured for founders, CEOs, etc. of the organizations, particularly in cases when, based on the existent legal framework, information about the Legal Entity or about the means of transportation, is requested? |
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ANNEX 1: Moldova EuroDIG AGENDA 2011

“Protection of personal data in the Republic of Moldova”

April 7, 2011 – Conference Hall of MITC

Main objectives of the Workshop:

- Raising awareness amongst workshop participants vis-à-vis the most important aspects related to protection of personal data: user’s consent and information, users’ rights and minimum security measures for personal data protection;
- Identification of the needs of the participating institutions in terms of expertise and capacity needed in order to address the issues related to protection of personal data.

Time/duration	Details
9:00-9:15	Registration of participants.
9:15 – 9:30	<i>Opening of the event by the Vice-Minister, Ministry of Information Technology and Communications of the Republic of Moldova, Mrs. Dona Scola.</i>
9:30 – 10:00	Context of the Moldovan Workshop: What is EuroDIG and IGF? – Presentation by Veronica Cretu, President, “CMB” Training Center, Moldova
10:00 – 10:30	What are personal character data and why is it important to address this issue: presentation by Bogdan Manolea, ApTI, Romania
10:30 – 10:50	Coffee Break
10:50 – 11:20	What are the minimum security requirements for protection of personal data - presentation by National Center for Personal Data protection of the Republic of Moldova.
11:20 – 12:00	Discussions in small groups, plenary presentations. Conclusions and Recommendations.

ANNEX 2: LIST OF PARTICIPANTS

Participants in the workshop	<p>A total of 41 participants took part in the workshop:</p> <ol style="list-style-type: none">1. Mrs. Dona Scola, Vice-Minister of Ministry of Information Technology and Communications of the Republic of Moldova2. Veronica Cretu, President, “CMB” Training Center, Moldova3. Bogdan Manolea, ApTI, Romania4. Victor Morari, National Center for Personal Data Protection of the Republic of Moldova
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5. **Oxana Casu**, E-Governance Center
6. **Lilian Platon**, National Operator Moldtelecom
7. **Mihail Podgurzchi**, National Enterprise Molddata
8. **Dorin Holban**, Orange Moldova
9. **Vitalie Tarlev**, Ministry of Information Technology and Communications of the Republic of Moldova
10. **Vlad Vornic**, Ministry of Information Technology and Communications of the Republic of Moldova
11. **Heath Stenberg**, NGO "CMB" Training Center;
12. **Andrei Cusca**, Ministry of Information Technology and Communications of the Republic of Moldova
13. **Alexandru Doni**, State Information Resource Center "Registru"
14. **Iurie Golus**, State Information Resource Center "Registru"
15. **Olga Demian**, Romanian Center for European Policies, Romania
16. **Petru Vicol**, ANRM, Moldova
17. **Andrei Ionita**, State Agency on Intellectual Property of the Republic of Moldova (AGEPI)
18. **Leigh Stenberg**, Institute for Penal Reforms (IRP)
19. **Vasile Cozma**, State Information Resource Center "Registru"
20. **Lilian Rudenco**, National Enterprise Molddata;
21. **Igor Zavalki**, Ministry of Defense
22. **Sergiu Voitovschi**, Ministry of Information Technology and Communications of the Republic of Moldova
23. **Natalia Fincea**, Ministry of Information Technology and Communications of the Republic of Moldova
24. **Valeriu Plesca**, National Center for Management in Health
25. **Carmena Lupu**, Ministry of Information Technology and Communications of the Republic of Moldova
26. **Petru Tarlev**, National Agency for Tourism
27. **Victor Ciobanu**, National Agency for Tourism
28. **Valerian Mamaliga**, NGO - Institute for Human Rights (IDOM)
29. **Diana Bitca**, Center for Human Rights in Moldova (CPDOM)
30. **Mariana Ciorba**, Center for Human Rights in Moldova (CPDOM)
31. **Angela Recila**, State Information Resource Center "Registru"
32. **Rodica Marcinschi**, State Information Resource Center "Registru"
33. **Veaceslav Puscasu**, LTD StarNet
34. **Danilea Hedeia**, LTD StarNet
35. **Oleg Cruglea**, National Bureau for Statistics
36. **Alexei Strahov**, National Center for Personal Data Protection of the Republic of Moldova
37. **Olga Crivoliubic**, Moldova Soros Foundation
38. **Mihail Iurcu**, Ministry of Economy of Moldova
39. **Lilia Munteanu**, Ministry of Defence of Moldova
40. **Vlad Manoil**, EGovernance Center
41. **Nicu Beschieru**, NGO SocioAccess

ANNEX 2: PHOTO GALLERY FROM THE WORKSHOP ON “MOLDOVA AT EURODIG 2011: PROTECTION OF PERSONAL DATA”



Opening by Mrs. Dona Scola, Vice Minister of MTIC



Moldova@EuroDIG 2011 workshop was hosted by the Ministry of Information Technology and Communication



Vice Minister of MTIC, Mrs. Dona Scola and Bogdan Manolea (APTI Romania)



Veronica Cretu, “CMB” Training Center



Bogdan Manolea, APTI, Romania



Victor Morari, National Center for Personal Data Protection



Workshop Participants



Workshop Participants



Sharing in small groups on "Types of personal data collected by the institution I represent"



Sharing in small groups on "Types of personal data collected by the institution I represent"



Sharing in small groups on "Types of personal data collected by the institution I represent"



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Sharing in small groups on "Types of personal data collected by the institution I represent"



Participants exchange views, questions at the end of the workshop