

LEGAL AND TAX ALERT, 24 October 2018

GDPR INVESTIGATIONS – THE INVESTIGATION PROCEDURE HAS BEEN PUBLISHED

The decision on the approval of the Investigation Procedure by The National Supervisory Authority For Personal Data Processing (ANSPDCP) was published in the Official Gazette no. 892 of 23.10.2018.

According to this procedure, ANSPDCP will be able to conduct investigations *ex officio* or upon receipt of a complaint, either unannounced or with prior written notification of the investigated entity. Any aspects regarding the compliance of the personal data processing with the data protection laws may be assessed during the investigation.

The Investigation Procedure provides that ANSPDCP will be able to conduct on-site investigations, investigations at its premises (convening the representatives of the investigated entity), as well as written investigations (requesting written information).

The on-site investigations may only be performed after the legitimation of the ANSPDCP team. The outcome of the investigation shall be noted in the official report of finding/sanctioning the contravention, as the case may be, describing the situation within the investigated entity, noting the declarations of the representatives of the investigated entity, as well as the findings of the ANSPDCP team. A fine may be imposed at the time of such investigation if it does not exceed the equivalent in lei of the amount of EUR 300,000. The fines exceeding this amount may only be imposed by decision of the president of ANSPDCP, which will be further communicated to the investigated entity.

In any case, the investigated entities may expect, besides a fine, corrective measures, either temporary or permanent, a remedial plan or just recommendations. The sanctioned entities will be able to challenge the report or the decision of the president of ANSPDCP, as the case may be, in 15 days from the day of the receipt of such document.

Should you require any further information, please feel free to contact us:

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