

INSTRUCTION

No.36, Dated 05.07.2013

"Some Rules on the Processing of Personal Data in Official Statistics."

Pursuant to letter "c" of point 1 of Article 30 of Law No. 9887, dated March 10, 2008, "On the Protection of Personal Data," as amended, the Commissioner for the Protection of Personal Data.

INSTRUCTS:

CHAPTER I OBJECT

This guideline regulates certain rights and obligations of controllers who carry out statistical activities under Law No. 9180, dated February 5, 2004, "On Official Statistics," as amended.

CHAPTER II DEFINITIONS

The terms used in this guideline have the same meaning as those defined in Article 2 of the "Law on the Protection of Personal Data," as amended, and in Article 2 of the "Law on Official Statistics," as amended.

CHAPTER III INTRODUCTORY PROVISIONS

1. Personal data and sensitive data for controllers engaged in statistical activities are processed in accordance with Law No. 9887, dated March 10, 2008, "On the Protection of Personal Data," as amended.
2. INSTAT, statistical agencies, and any organization or person designated by them for the purposes of this guideline are controllers when collecting personal data for the purpose of statistical activities. They may conduct data collection for statistical purposes themselves through their employees or may contract a processor for the processing of personal data.
3. The controller signs a written contract with the processor, specifying in it the obligations provided in Article 20, paragraph 1, of the "Law on the Protection of Personal Data," as well as Guideline No. 19, dated 03/08/2012, "On the regulation of the relationships between the controller and the processor in cases of delegation of data processing and the use of a standard contract in such cases," as amended by Guideline No. 30, dated 12/27/2012.
4. The provisions of this guideline shall not prejudice the obligations of the controller for the processing of personal data under other applicable legislation.

CHAPTER IV GENERAL PRINCIPLES

1. The processing of personal data is carried out by Controllers within the national statistical systems solely for statistical and similar purposes.
2. During the collection of personal data, the controller informs the data subject about:
 - a) sphere and purpose for which their personal data will be processed;
 - b) from whom and in what manner personal data will be processed;
 - c) to whom personal data may be disclosed;
 - d) when personal data will be published;
 - e) the consequences of refusing to provide personal data.
3. The controller informs the data subject during data collection about his rights as provided for in the Data Protection Law.
4. The standard process for approving statistics is followed for any new process that requires the processing of personal data.
5. Any dissemination in violation of the Data Protection Law processed during a statistical activity by private and public subjects is prohibited.
6. During statistical activities, data that identify the data subject must be immediately encoded to ensure that the subject is not identifiable.
7. During statistical activities, an inventory is maintained for each database, including the classification of information containing personal data, non-personal data, and statistical or research information, public information, information that may be disseminated to public/private entities, etc., in accordance with the legal basis applicable in each case.
8. The data processed for statistical purposes may also be used for scientific or historical purposes, provided that the data subject is not directly or indirectly identifiable and ensuring that they are not processed to take measures or decisions for an individual.

CHAPTER V SENSITIVE DATA

1. The collection of sensitive data for statistical purposes is carried out by the data subject with their free will.
2. The controller must aim to have the statistical forms filled out by the data subject (the individual surveyed) themselves. They may use alternative means and methods to achieve this goal (e.g., filling out forms via the internet). In all cases, before filling out the forms, the data subject is informed in detail about the nature, importance, effects, and risks of this processing.

CHAPTER VI SECURITY MEASURES

1. The controller, for conducting statistical activities, develops internal procedures and written documents that specifically outline the confidentiality and protection of personal data of the subjects in accordance with articles 27 and 28 of Law No. 9887, dated 10.3.2008 'On the protection of personal data,' as amended.

2. The controller, to ensure maximum protection of personal data collected and processed during its activities, must implement the guidelines approved by the Commissioner, Instruction No. 21, dated 24.09.2012, 'Setting rules for the security of personal data processed by large controllers,' as amended, and Instruction No. 22, dated 24.09.2012, 'Setting rules for the security of personal data processed by small controllers,' as amended, and obtain security certificates of international standards (ISO security certificate).

CHAPTER VII FINAL PROVISIONS

1. Non-compliance with the requirements of this guideline constitutes a violation of the law on data protection and is subject to penalties as stipulated in Article 39 of the same law.
2. For the implementation of this guideline, all subjects specified in Article 2 of Chapter III of this guideline are obligated.

This guideline enters into force immediately and is published in the Official journal.

**COMMISSIONER
FLORA ÇABEJ (POGAÇE)**