



# Employee Data Privacy – Romania

## Security Requirements

### What security obligations are imposed on data controllers and data processors?

Security requirements may not always be included in the data protection law, but are key to guaranteeing lawful processing of personal data. The entity processing the data must take all useful precautions with respect to the nature of the data and the risk presented by the processing, to preserve the security of the data and, prevent alteration, corruption or access by unauthorized third parties.



Appropriate technical and organizational measures should be implemented to ensure a level of security appropriate to the risk.

Employers in Romania should follow the general security standards listed in Article 32 of the General Data Protection regulation. When protecting employee and applicant data, consider the sensitivity of the information, the technology available, the expense of protecting the data and the risk to individuals if the data is compromised. Then take organizational and technological measures, including:

- pseudonymization/encryption;
- measures to ensure the confidentiality, integrity, availability and resilience of information processing systems
- measures to restore the system and access in case of an incident (such as a power outage)
- processes to regularly test and assess the system to ensure continued security.

Romania's Law no. 190/2018 (Art. 4) sets additional security requirements when processing national identification numbers as well as documents that contain national identification numbers for the purposes provided by Article 6 (1) f) of GDPR (i.e., fulfilling legitimate interests pursued by the controller or by a third party), including:

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- implementing appropriate technical and organizational measures, to ensure the principle of data minimization is followed, as well as measures to ensure the security and confidentiality of personal data processing;
- designating a Data Protection Officer;
- setting retention periods based on the nature of the data and the purpose of processing, including setting specific deadlines to erase personal data or revise data for deletion;
- regularly training individuals who process personal data, under the direct authority of

the employer (or other controller) or processor, on data protection obligations.



## HR Best Practices:

Ensure contracts with service providers detail

the security and confidentiality measures that will be implemented. In addition, regularly train employees who may have access to personal information, to ensure that they are following all technical and organizational security measures that have been put in place.

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