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In the ever-evolving intersection of legal services and cutting-edge technologies, GDPR compliance has emerged as a pivotal focus in Moldova. The country is actively navigating the intricacies and opportunities inherent in aligning with both the GDPR and the increasingly EU-aligned Moldovan legal framework.

Last amendments to Moldova's Data Protection Law have been instrumental in addressing fundamental discrepancies with EU laws, ushering in key changes:

### **Cross-Border Data Transmission**

Moldova's legal regime facilitates seamless cross-border transmission of personal data. This allows the unrestricted flow of data between Moldova, EEA states, and countries with an approved level of personal data protection.

### **Moldovan Standard Contractual Clauses (SCC)**

To tackle the transfer of personal data outside the EEA, Moldova has introduced its version of SCC, covering three data-transfer scenarios – controller-to-controller, controller-to-processor, and processor-to-controller.

### **Introduction of "Sub-Processor" Concept**

A significant development was the introduction of the "sub-processor" concept. Processors are required to obtain specific or general written authorization from the controller before engaging another processor, enhancing transparency and accountability.

### **Controller's Approval for Sub-Processor Engagement**

Before engaging a sub-processor, the processor must secure written permission from the controller. The terms of engagement, whether covered in the agreement between the controller and processor or documented separately, must adhere to Moldovan legal requirements. The sub-processor, once approved, must sign a contract or legal act ensuring compliance.



As of November 2023, the National Center for Personal Data Protection has proposed dynamic changes to Standard Contractual Clauses:

A standout innovation introduces a fresh transfer type between authorized parties, enhancing data flows' smoothness and security. This necessitates exporters to inform importers of their authorized status, fostering stronger professional relations.

Streamlined processes for subsequent transfers and improved breach notifications make these changes notable. Importantly, importers are now obligated to promptly notify authorities of security breaches, crucial for safeguarding individual rights.

Clear guidelines on security levels, including encryption during data transmission, underscore a commitment to adapting to the evolving data protection landscape.

In light of these updates, here is a friendly reminder:

## 1. Rock-Solid Privacy Policy:

- Develop and approve a comprehensive internal privacy policy and regulations for fingerprint processing.
- Ensure alignment with Government Decision 1123/2010 for top-notch personal data security.

## 2. Consent is Cool:

- Obtain consent from data subjects before delving into fingerprint collection.
- Adhere to Law 133, providing key information with style – covering controller identity, purpose, and potential consequences.

## 3. DPIAs - Your Data in Your Hands:

- Embrace mandatory Data Protection Impact Assessments (DPIAs).
- Showcase intentions through systematic descriptions, risk assessments, and measures ensuring personal data protection.

Staying informed and implementing these proactive measures ensures a robust approach to data protection in Moldova's dynamic regulatory landscape.

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