

DATA PROTECTION GOVERNANCE DOCUMENTS

ELA'S PERSONAL DATA BREACH NOTIFICATION PROCEDURE

1. Scope

This procedure applies in the event of a personal data breach under Article 33 of the GDPR – *Notification of a personal data breach to the supervisory authority* – and Article 34 – *Communication of a personal data breach to the data subject*.

2. Responsibilities

2.1 All users (whether Employees/Staff, contractors or temporary Employees/Staff and third party users) of Epure, Lizac si Asociatii SCA (“ELA”) are required to be aware of, and to follow this procedure in the event of a personal data breach.

2.2 All Employees/Staff, contractors or temporary personnel are responsible for reporting any personal data breach to the Managing Partner and/or to the IT Manager.

3. Notification by data processor to data controller

3.1 In circumstances when ELA acts as data processor only, it shall report any personal data breach or security incident to the data controller without undue delay, providing to the data controller all the details of such breach.

3.2 The breach notification shall be made by phone call and by e-mail communication, followed by written confirmation of receipt.

4. Notification by data controller to supervisory authority

4.1 In circumstances when ELA acts as data controller, it shall determine if the Supervisory Authority (ANSPCPV) need to be notified in the event of a breach.

4.2 ELA shall assess whether the personal data breach is likely to result in a risk to the rights and freedoms of the data subjects affected by the personal data breach, by conducting a Data Processing Impact Assessment (“DPIA”) in regard of the breach, following the ***DPIA Procedure***.

4.3 If a risk to data subject(s) is likely, ELA shall report the personal data breach to ANSPCPV without undue delay, and not later than 72 hours.

4.4 If the data breach notification to ANSPCPV is not made within 72 hours, ELA shall submit such notification as soon as possible after such period, with a justification for the delay.

4.5 The following information needs to be provided to the supervisory authority:

4.5.1 A description of the nature of the breach.

4.5.2 The categories of personal data affected.

DATA PROTECTION GOVERNANCE DOCUMENTS

- 4.5.3 Approximate number of data subjects affected.
 - 4.5.4 Approximate number of personal data records affected.
 - 4.5.5 Name and contact details of the Managing Partner.
 - 4.5.6 Consequences of the breach.
 - 4.5.7 Any measures taken to address the breach.
 - 4.5.8 Any information relating to the data breach.
- 4.6 The breach notification shall be made by phone and e-mail communication, followed by written confirmation of receipt.
- 5. Notification by data controller to data subject**
- 5.1 If the personal data breach is likely to result in high risk to the rights and freedoms of the data subject, ELA shall notify the data subjects affected immediately.
- 5.2 The notification to the data subject shall describe the breach in clear and plain language, in addition to information specified in clause 4.5 above.
- 5.3 ELA shall take appropriate measures (including encryption) to render the personal data affected by the breach unusable to any person who is not authorised to access it and to ensure that any risks to the rights and freedoms of the data subjects are no longer likely to occur by.
- 5.4 If the breach affects a high volume of data subjects and personal data records, ELA may resort to means of public communication so as to inform those affected in an equally effective manner about the breach.
- 5.5 City will document any personal data breach(es), incorporating the facts relating to the personal data breach, its effects and the remedial action(s) taken.

Document Owner and Approval

The Managing Partner is the owner of this document and shall ensure that it is kept up to date. A current version of this document is available to all members of staff on ELA's website on page "Data Protection", section "Policies & Procedures". This policy was approved by Decision of Partners on 15.02.2018 and is issued under the signature of the Managing Partner.

Signature: Doru Epure – Managing Partner

Date: 15.02.2018