

ELA'S PRIVACY NOTICE PROCEDURE**1. Domeniul de aplicare**

All processing of personal data by Epure, Lizac si Asociatii SCA ("ELA") is within the scope of this procedure.

2. Responsibilities

2.1 The Managing Partner ("MP") shall be responsible for ensuring that the Privacy Notice(s) sent to data subjects is correct and that mechanisms exist, such as having the Privacy Notice(s) posted on ELA's website, to make all data subjects aware of the contents of this notice prior to ELA's commencing collection of their data.

2.2 All staff that need to collect personal data are required to follow this procedure.

3. The Article 12 GDPR procedure

3.1 ELA shall identify the legal basis for processing personal data before any processing operations take place by clearly establishing, defining and documenting:

3.1.1 the specific purpose of processing the personal data and the legal basis to process the data, which may rely on:

3.1.1.1 consent obtained from the data subject;

3.1.1.2 contract where the data subject is a party;

3.1.1.3 legal obligation that ELA is required to meet;

3.1.1.4 obligation to protect the vital interests of the data subject, including the protection of rights and freedoms;

3.1.1.5 obligation to carry out the processing that is in the public interest;

3.1.1.6 legitimate interests of the data controller or third party, unless the processing is overridden by the vital interests, including rights and freedoms;

3.1.1.7 national law.

3.1.2 any special categories of personal data processed and the legal basis to process the data, which may be:

3.1.2.1 existence of explicit consent obtained from the data subject;

3.1.2.2 processing being necessary for employment rights or obligations;

3.1.2.3 processing being necessary to protect the vital interests of the data subject, including the protection of rights and freedoms;

3.1.2.4 personal data was made public by the data subject;

3.1.2.5 personal data necessary to preserve / defend legal claims;

3.1.2.6 existence of substantial public interest;

3.1.2.7 processing being necessary for preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, provision of health or social care treatment, or management of health and social care systems and services, under the basis that appropriate contracts with health professionals and safeguards are in place;

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- 3.1.2.8 processing being necessary for purposes of public health, ensuring appropriate safeguards are in place for the protection of rights and freedoms of the data subject, or professional secrecy;
 - 3.1.2.9 existence of law provisions in regard of processing genetic, biometric or health data.
- 3.2 ELA shall keep records of this information in line with its **Data Protection Impact Assessment Procedure** and **Data Inventory**.

4. Privacy notices

- 4.1 When personal data is collected from data subject based on consent:
- 4.1.1 ELA shall be transparent in its processing of personal data and shall provide the data subject with the following:
 - 4.1.1.1 ELA's identity, address and contact details of its Data Protection Officer ("MP") and of any data protection representatives;
 - 4.1.1.2 The purpose(s), including legal basis, for the intended processing of personal data;
 - 4.1.1.3 Where relevant, ELA's legitimate interests that provide the legal basis for the processing;
 - 4.1.1.4 Potential recipients of personal data;
 - 4.1.1.5 Any information regarding the intention to disclose personal data to third parties and whether it is transferred outside the EU; in such circumstances, ELA will provide information on the safeguards in place and how the data subject can also obtain a copy of these safeguards;
 - 4.1.1.6 Any information on website technologies used to collect personal data about the data subject;
 - 4.1.1.7 Any other information required to demonstrate that the processing is fair and transparent.
 - 4.1.2 All information provided to the data subject must be in an easily accessible format (PDF, printed letter and/or e-mail), using clear and plain language, especially for personal data addressed to a child. The information shall be organized in a concise, transparent and intelligible manner and shall be provided free of charge.
 - 4.1.3 ELA shall facilitate the exercise of data subject's rights in line with its **Data Protection Policy** and **Data Subject Access Request Procedure**.
- 4.2 When the existence of a contract to which the data subject is a party constitutes the grounds for the data processing, ELA will process the data without consent because such processing is necessary in order to fulfil contractual obligations.
- 4.3 When personal data has been obtained from a source other than the data subject, ELA shall make clear the types of information collected as well as the source of the personal data (publicly accessible sources) and shall provide the data subject with:
- 4.3.1 ELA's (as data controller) identity, and contact details of its MP and any data protection representatives;
 - 4.3.2 The purpose(s), including legal basis, for the intended processing of personal data;
 - 4.3.3 Categories of personal data;

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- 4.3.4 Potential recipients of personal data;
- 4.3.5 Any information regarding disclosing personal data to third parties and whether it is transferred outside the EU – ELA will provide information on the safeguards in place and how the data subject can also obtain a copy of these safeguards;
- 4.3.6 Any other information required to demonstrate that the processing is fair and transparent.

5. Timing of communication

- 5.1 ELA shall provide the information stated in clauses 3 and 4 above within:
 - 5.1.1 one month of obtaining the personal data, in accordance with the specific circumstances of the processing;
 - 5.1.2 at the first instance of communicating in circumstances where the personal data is used to communicate with the data subject;
 - 5.1.3 when personal data is first disclosed in circumstances where the personal data is disclosed to another recipient.
- 5.2 Clauses 3 and 4 above do not apply:
 - 5.2.1 If the data subject already has the information;
 - 5.2.2 If the provision of the above information proves impossible or would involve an excessive effort;
 - 5.2.3 If obtaining or disclosure of personal data is expressly identified by law; or
 - 5.2.4 If personal data must remain confidential subject to an obligation of professional secrecy regulated by law, including a legal obligation of secrecy.

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