

COUNTRY: ROMANIA

Theme/ question:	Under the Directive + National Law	Under the GDPR + National law
Legislation	<p><u>Law No. 677 of 2001</u> on the Protection of Individuals with Regard to the Processing of Personal Data and the Free Movement of Such Data</p> <p>Decision no. 101 issued by the Data Protection Authority</p>	<p>On June 24, 2018, the Law no. 129 of 2018 amending the Data Protection Law and the Law no. 102 of 2005 regarding the Setting Up, Organization and Operation of the National Supervisory Authority for Personal Data Processing</p>
Legal grounds applicable to scientific research purposes	<p>Data concerning health could be processed on the basis of consent and for scientific research purposes.</p>	<p>Data concerning health may be processed on the basis of consent or for scientific research purposes scientific research.</p>
Safeguards required - Conditions framing the processing of health data for scientific research purposes	<ul style="list-style-type: none"> - Authorisation from the data protection authority if processing without consent of health data. - Processing carried out under the supervision of medical staff or someone with equivalent obligation of confidentiality. 	<p>The GDPR requires the implementation of specific safeguards.</p>
Conditions for further processing of health data	<p>The consent of the data subjects was not necessary if the data processed had been anonymised.</p>	<p>Further processing requires either the explicit consent of the data subjects or legal provision as a legal basis.</p>
What are the rights of the data subject?	<p>Data subjects had a right to be informed and a right of access.</p>	<p>The GDPR provides the following rights: right to access by the data subject (Article 15); right to rectification (Article 16); right to erasure (Article 17); right to restriction of processing (Article 18); right to data portability (Article 20); as well as a right to object (Article 21).</p>
Possible derogation from the rights of the data subject	<p>Derogations of the obligation to inform data subjects was possible if it was impossible or would have impaired the research project.</p>	<p>The Law no. 190 does provide for derogations from the rights of the data subject, i.e. Article 15 (right of access), 16 (right to rectification), 18 (right to restriction of processing) and 21 (right to object) of the GDPR to the extent that the above-mentioned rights referred are such as to make it impossible or seriously affect the achievement of the specific purposes and such derogations are necessary to achieve these purposes.</p>