

17 April 2015

Legal Bulletin

Data Privacy

In this issue:

1. National Strategy on the Digital Agenda for Romania

National Strategy on the Digital Agenda for Romania

On 7 April 2015, the Romanian Government adopted the National Strategy on the Digital Agenda for Romania, available at *www.mcsi.ro/CMSPages/GetFile.aspx?nodeguid=2fb13289-6442-4910-8c63-aabede8e9ee0* (in Romanian only). The strategy was developed on the basis of the Digital Agenda for Europe 2020, which is the framework for the development of digital economy during the period 2014 - 2020.

The Digital Agenda for Europe 2020 has five targets which are common to all Member States, mutually supported and promoted as national targets for each Member State, as follows:

EU TARGET 2020	TARGET FOR EU	TARGET FOR ROMANIA	CURRENT STAGE IN ROMANIA
Increase of employment rate for the population aged 20-64	75%	70%	63.9% (2013)
Research & development (allocation from GDP)	3%	2%	0.39% (2013)
Reduction of CO2 emissions compared to 1990 levels	-20%	-19%	-47.96% (2012)
Weight of renewable energy sources	20%	24%	22.9% (2012)
Increase of energy efficiency (thousand tones oil equivalent)	20% (206.9 TOE)	10 TOE	33.6 TOE (2012)
Early school abandonment	<10%	<11.3%	17.3% (2013)
Weight of higher education graduates out of the population aged 30-34	>40%	>26.7%	22.8% (2013)
Number of persons living or likely to live below poverty lines and socially excluded persons	<20 million	<580,000	40.4% (2013)

The National Strategy on Digital Agenda defines the framework for an institutional structure seeking to provide a consistent view, to manage at a central level and in a coordinated manner all issues related to the computerization of public services and to achieve interoperability at a European level.

Specific 2020 targets for Romania include:

- 100% of the population covered by fixed broadband and 80% by broadband over 30Mbps;
- At least 30% of the population to buy online (up from the current percentage of 10%);
- At least 60% of the population to use the Internet weekly (up from the current percentage of 48%), and the percentage of persons who have never used the Internet to decrease below 30% (from the current percentage of 39%);
- At least 35% of the citizens to use eGovernment services (up from the current percentage of 10%) and over 20% to return filled-in forms (up from the current percentage of 3%).

At EU level, the digital agenda has seven pillars: the digital single market; interoperability & standards; trust & security; fast and ultra-fast Internet access; research and innovation; enhancing digital literacy, skills and inclusion; ICT-enabled benefits for EU society.

For Romania, the Digital Agenda has only four pillars, as follows:

- Pillar 1 eGovernment, Interoperability, Cyber Security*, Cloud Computing, Open Data*, Big Data and Social Media - increase of efficiency and decrease of costs in the Romanian public sector by modernizing the administration.
- **Pillar 2 ICT in Education, Health*, Culture and elnclusion** to be applied in the social challenges at a sectoral level and to make sure that ICT investments will have a positive impact in the social context.

The implementation and correlation of perspective for pillars 1 and 2 will generate, by 2020, an estimated impact on the Romanian economy of 5% GDP increase and 1% increase of employment rate.

- Pillar 3 eCommerce, Research, Development and Innovation in ICT* it builds on the comparative advantages of regional Romania and it supports economic growth in the private sector. The enforcement of pillar 3 measures is expected to generate, by 2020, an impact on the Romanian economy of 3% GDP growth and 2% increase of employment rate.
- **Pillar 4 Broadband and Digital Services Infrastructure*** the implementation of the aforementioned pillars and related services relies, beyond the need to invest in high-tech ICT equipment, on the development of broadband infrastructure and



digital services. By offering access to ICT equipment and Internet, it facilitates, at the same time, social inclusion, the increase of digital literacy and the improvement of digital competences.

For the areas marked by asterisk, the Digital Agenda will be supplemented by specific national strategies.

The Digital Agenda also identifies the necessary investments for each pillar, in an aggregate amount of **EUR 3,963.8 million**. By far, the highest amount is estimated to be necessary for broadband (EUR 3,100 million), while the smallest amount is provided for elnclusion (EUR 25 million). Other noteworthy categories are cloud computing and social media- EUR 60.2 million; eCommerce - EUR 76.5 million; cyber security - EUR 30 million; ICT research&development-EUR 60.5 million. The impact on the economy is expected to consist in a 13% GDP increase, the increase of employment rate by 11% and the decrease of administration costs by 12% until 2020.

The Digital Agenda for Romania details each strategic line of development, describing both the EU and the local context and the strategic lines of development. It is worth mentioning that the necessity of implementing and adopting governmental cloud solutions (G-Cloud) is promoted in detail, all lines of action stipulating that all public institutions are to adhere thereto, under the coordination of the Ministry of Information Society. The lines of action for e-Commerce are also widely covered. Detailed clarifications on broadband are also included, matching the high financing needs.

andreea.lisievici@tuca.ro



Editors

Țuca Zbârcea & Asociații has developed a significant practice in the **Data Privacy** field, in tune with recent years' increased and thorough supervision of data privacy, both on EU and national levels.

Our services cover all aspects regarding data privacy, from notifying the local regulatory authority (i.e. the National Supervisory Authority For Personal Data Processing - "ANSPDCP") on envisaged data processing by data controllers to providing complex analysis covering sensitive data privacy matters; transfer of various categories of data abroad; access to personal data by personnel of companies pertaining to an international group; monitoring of employees, geolocation, call history; creating data bases comprising subjects' data and use of such data bases by entities other than the collector; legal regime of access to cookies; processing of traffic data; data privacy aspects related to the implementation of cloud computing solutions both for cloud customers, as well as for cloud providers, etc.

For further information and other recent news relating to Data Privacy, please feel free to visit our firm's blog - *dataprivacyblog.tuca.ro*



Cornel Popa Partner +4 021 204 88 94 cornel.popa@tuca.ro



Andreea Lisievici Managing Associate +4 021 204 88 90 andreea.lisievici@tuca.ro



TUCA ZBARCEA

\$05. Nicolae Titulescu nr. 4-8
America House, Aripa de Vest, et. 8
Sector 1, 011141, Bucureşti, România
T + 4 021 204 88 90
F + 4 021 204 88 99
E office@tuca.ro
www.tuca.ro

Ciprian Dragomir Partner +4 021 204 88 98 ciprian.dragomir@tuca.ro



Cătălin Băiculescu Partner +4 021 204 76 34 catalin.baiculescu@tuca.ro

This material is for reference only. It does not seek to provide legal advice, which may be requested according to each specific legal issue and may not be relied upon for any purposes whatsoever. For details and clarifications on any of the topics dealt in this Legal Bulletin, please do not hesitate to contact the attorneys indicated hereinabove.