

DECISION

on the list of operations requiring a data privacy impact assessment

Issuer: the National Authority for the Supervision of Processing of Personal Data

[...]*

Article 1

(1) The evaluation of the impact on data protection by data controllers is mandatory especially in the following cases:

a) processing personal data for performing a systematic and extensive evaluation of personal aspects relating to natural persons which is based on automated processing, including profiling, and on which decisions are based that produce legal effects concerning the natural person or similarly significantly affect the natural person;

b) processing on a large scale of personal data regarding racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, of genetic data, of biometric data for the uniquely identifying a natural person, of data concerning health, sex life or sexual orientation of a natural person, or of personal data relating to criminal convictions and offences;

c) processing personal data for the purpose of the systematic monitoring of a publicly accessible area on a large scale, such as video surveillance of commercial centres, stadiums, market places, parks or other such spaces;

d) large scale processing of personal data of vulnerable persons, especially of minors and employees, by automated means for the monitoring and/or systematic recording of behaviour, including for performing advertising, marketing and publicity activities;

e) large scale processing of personal data by the innovative use or the applying of new technologies, especially in the case where those operations limit the capacity of data subject to exercise their rights, such as face recognition techniques for facilitating access in different spaces;

f) Large scale processing of personal data generated by sensor devices which transmit data through the internet or other means ("Internet of Things" applications, such as smart TV, connected vehicles, smart meters, smart toys, smart cities or other such applications);

g) Large scale and/or systematic processing of traffic and/or location data of natural persons (such as Wi-Fi monitoring, processing of location data passengers on public transportation or other such situations) when the processing is not necessary for the provision of a service requested by the data subject.

(2) As an exemption from para. (1), the evaluation of the impact on data protection is not mandatory when the processing made pursuant to art. 6, para. (1), point (c) or (e) of the GDPR has a legal

basis in Union law or in the internal law and a data protection impact assessment has already been carried out as part of a general impact assessment in the context of the adoption of those normative acts.

Article 2

This decision enters into force on the date it is published in the Romanian Official Gazette, Part. I

President of the National Authority for the Supervision of Processing of Personal Data

Ancuța Geanina Opre

Bucharest, 18 October 2018

No. 174

* The preamble has not been translated. The substantial part of the Decision is comprised by the two articles provided above.