

# **Personal data from the unconstitutional structures in Tiraspol are unlawfully stored by the constitutional authorities and are to be removed from the State Register of Moldova**

The National Center for Personal Data Protection (NCPDP) issued two decisions in two cases represented by Promo-LEX Association, concluding that the storage of information from the entities on the left bank of Nistru River infringes the law in force since the constitutional authorities (Ministry of Internal Affairs – MIA) cannot guarantee and/or legitimize the validity and accuracy of this information.

In 2017, Promo-LEX Association was notified by several people who could not obtain their passports in Moldova because they would have criminal records. The Public Services Agency justified back then its refusal to issue the documents on the ground that the 'Register of forensic and criminological information' (RFCI) managed by MIA had information received from the unrecognized structures on the left bank of Nistru River.

Since they had doubts about the accuracy of the information in the RFCI, Promo-LEX lawyers notified the NCPDP to check the lawfulness of personal data processing. While reviewing the notification, the Center found out that MIA processed during 1991-2005 personal data received from the unconstitutional authorities in Tiraspol. After 2005, Transnistria stopped to

submit personal data. However, personal data recorded during 1991-2005 continue to exist in the RFCI, so people found in these databases are considered to be under criminal prosecution or having criminal records.

NCPDP found the infringement of the Law on Personal Data Protection and decided that the automated processing of certain special categories of data of citizens of the Republic of Moldova, on the basis of certain information provided by unconstitutional entities, is a violation of the principles of protection of individuals' rights. NCPDP determined that these unlawful acts hinder the citizens to exercise their rights and freedoms, especially through inaccuracies when issuing criminal records or judicial certificates and, implicitly, potential damages resulting from them. NCPDP demanded MIA to destroy the stored information that concerns the citizens. Within ten days, MIA has to inform NCPDP about the measures taken to this end.

Note that on 29 March 2018 MIA issued the Order No 108 stating that 'only the information issued by the constitutional bodies of the Republic of Moldova shall be taken into account when preparing the documents'. However, Promo-LEX lawyers consider that this mechanism fails to rectify the issues of the information stored in the RFCI during 1991-2005. Hence, it is paramount that MIA enforces NCPDP decisions. NCPDP decision can be appealed, MIA having 30 days to do it.

Certain state structures in the Republic of Moldova have also collaborated with the 'law enforcement' in Tiraspol. In 2012, a police colonel of the MIA sent to the unconstitutional authorities in Tiraspol the personal data of the Eriomenco, including Vitalie Eriomenco, illegally imprisoned by the Tiraspol regime. The [Supreme Court of Justice](#) obliged back then the MIA to pay [reparations worth MDL 192,000](#) to the family of Vitalie Eriomenco because it unlawfully disclosed personal data to the illegal structures in Tiraspol.

The [Decision of the Superior Council of Magistracy](#) of 10 April 2012 also confirms the unlawful collaboration between the constitutional authorities and the structures in Tiraspol.

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