INFORMATION NOTICE ON THE PERSONAL DATA PROCESSING OF THE WHISTLEBLOWERS

In its capacity as a personal data controller, the **National Bank of Romania (NBR)** processes personal data that are either voluntarily provided or are indirectly received from the data subject, according to the applicable provisions of the national legislation in force (Law No. 506/2004) and **Regulation (EU) 2016/679** on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), hereinafter referred to as GDPR, in a secure manner and solely for the purposes described below.
The **National Bank of Romania** is constantly preoccupied with ensuring a high level of protection of the personal data it processes according to the legal framework in place.
In order to comply with your right under Regulation (EU) 2016/679, i.e. to be informed about the manner in which your personal data are processed by the **National Bank of Romania**, please be advised of the following:

DEFINITIONS

''Whistleblower'' *means a natural person who reports or publicly discloses information on breaches acquired in the context of his or her work-related activities.*

*"**Personal data**"* means any information related to an identified or identifiable natural person ("data subject").

In relation to the National Bank of Romania, you are by law the "**data subject**", meaning an identified or identifiable natural person. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

"Processing" means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organising, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

LEGAL GROUNDS FOR PERSONAL DATA PROCESSING

The legal ground for this processing is represented by Law No. 361/2022 on the protection of whistleblowers in the public interest, the processing being necessary in order to meet a legal obligation under Article 6(1)(c) of the GDPR.

PURPOSE FOR PERSONAL DATA PROCESSING

The National Bank of Romania processes your personal data for the purpose of managing the whistleblower's report and, where appropriate, addressing the reported breach.

At the same time, mention should be made that, in addition to the above purpose, the National Bank of Romania processes personal data for one or several secondary purposes (i.e.: archiving in the public interest, scientific or historical research purposes or for statistical purposes, establishing, exercising or defending a right in court, carrying out the audit activity, etc.), which are always compatible with the main purpose for which the data were collected/obtained. The processing of personal data for secondary purposes is carried out in compliance with the applicable law.

CATEGORIES OF PROCESSED PERSONAL DATA AND THEIR SOURCE

Personal data collected directly by the NBR: name and surname, personal identification number, contact details, handwritten signature of the whistleblower, as well as any other personal data resulting from the documents/evidence submitted by the whistleblower in support of the report.

Data collected indirectly: personal data mentioned in the reports submitted by the whistleblower to the National Integrity Agency and which are sent by the Agency, for a competent solution, to the National Bank of Romania, as well as any other personal data resulting from the documents/evidence submitted by the whistleblower in support of the report.

PERSONAL DATA STORAGE PERIOD

Your personal data are stored for the period necessary to achieve the above-mentioned purposes, as required by the applicable legislation, i.e. the rules and regulations on archives.

PERSONAL DATA TRANSFER

We do not transfer your personal data to non-EU countries, unless expressly laid down by law or when necessary for the purpose of data collection. In case any changes occur, you will be duly informed.

ACCESS TO PERSONAL DATA AND RECIPIENTS OF THESE DATA

Personal data are accessed only by the NBR staff involved in this activity. These data may be disclosed to persons outside the NBR when necessary for the purpose of processing and/or when required by law.

CONSEQUENCES OF THE FAILURE TO PROVIDE REQUESTED PERSONAL DATA

Any refusal to provide the requested personal data makes it impossible for the National Bank of Romania to take the necessary legal steps in solving your report. By way of exception, the report that does not include the name, surname, contact details or handwritten signature of the whistleblower shall be examined and resolved insofar as it contains solid indications of violations of the law.

SECURING PERSONAL DATA

In processing personal data, the National Bank of Romania uses technical and organisational measures in order to ensure appropriate security of the personal data, including protection against accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

YOUR RIGHTS

Insofar as conditions stipulated by the applicable legislation are fulfilled, the persons whose personal data are processed have the following rights:

Right of access (Article 15 of the GDPR)

You have the right to obtain from the NBR confirmation as to whether or not your personal data are being processed, and the right of access to those data.

Right to rectification (Article 16 of the GDPR)

You have the right to obtain from the NBR the rectification of inaccurate personal data concerning you. Taking into account the purposes of the processing, you have the right to have incomplete personal data completed.

Right to erasure ("right to be forgotten") (Article 17 of the GDPR)

Where (1) personal data are no longer necessary in relation to the purposes for which they were collected, (2) you withdraw consent on which the processing is based and there is no other legal ground for the processing, (3) you object to the processing and there are no overriding legitimate grounds for the processing or (4) the personal data have been unlawfully processed, you have the right to obtain the erasure of personal data concerning you.

Right to restriction of processing (Article 18 of the GDPR)

You have the right to obtain the restriction of personal data processing by the NBR where one of the following applies:

(a) accuracy of the personal data is contested by you, for a period enabling the controller to verify their accuracy;

(b) the processing is unlawful and you oppose the erasure of the personal data, requesting the restriction of their use instead;

(c) the National Bank of Romania no longer needs your personal data for the purposes of processing, but they are required by you for the establishment, exercise or defence of legal claims;

(d) you have objected to processing pursuant to Article 21(1) of the GDPR, pending the verification whether the legitimate grounds of the NBR override yours.

Right to data portability (Article 20 of the GDPR)

You have the right to receive the personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the NBR, where:

- the processing is based on your consent pursuant to point (a) of Article 6(1) or point (a) of Article 9(2) of the GDPR or on a contract pursuant to point (b) of Article 6(1) of the GDPR;
- the processing is carried out by automated means.

Right to object (Article 21 of the GDPR)

You have the right, at any time, to object, on grounds relating to your particular situation, to processing of personal data concerning you, unless the processing is necessary for the performance of a task carried out for reasons of public interest or which results from the exercise of official authority vested in the NBR and/or for the purposes of the legitimate interests pursued by the NBR or by a third party, including profiling.

In case you exercise your right to object, the National Bank of Romania shall no longer process your personal data unless it demonstrates compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

The right not to be subject to a decision based solely on automated processing (Article 22 of the GDPR)

You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you, such as your performance at work.

This right does not apply if the decision:

- is necessary for entering into, or performance of, a contract between you and the National Bank of Romania;

- is authorised by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
- is based on your explicit consent.

The right to withdraw consent (Article 7(3) of the GDPR)

Where processing is based on consent, you have the right to withdraw your consent at any time via an express request.
If you consider that your rights regarding personal data processing have been infringed, you have:

- the right to lodge a complaint with the National Supervisory Authority for Personal Data Processing;
- the right to bring the matter before a competent court.

HOW TO EXERCISE YOUR RIGHTS

In case you have any questions or doubts about the processing of your personal data or you wish to exercise your legal rights regarding the personal data in our possession, you may contact the NBR's data protection officer.
The legal deadline for replying to these requests is 30 days, with the possibility of extension.

UPDATE

This information may be subject to subsequent changes. All updates and changes hereto will become effective starting on the date they are made known.

CONTACT DETAILS OF THE DATA PROTECTION OFFICER

The NBR's data protection officer may be contacted at datepersonale@bnro.ro and/or in writing at National Bank of Romania, 25 Lipscani Street, sector 3, postal code 030031, Bucharest.