[RO] Parliament Adopts Act on Retention of Data

IRIS 2012-7:1/34

Eugen Cojocariu
Radio Romania International

On 22 May 2012, the Romanian Chamber of Deputies adopted by a large majority the Law on the retention of data generated or processed by electronic communications public networks providers and by the electronic communication services for the public, the so called "Big Brother" Law (see IRIS 2012-2/33 and IRIS 2012-5/35).

The Chamber of Deputies was the last parliamentary Chamber to decide upon the Act that was rejected on 21 December 2011 by the upper Chamber, the Senate. The Parliament adopted in November 2008 the first version of the Act but the Constitutional Court declared it unconstitutional in October 2009, for breaches of fundamental rights and freedoms. The European Commission began an infringement procedure against Romania in 2011 for not implementing the Data Retention Directive 2006/24/EC and the Romanian Minister of European Affairs repeatedly warned the Government and Parliament that Romania would have to pay large financial compensation if the Court of Justice of the EU would so decide for not transposing the above-mentioned Directive into national legislation until 31 May 2012.

According to the Act, telecom services providers will have to store for six months certain data regarding phone calls, text messages and electronic messages, to be used as tools for investigating crimes. The Law will cover individuals and legal persons. Data will be stored about the source and destination of a mobile or fixed phone communication (number of caller, number of call’s receiver, number to which the call was redirected, names of those persons), along with data regarding the date, hour and duration of the communication. As for Internet services, data will be retained about the user, the telephone service used, the caller's and the receiver’s phone numbers, the names and addresses of subscribers, and the identity of the equipment used. Data will be stored for six months after the communication. Afterwards the data have to be irreversibly destroyed. The Act expressly provides that the retention does not target the content of communication, nor the information sought during the use of an electronic communication network. Information stored by the providers will be used for the prevention, research, discovery and prosecution of serious crimes, for solving cases of missing persons or for the execution of an arrest warrant or execution of sentence. Data have to be sent upon request to the authorities with competence in the field of national security, usually within 48 hours. The person whose data

© European Audiovisual Observatory (Council of Europe) 2026

are retained has to be informed 48 hours after the retention request was sent, unless that person is involved in actions that could endanger national security.

Several human rights NGOs are opposed to the law and harshly criticise it for its effects on the rights to private life and family, secrecy of correspondence and freedom of expression.

Legea nr.82/2012 privind reţinerea datelor generate sau prelucrate de furnizorii de reţele publice de comunicaţii electronice şi de furnizorii de servicii de comunicaţii electronice destinate publicului, precum şi pentru modificarea şi completarea Legii nr. 506/2004 privind prelucrarea datelor cu caracter personal şi protecţia vieţii private în sectorul comunicaţiilor electronice. Publicat in Monitorul Oficial, Partea I nr. 406 din 18/06/2012

http://www.legi-internet.ro/legislatie-itc/date-cu-caracter-personal/legea-nr822012-privind-retinerea-datelor.html

Act no. 82/2012 on the retention of data generated or processed by electronic communications public networks providers and by the electronic communication services for the public

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026