

DECISION no. 781 of 25 July 2002

regarding the protection of business secret information

ISSUER: The GOVERNMENT

PUBLISHED IN: OFFICIAL GAZETTE no. 575 of 5 August 2002

Pursuant to the provisions of art. 107 in the Romanian Constitution, as well as the provisions of art. 31(1), art. 32 and art. 42(h) in Law no. 182/2002 regarding the protection of classified information,

The Government of Romania has hereby adopted this decision.

ART. 1

The national protection standards of classified information in Romania, approved by Government Decision no. 585/2002, shall be appropriately applied to business secret information as regards:

- a) the classification, declassification and minimum measures of protection;
- b) the general rules regarding the evidence, drafting, maintaining, processing, multiplication, handling, transport, transmission and destruction;
- c) the obligations and responsibilities corresponding to the managers of public authorities and institutions, economic agents and other legal entities;
- d) the access of foreign citizens, Romanian citizens who are also citizens of other country, as well as of stateless persons, to classified information and to places where activities, objects or works in this category are developed, exhibited or performed;
- e) exercising control on the protective measures.

ART. 2

(1) In order to identify the business secret documents, their registration number will be preceded by the S letter and the words "business secret" will be written on each page.

(2) Business secret information kept in files, as well as those kept in distinct volumes shall be marked on the cover and on the title page.

ART. 3

The recording of the business secret documents shall be made separately from the state secret and non-secret documents, in a specially designated register, according to the model presented in annex no. 1.

ART. 4

It is forbidden to remove the business secret information from the premises of the unit holding such information, without the approval of its manager.

ART. 5

The positions requiring access to business secret information shall be set up by the heads of the units holding such information.

ART. 6

(1) The staff's access to the business secret information is allowed only based on a written authorization, according to the model presented in annex no. 2, issued by the head of the unit.

(2) The security structure/officer shall keep the record of the authorizations for access to the business secret information in the Register for the evidence of the



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access authorization to business secret information, according to the model presented in annex no. 3.

ART. 7

(1) With a view to issuing the access authorization to business secret information, the person who is going to hold a position requiring access to such information shall submit to the security structure/officer, according to the law, recommendations and references regarding its honesty and professionalism, received from persons holding managing positions to which they are directly subordinated or from the authorized representatives of other legal entities, as applicable, and it will also sign a confidentiality commitment.

(2) After checking the authenticity of the documents mentioned at paragraph (1), the security structure/officer shall submit proposals to the head of unit regarding the opportunity of issuing the authorization for access to business secret information.

ART. 8

(1) The head of the holding unit shall withdraw the authorization for access to business secret information, in the following situations:

a) upon the termination of the working or job relations, as applicable, between the unit and the holder of the authorization or the public dignity capacity;

b) when the attributions specific to the job for which the holder authorization has been employed no longer require the access to such information;

c) when the authorization holder has infringed the regulations regarding the protection of business secret information.

(2) After withdrawing the authorization for access to business secret information, the security structure/officer shall proceed to destroy it, based on a report.

ART. 9

The access of foreign citizens, of Romanian citizens who are also citizens of other country, as well as of stateless persons to business secret information is allowed under the conditions set up by the National Standards for the protection of classified information in Romania, based on the special access authorization.

ART. 10

The transport of business secret information shall be made according to the regulations in the field, set up by Government decision.

ART. 11

(1) If business secret information is compromised, the heads of the units holding such information will order administrative investigations so as to determine the circumstances under which it occurred, the responsibilities and the possibilities to recover or limit the prejudice.

(2) The units holding business secret information will immediately make known, based on material competences, the cases of compromised business secret information to the institutions having attributions of activity coordination and control of the measures regarding the protection of classified information.

(3) The units holding business secret information may appeal to law courts in order to recover the prejudice caused by compromised business secret information.

ART. 12



The failure to comply with the provisions of this decision shall entail disciplinary, contravention, civil and criminal liabilities, as applicable, according to the law.

ART. 13

(1) The contravention sanctions provided in the Government decision no. 585/2002 shall also apply if the norms regarding the protection of business secret information are not complied with as long as they refer to the obligations resulted from the activities provided in art. 1.

(2) The contravention fines, in case of failing to comply with the norms regarding the protection of business secret information, shall be reduced to one half, without placing the special minimum limits thus established under the general minimum limits provided by the law.

ART. 14

The failure to comply with the provisions of art. 4 and art. 6(1) represents a contravention and it shall be sanctioned with a warning or a fine between 500,000 lei and 10,000,000 lei.

ART. 15

Within 60 days from the date when this decision is published in the Official Gazette of Romania, Part I, the authorities and public institutions, economic agents with fully or partly state-owned capital and the other public or private law companies using business secret information shall issue their own norms to implement this decision.

ART. 16

Annexes no. 1-3 are integrant part of this decision.

PRIME-MINISTER
ADRIAN NASTASE

Countersigns:

p. Director of the Romanian Intelligence Service,
Vasile Iancu

Minister of National Defence,
Ioan Mircea Pascu

pp. the Minister of Interior Affairs,
Toma Zaharia,
State secretary

Minister of public finance,
Mihai Nicolae Tanasescu

Bucharest, 25 July 2002
No. 781



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ANNEX 1

ROMANIA
(unit)

Business secret
(further to completion)

Single copy

Office

No. of

RECORD
of business secret information

Date of record start.....

Date of record closure

Ingoing

Registration no	Registration date			No. and date of the document	Where the document comes from	Brief content of the document	No. of copies	No. of pages/ copy	No. of annexes	No. of pages annexes	To whom the document was distributed
	year	month	day								

Outgoing

Delivery date	Beneficiary			No. of copies	No. of pages	No. of annexes	No. of pages/annex	No. of delivery slip	No. of file and the page where the document has been classed (no. of the destruction certificate)	Observations
	year	month	Day							



ANNEX 2

Header of the unit

AUTHORIZATION FOR ACCESS TO BUSINESS SECRET INFORMATION

Series number

We hereby authorize the access to business secret information of Mr. /Mrs. / (name, surname, personal number code) /, employed by our unit as

This authorization shall be valid until.....

Head of unit,
.....
(signature and stamp)

Head of security structure /
Security officer,
.....



ANNEX 3

ROMANIA

.....
(unit)

Single copy

Office.....
No. of

Business secret

(further to completion)

RECORD
of access authorizations to business secret information

Date of record start
Date of record closure

No.	Holder's name, surname and identification data	Position and office where he develops his activity	Date of authorization issuance	Series and number of authorization	Validity period	Withdrawal date	Reason for withdrawal	Observations

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I, Elencu Laura-Daniela, holder of authorization no. 7626/2005 issued by the Ministry of Justice, hereby state that I am a certified translator between the Romanian language and English and that the official Romanian document presented to me has been accurately translated from Romanian into English to the best of my knowledge.

Translator

[Signature]

