

LEGAL ALERT

ONE GROUP - ONE DPO

THE NEW DATA PROTECTION FRAMEWORK



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Pursuant to Law No. 195/2024 on Personal Data Protection, which will enter into force on 23 August 2026, the Republic of Moldova has strengthened the obligations of data controllers and introduced rules largely aligned with those provided by the European Union's General Data Protection Regulation (GDPR). One of the key institutions under the new law, namely the Data Protection Officer (DPO), is subject to a considerably more explicit sanctioning framework in cases of non-compliance, compared to the current regime under Law No. 133/2011.

PERSONAL DATA MAY INCLUDE:

- name;
- e-mail address;
- telephone number;
- identification data;
- location data;
- data concerning health;
- biometric data;
- any other information allowing the direct or indirect identification of a person.

THE DPO UNDER THE NEW LAW

The Data Protection Officer (DPO) is a key figure within an organisation's data protection and compliance framework, responsible for overseeing the proper implementation of personal data protection requirements.

Under the new law, if a DPO or a processor, either intentionally or through negligence, infringes several provisions of the law in relation to the same processing operation or to related processing operations, the aggregate amount of the administrative fine shall not exceed the amount prescribed for the most serious infringement, namely a fine of up to MDL 2,000,000. This considerably increases the liability exposure of controllers and renders the legal framework significantly more explicit with regard to the role of the DPO.

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Given that the law requires the DPO to be “easily accessible” from each establishment of the respective undertakings, the question frequently arises in practice whether a company established in the Republic of Moldova may appoint, as DPO, a person located abroad.

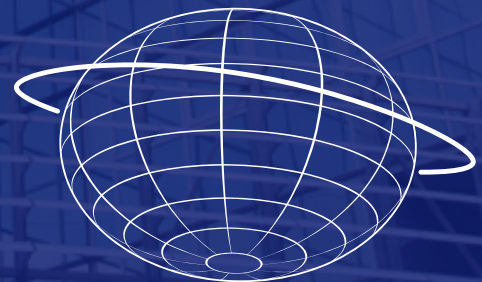


The interpretation of the relevant legal provisions suggests that such practice is permissible. The law does not require the DPO to be physically present on the territory of the Republic of Moldova or at the premises of the locally-based controller. The key requirement is that the DPO remains effectively and readily accessible to both data subjects and the competent supervisory authority. Therefore, communication via e-mail, telephone, videoconference, or other electronic means may satisfy the accessibility requirement imposed by the law.



Although the appointment of a foreign DPO is permitted, companies should take into account several practical aspects:

- the DPO must be familiar with the legislation of the Republic of Moldova in the field of data protection;
- the DPO should understand the specific nature of the activities carried out by the local entity;
- the company must ensure clear and efficient communication channels with the DPO;
- the DPO’s contact details must be available to data subjects and the competent authority.



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