

## COOPERATION AGREEMENT

Between

**THE OFFICE OF THE INFORMATION AND DATA PROTECTION  
COMMISSIONER OF THE REPUBLIC OF MALTA**

And

**THE NATIONAL CENTER FOR PERSONAL DATA PROTECTION OF  
THE REPUBLIC OF MOLDOVA**

The Office of the Information and Data Protection Commissioner of the Republic of Malta and the National Center for Personal Data Protection of the Republic of Moldova (hereafter separately a **“Party”** and collectively the **“Parties”**):

GUIDED by the spirit, scope and provisions of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data no. 108, signed on the 28<sup>th</sup> of January 1981<sup>1</sup> (hereafter **“Convention no. 108/1981 of the Council of Europe”**), and modernised on the 18<sup>th</sup> May 2018;

RECOGNISING the importance of the European standards on personal data protection for institutional capacity building of the Parties;

<sup>1</sup> Once the Republic of Moldova signs and ratifies the amending Protocol to the Convention for the Protection of Individuals with Regard to the Processing of Personal Data, adopted by the Committee of Ministers at its 128th Session in Elsinore on 18 May 2018 (the “Protocol”), all references to the Convention no. 108/1981 of the Council of Europe mentioned in this Agreement shall be automatically replaced with references to the corresponding provisions of the Protocol.

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CONSIDERING the common interest in developing bilateral cooperation in the personal data protection field;

RECOGNISING the necessity to cooperate in order to constantly progress in consolidating an efficient system of personal data protection;

NOTING that this Agreement shall promote good relations and create favorable conditions for efficient protection of personal data of the citizens of the Republic of Malta and the Republic of Moldova;

CONSIDERING Article 50(1)(a) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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) to which the Office of the Information and Data Protection Commissioner of the Republic of Malta is subject, as well as Article 13(3)(a) of the Convention no. 108/1981;

EXPRESSING the determination to establish strengthened relations between the Parties, having agreed as follows:

## **Article 1**

### **Purpose of the Agreement**

According to the present Cooperation Agreement (hereafter the “**Agreement**”), the Parties express their interest to further develop and strengthen the bilateral relations between the Office of the Information and Data Protection



Commissioner of the Republic of Malta and the National Center for Personal Data Protection of the Republic of Moldova, as well as their mutual aim to promote their role at the European level, in the field of the protection of fundamental rights and freedoms, in particular in the field of personal data protection.

## **Article 2**

### **Areas of cooperation**

The cooperation shall take place in accordance with this Agreement, by promoting various activities, which are as follows:

- a. exchange of information on the application of laws, regulations, standards, best practices and recommendations in the personal data protection field;
- b. short-term exchange of experts for the purpose of mutual professional development in specific sectors related to the personal data protection field;
- c. exchange of results of researches, studies and analysis, in the field of privacy and personal data protection;
- d. cooperation in the field of professional training (qualification) and organisation of consultations, seminars, conferences, workshops and study visits;
- e. exchange of information on the developments in relation to the applicable data protection legislative frameworks at both the national and international level;



- f. organise activities focused on the promotion of the protection of privacy and personal data protection;
- g. cooperation in the implementation of national and international joint educational programmes of mutual interest in accordance with the purpose of this Agreement;
- h. exchange of best practices in order to study the distinctive features of the Parties' respective institutional and legislative systems in the field of personal data protection;
- i. cooperation for the purpose of organising projects of common interest for both institutions at the national and international level;
- j. provide mutual assistance in strengthening the institutional capacities of the Parties in line with the provisions of Chapter IV of the Convention no. 108/1981 of the Council of Europe; and
- k. engage in other forms of cooperation activities that can be mutually agreed upon, in the context of this Agreement.

Provided that the Parties shall not exchange any personal data pertaining to data subjects which they process except for the situations provided at art. 14 of the Convention no. 108/1981, by virtue of their regulatory role at law whilst executing the cooperation activities in terms of this Agreement.

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The planning and implementation of the various activities provided for in Article 2 shall be carried out following bilateral arrangements between the parties particularly in relation to finding mutual agreement on the availability and sharing of resources and budget.

### **Article 3**

#### **Communication between the Parties**

To achieve the cooperation activities of this Agreement, as laid down in Article 2, the Parties shall communicate directly in written form or in oral communications, using the English language.

For the proper implementation of this Agreement, the Parties shall exchange contact details of the responsible representatives within thirty (30) days following the date of signature of this Agreement.

In the framework of mutual assistance as stipulated in Article 2(k) of this Agreement, the communication between the Parties shall be bound by the appropriate obligation of confidentiality in terms of Article 15(2) of the Convention no. 108/1981 of the Council of Europe, in relation to all information exchanged between the Parties.

Provided that such obligation of confidentiality shall apply to all the employees who are engaged by the Parties for the purpose of implementing this Agreement and shall continue to apply following the termination of this Agreement.

Provided further that upon termination of this Agreement, the Parties shall return or destroy any information obtained following the assistance of data subjects,

on the basis of art. 14 of the Convention 108 from the other Party as a result of this Agreement.

#### **Article 4**

##### **Relationship with other provisions**

This Agreement shall not affect the rights and obligations arising, from treaties and international agreements to which the Republic of Malta and the Republic of Moldova are parties, from the membership of international organisations, or from any of the respective laws or status.

The Parties shall communicate to each other any significant amendments to the law applicable to the respective Parties in the field of personal data protection and revise this Agreement, where appropriate. The Parties shall, as far as possible, communicate the amendments to the other party, prior to the date of entry of the amendments.

#### **Article 5**

##### **Settlement of disputes and termination of this Agreement**

In order to prevent a dispute on the application of this Agreement, each Party may prepare a written request for consultation.

Consultations shall take place no later than thirty (30) days from the date of receipt of the written request.

Each Party may terminate this Agreement, and this shall be done in written form.



## Article 6

### Final provisions

This Agreement shall be concluded for an indefinite period and shall come into force on the date of signature of both Parties.

This Agreement shall only be amended by mutual consent in written form.

This Agreement is signed in Bucuresti,  
on the 18<sup>th</sup> November 2021 in the Romanian and English language in four  
duplicates, two for each language. All duplicates shall be considered as original.

**THE OFFICE OF THE  
INFORMATION AND DATA  
PROTECTION COMMISSIONER  
OF THE REPUBLIC OF MALTA**

**THE NATIONAL CENTER FOR  
PERSONAL DATA PROTECTION  
OF THE REPUBLIC OF MOLDOVA**

  
**Ian DEGUARA**  
Commissioner

  
**Eduard RĂDUCAN**  
Director