Implementation of *the General Data Protection Regulation* in Romania: problems, perspectives, solutions

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ABSTRACT

In the context of the accelerated development of new technologies and the evolution of artificial intelligence programs, in the context of more and more discussions related to the digitization of public services, interoperability, cross-border data transfer, Big Data, fake news, deep fake, hybrid warfare and cyberattacks we must admit that it is necessary to find quickly solutions to give to all data subjects the right to have control over their personal data. Legislative solutions are not enough. Can a state, through a correct, coherent, constant information of citizens and their institutionalized training in the field of privacy protection to reach through prevention, to ensure effective protection of personal data? Using comparative analysis as a research method, we have identified good practices of implementing GDPR in several European countries. The results obtained through the analysis of the data collected by the open-ended questionnaire and the interview research methods revealed to us the real needs of the Romanian citizens. Having good practices models for implementing GDPR in several European countries and the real needs of the population regarding the data protection field, we aim to provide solutions to improve the implementation of the GDPR in Romania.

KEYWORDS*: GDPR-personal data, data subjects, digital decade, needs, solutions.*

Introduction

On 15 December 2022 the European Commission President, Ursula von der Leyen, signed with the European Parliament President, Roberta Metsola, and the Czech Prime Minister, Petr Fiala, *The European Declaration on Digital Rights and Principles*[1]. This document represents the European Union's commitment to a secure and sustainable digital transformation, which will put people at the centre of any concerns and decisions, in line with the fundamental values of the European Union. A first assessment of how digital principles have been applied so far is presented in the *Report on the state of the Digital Decade 2023*[2]. The European Commission is also conducting an annual survey (*Eurobaromete*[3]*r*) to monitor measures implemented, in line with digital principles, in the Member States. It was also approved *The Digital Decade policy*

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[1] Information published on the page: https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/europes-digital-decade-digital-targets-2030_en. Page accessed on December 23, 2023.

[2] *Ibidem.*

[3] *Ibidem.*

programme 2030[4], a document setting out annual cooperation actions and activities in all the Member States, in contributing to the achievement of EU objectives and common goals. This governance framework involves the Commission and the Member States. The cooperation mechanism has four components: the creation of a structured, transparent and shared monitoring system that allows to measure the progress made for each objective in each Member State; the submission of an annual report assessing the progress made at Member State level (the first report was published in September 2023!); every two years, each Member State will present the actions adopted or planned to achieve the objectives set for 2030; a mechanism will be adopted to support the implementation of multi-country projects, *The European Digital Infrastructure Consortium* (EDIC).

In this context and in accordance with the current research of the possibilities to improve the system of regulation and implementation of the *General Data Protection Regulation* in Romania, we wonder where we are, as country and EU member state, regarding the strategic objectives set for 2030? How prepared is Romania to commit to a secure and sustainable digital transformation that will put its citizens at the heart of government concerns and decisions? How prepared are the Romanian data subjects to face the challenges posed by the need for the widespread use of new technologies? Is the Romanian administrative apparatus ready for the challenges imposed by a digitalised administration?

The European Digital Decade programme[5] gives us some concrete data to relate to: at least 80% of the population of the community bloc (between 17 and 74 years old) should have basic digital skills by 2030, UE should have 100% key public services online, all citizens should have access to online medical records, all citizens must have access to digital ID, UE should have safe and sustainable digital infrastructures. Regarding the first target, 80% of the EU population should have at least basic digital skills by 2030, a definition of digital skills is aimed at: information and data skills, communication and collaboration skills, ability to create digital content, digital security and problem-solving skills. A person has basic digital skills if he does at least one activity related to each of the five components mentioned above[6]. In accordance with the European Commission working document *"Implementation of multi-country projects",* public administration activities will support *"the implementation of a European Digital Identity Framework, that is the implementation of the eIDAS regulation, according to which all Member States should provide for interoperable eIDs and ensure the recognition of eIDs issued in other Member States, providing European citizens with convenient and safe access to the use of digital services that protect personal data and privacy"*[7]. Public administration activities will also support the functioning of

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[4] Information published on the page: https: //digital-strategy.ec.europa.eu/en/activities/digital-programme.Page accessed on December 23, 2023.

[5] Information published on the page: https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/europes-digital-decade-digital-targets-2030_en. Page accessed on December 23, 2023.

[6] Information published on the page: Sustainable development in the European Union – Monitoring report on progress towards the SDGs in an EU context – 2023 edition - Products Flagship publications - Eurostat (europa.eu). Page accessed on December 23, 2023.

[7] EUROPEAN COMMISSION, "COMMISSION STAFF WORKING DOCUMENT Implementation of multi-country projects Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Report on the state of the

the *Once-Only European Technical System*, which will enable local, regional and national public administration institutions to exchange data and evidences across borders in full compliance with legal requirements and the rights of individuals. However, according to EUROSTAT, *"Sustainable development in the European Union – Monitoring report on progress towards the SDGs in an EU context – 2023 edition"*[8], *"Romania ranks 27th out of 27. In the latest data calculated by Eurostat, the percentage of people with at least basic general digital skills was 28%, almost twice as low as the EU average (54%)"*.

1. **From the comparative analysis of how to implement the GDPR in several European states to the proposal of good practices examples that can lead to the creation of a model for optimizing the implementation of this regulation in Romania**

The comparative analysis of the implementation of the GDPR in several European countries has led to the identification of best practices that can be the basis for developing a better quality model of implementation of this European regulation in Romania. The criteria underlying the comparative analysis translate the will and the ability of a state to respect the fundamental rights and freedoms of data subjects and to ensure the protection of personal data during the processing process. Given that similar implementation practices, dictated by the Regulation, are generally not generating models of good practices, the focus in the search for best practices has been on the differences in the implementation of the GDPR in several EU member states. The indicators underlying the identification of best practices were established by reference to some sensitive aspects of GDPR implementation, observed through comparative analysis in Romania.

The indicators were: the quality of information (the structure of the website of the supervisory authority, the organization of information on the website, the informative and formative character of the information published on the website, the existence of national information campaigns, etc.); interest in *"promoting public awareness and understanding of the risks, rules, safeguards and rights in relation to processing"* as provided in the Article 57 (1), letter b) of the Regulation; interest in informing and training young people, adults and old persons about data protection risks in online activities, but also with regard to the rights they have as data subjects; the existence of data protection initiatives for vulnerable persons; interest in developing partnerships between higher education institutions, research institutes and supervisory authorities; interest in facilitating the exercise of rights provided by the GDPR by citizens; interest in reducing bureaucracy; interest in developing the proactive side of citizens; interest in encouraging volunteering activities as a form of professional insertion of young people; interest in supporting operators in ensuring the protection of processed data. Through comparative analysis, good practices models have been identified in Germany, France, Belgium, Ireland, Bulgaria and Malta.

Digital Decade 2023", Brussels, 27.9.2023 SWD(2023) 573 final, pag. 15. Document published on the page: https://digital-strategy.ec.europa.eu/en/library/implementation-multi-country-projects-digital-decade-report-2023. Page accessed on December 23, 2023.

[8] Document published on the page: Sustainable development in the European Union – Monitoring report on progress towards the SDGs in an EU context – 2023 edition - Products Flagship publications - Eurostat (europa.eu), p. 100 Page accessed on December 20, 2023.

In Germany, France and Belgium we identified an increased interest of the supervisory authorities in ensuring that data subjects are informed about the risks they are exposed in online, while providing useful information on how to protect themselves in the virtual environment. In these countries we have also observed an increased interest in citizens' training in a comprehensive manner, oriented to the target group, in a simple and practical way for all categories of persons with regard to data protection. Teaching and learning methods are appropriate to the concerns of the public to whom the site is addressed, being builted with respect for the age and the experience of data subjects. We have also seen this interest in the supervisory authorities in Ireland and Bulgaria, but not on the same quality level. Other best practices will be summarised below. Thus, on the website of The Commissioner for Data Protection and Freedom of Information in the German state of Hessen there are the first traces of interest for the legal use of the Zoom application in conducting online courses in the universities of Hesse. The Hamburg Commissioner for Data Protection and Freedom of Information constantly provide courses for trainee teachers. The State Commissioner for Data Protection and Freedom of Information Mecklenburg-West Pomerania, The State Commissioner for Data Protection in Lower Saxony, The Independent Data Protection Centre and The State Commissioner for Data Protection and Freedom of Information of Saarland offers internships to students interested in data protection field. Also *The Hamburg Data Protection Act* of 18 May 2018 approved the charging of fees for checks on compliance with data protection legislation in the private area. This measure can be a model of good practice by supporting the budget of the supervisory authority indirectly.

The National Commission for Information Technology and Civil Liberties (CNIL) has an internal regulation that establishes the working mode of its members, but also a Code of Ethics that contains ethical norms applicable to members and agents of the CNIL, showing interest in respecting the principle of equal opportunities. CNIL has in its structure a Department of Technologies and Innovation, within which were created structures such as: Technology Expertise Service, Digital Innovation Laboratory Service and Digital Development Center. We also note the existence of a Center for Digital Education, an Information and Documentation Service and a Scientific Publications Service in partnership with research institutes. Creating within the supervisory authorities structures that have as main tasks documentation in the field of data protection and digitalization, education, research and digital innovation, publishing scientific materials about data protection and digitalization or ensuring partnerships with institutions/ research institutes as well as making available to data subjects materials that allow them to be properly trained and informed on the two areas mentioned above represent an added value for the organisation of a supervisory authority and a model of good practice. We also note that the CNIL webpage is a model of good practice in terms of organizing information on the site, presenting it to an informed public or to all persons interested in, in self-selection of the level of training or information accordingly with the data subject interest, in increasing the level of training of data subjects regardless of age, location, professional experience through *active-participatory learning-self-assessment-making-switching to another level of training when the data subject feels ready to do so*. The training with CNIL does not depend on a trainer, a budget, time or major investments in personal development, but only on the time you choose to allocate to individual training.

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The Data Protection Commissioner from Ireland strongly supports the creation and inclusion of a digital citizenship programme in the primary school curriculum.

Another example of good practice and innovation is, in Belgium, the creation and functioning of a Council of "reflexivity" (*Le conseil de reflexion*), which may issue, on its own initiative or upon request, non-binding opinions to the data protection authority on all aspects of the protection of personal data. The composition of the Board shall be determined by the House of Representatives. Its members are not part of the Data Protection Authority. The Belgian data protection authority provides an excellent model of good practice also by accessing funds to implement a project to develop a digital platform that allows connection and interaction of all data protection officers.

The Bulgarian data protection authority (DPA) has developed a mobile application for data subjects and small or medium-sized enterprises *("GDPR in Your Pocket")*. The application is a valuable tool that provides a holistic view of the European legal framework on data protection, it is in Bulgarian, English, German, French and Italian and is available for free download for Android, Apple and Microsoft devices. Also in Bulgaria, the Commission for Personal Data Protection has implemented projects with external financing, an initiative that can be a good practice model for supervisory authorities that do not have too much budget to implement their activities. An online compliance tool for self-assessment has been developed in Malta. This tool enables conformity assessment of personal data processing operations. The user is invited to evaluate himself online. At the end of the questionnaire a report is generated based on responses provided by users to identify levels of risks in processing, to measure compliance gaps and to provide a feedback or useful recommendations for increasing compliance by reference to GDPR provisions. Users can also find a library of documents and policy templates that can be implemented within their own organizations.

2. Issues of implementation of the GDPR in Romania, identified following the analysis of the data collected by the open-ended questionnaire and interview research methods

In order to identify the real needs of data subjects regarding the implementation of the GDPR in Romania, data were collected by distributing one hundred open-ended questionnaires and by conducting nine interviews with persons employed in central public administration institutions. By methodological triangulation these data were compared with official answers given by central public administration institutions.

2.1. Needs identified after the analysis of the data collected by the interview method

Following the collection of data using the interview method, a number of needs have been identified that we will consider a priority, such as: the need to increase awareness about the implementation of the GDPR and especially about the risks related to the protection of personal data; the need to ensure clarity in the implementation of the GDPR, including correct and constant information of the population on the provisions of normative acts; the need to ensure data protection not only through legislative interventions; the need to ensure a culture dialogue at

European Union level in order to harmonise the way the GDPR is implemented at the level of Member States; the need to invest in the infrastructure of public institutions; the need to ensure the continuous training of civil servants in the field of data protection; the need to increase transparency regarding the application of the provisions of normative acts both at the level of the Member States and at the level of the European Union; the need to clarify the situations of granting consent by a data subject in the online activities, but also to create a real context for granting consent for the activities related to e-commerce and online payments; the need to avoid imbalance of power in respect of human rights in relation to the existing relationship between the State and data subjects, employees in public institutions; the need for progressive adaptation of the population to the challenges of the digital society; the need to reduce bureaucracy through digitalization; the need to create norms, tools and mechanisms to respect human rights in a digitised society; the need to ensure, at operator level, real protection of collected data; the need to increase the quality of the management and control system at the level of public institutions; the need to increase transparency in the communication of state institutions with citizens; the need to avoid or reduce legislative inflation in order to create a more coherent legal framework, transparent and clear and to ensure the protection of personal data; the need to strengthen legislation to avoid the *sale* of personal data; the need to ensure a similar context for the implementation of the GDPR in all EU countries; the need to avoid fraud related to the use of citizens' personal data in online commerce; the need to place the citizen at the centre of the concerns of the Member States governments; the need to have a practical applicability of the legal provisions on data protection; the need to „ *place the right to privacy at the top of the pyramid of all citizens' rights"*; the need to increase the cyber resilience of Romanian systems in order to deal with cyber attacks. A simple regulation is not likely to create the protection of individuals in the processing of their personal data, but how it is understood and implemented can achieve the goal for which it was issued.

2.2. Issues identified after analyzing the data collected by the open-ended questionnaire research method

After analyzing the data collected by the open-ended questionnaire research method, a number of problems were identified such as: the existence of many confusions and gaps regarding human rights and fundamental freedoms among adolescents, young people and young adults; the historical past and the collective imaginary can alter the meaning of some concepts (for exemple the term „*targeted person"*, the translation from the Romanian term „*persoană vizată",* used for „*data subject"*) is generally perceived as negative, not being associated with „*a person benefiting from rights"*); the link between the right to privacy and the right to data protection is unknown; international, European or national documents regulating the protection of personal data are not known; the institutions that manage the monitoring of respect of the protection of personal data in the processing process realised by public or private operators, established at national and European level, are not known; most of the people questioned would choose the development of new technologies but only if a safe framework for respecting the right to privacy is created; the online environment presents risks that need to be known; children are the most vulnerable in the online

environment that is why digital education is needed; too rapid assimilation of new technologies in public administration could block an entire system, an entire society.

3. Proposals and solutions

- **Increasing the quality of informing the population about the implementation of the** **General Data Protection Regulation in Romania**

The quality of information in the existing contract between state institutions and citizens is also given by the way the citizen can found himself in the text of communication, the chosen method of communication and the instrument by which collective communication is carried out. For Colette Sabatier *identity* is defined by individual and social factors. *"The identity reflects an awareness of the individuality but also of the individual belonging to social categories with which they share common aspects distinguishing themselves from other social groups."[9]* Maria Jarymowicz distinguishes five levels of structuring the *Ego* in building the *Social Ego*. For Jarymowicz each level corresponds to a stage that must be overcome in order to fulfill the pyramid of the *Social Ego*. The perception of *Me-We* is a necessary, but not sufficient condition of cultural coexistence. *"The construction of identity, both individual and social"*, she says *"allows the ability to decent and to overcome the perspective (of the endogroup) and to move from Me to Other (exogroup)."[10]* It is possible, at this level of decentration, to play the card of acceptance, of cohabitation right outside the borders, it is possible to understand, share and accept the rules of an extended group (the citizens of the European Union for exemple).

The emergence of an European regulation creates a privileged place to define the construction of the *Ego* in relation to the *Other/Others*, testing the unitary application of the rules and sharing of common benefits. How do I interact with the *others* in communicating the rules? How much do I communicate? How communicate? Why am I communicating? Paraphrasing R. Vion, cited in Auger N., *«Constructions de l'interculturel dans les manuels de language »*, page 74, we can say that, in case of information transmitted by using an official website, the transmitter is missing, but it's not absent. The apparent absence of the transmitter is only about staging, because he is very responsible for what he communicates and for everything that happens in communication. *"This situation leads to the emergence of a potential polyphony insofar as the opinion implicitly expressed by the transmitter is a general opinion, echoing a diversity of enunciations"[11]*. The opinion expressed will be *"the opinion of a community belonging to the*

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[9] *« Elle procède à une prise de conscience de son individualité propre, mais aussi de son appartenance à des catégories sociales avec lesquelles l'individu partage des points communs en se distinguant d'autres groupes sociaux.»*, Colette Sabatier, Fabienne Tanon, Hanna Malewska – Peyre (contributeur) « Identités, acculturation et altérité », Editions L'Hartmattan, 2002, p. 7.

[10] Sabatier, Malewska et Tanon, op. cit., p. 40.

[11] «*ne relève que de la mise en scène, car le locuteur est bien responsable de l'énonciation et de tout ce qui s'y produit. Cette disposition fait apparaître une polyphonie potentielle dans la mesure où l'opinion qu'exprime implicitement le locuteur est une opinion plus générale laissant entendre une diversité d'énonciateurs». [...]« l'opinion de la communauté d'appartenance de l'énonciateur » « représentant et porte-parole d'un groupe social, d'une instance*

emitter" which becomes *"the opinion of the spokesperson of a social group, of an ideological-institutional court".*[12] In this context, we propose the development of a neutral model of communication, which is quite easily accessible to all citizens of the European Union, allowing quick access to information for the data subjects, but also providing an easy tool for training data protection officers and exchanging information between them. In the full age of digitalization this tool can be a site (webpage), made in neutral colors (colors used on official EU sites), website on which information is accessible in all official languages of the Member States and is organized by age groups (children, young people, adults) and level of training (data subjects and data protection officers). The webpage can reproduce the interface of an android phone/Iphone or computer, in terms of organizing information, the idea of *folder* being known and involving access to new and new windows, enabling information and increasingly in-depth data protection training for the public concerned. But, how many people fall into the category of interested audience?

We cannot ignore the lack of digital skills training at data subjects, whether we are talking about some employees of public institutions or other categories of people. If in 2018 the idea of teleworking was not taken into account, in 2020 teleworking was regulated on the background of the COVID-19 pandemic. If in 2020 the online life was necessary, forced by circumstances, in 2022 real life began to voluntarily give up more and more space to time spent in virtual reality. In 2023 another topic has already triggered debates, expert confrontations, political positions: artificial intelligence. The adaptation of data subjects to the inclusion of new technologies in their daily lives can be very difficult. Can regulatory activity keep up with the evolution of new technologies? Initiating normative acts to regulate the use of artificial intelligence in public administration activities requires time, a time that the rhythm imposed by the evolution of new technologies gives with difficulty or not. If actors like industry, trade, finance, banks, economy see the benefits of the widespread use of new technologies, the governments see the risks of this initiative. In these circumstances, it is necessary to inform citizens about their right to privacy and data protection, both by using the official websites of public institutions or radio, television, written press, educational institutions. All that for prevent fraudulent data processing.

Government website: labyrinth or itinerary?

Digitization is perceived as proposing an efficient and effective way of communicating between the state and citizens. More the communication will go online, including as a *State – citizen* relationship in fulfilling the obligations that the State has towards the citizens (granting visas/ passports, issuance of a building permit, issuance of identity cards, granting access rights to various services, etc.), but also in fulfilling the obligations that the citizen has towards the State (payment of taxes, payment of fines, etc.), the need for digital training of citizens will be greater. The citizen will adapt more easily to the digital State if the online transition will be made by using a friendly interface, known to him: the screen of a phone or a tablet. Alain Choppin believed that *„the sense that we give to an image is the result of a reading itinerary, based on the sighting and*

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idéologico-institutionnelle [...]» , Catherine Kerbrat-Orecchioni citată în Auger N., « *Constructions de l'interculturel dans les manuels de langue »*, 2007, EME Editions , p. 74.
[12] *Ibidem.*

association of visual signs scattered, discontinuous."[13] From this point of view any image becomes a guide but also an *opera aperta*, in the sense established by Umberto Eco through *"Opera aperta"* book.

The meaning that we will give to an image will be the discovery of another variant of reading the image. Everything will be played on deciphering the *denotative meaning* (sum of codes: *"code of the perception of forms"*, *"code of analog representation"* and *"code of the name of the object"*) and the *connotative meaning ("additional meanings arising from education and culture")*.[14] Reading an image, or simply the effect it produces in the eye, depends on *"its internal organization (object presented, colors and contrasts) and its location on the page as context (size, presence or absence of other images, layout on the page)"*[15] and other personal variables (age of the interpreter, his memory, his culture, his representations and his imaginary). By involving a certain relationship between a *transmitter* and a *receiver*, the image can have several functions: *motivation function, decorative function, informative function, reflecting function* (in the sense of meditating on the meanings of the image) or *function of exemplification*. A WEB page, especially if we are talking about the WEB page of an official institution, rather exploits the image *motivation function*, its attractiveness playing an essential role here. The *decorative function* (the aesthetic value of the image) and the *function of exemplification* are important insofar as the image functions as a *cultural referent*. What should an official website be like in this case? A *labyrinth* involving complex mental exercises on the part of data subjects to retrieve the information they need or an *itinerary* allowing them quick access to information? From the data collected through the interview and the open-ended questionnaire methods we identified the need to inform the citizens, the need to assure an easy access to information, the need for clear, coherent, constant communication by state institutions in relation to the citizens. Therefore, an official website is required to be an *itinerary* that guides the citizen, easily leads him to information, an *itinerary* who needs to be attractive and contain constantly updated information.

The need to use an evaluation grid to evaluate a government site

In his work *"Evaluation multicritères du site WEB du Ministère des Ressources Humaines et développment Social du Canada"*[16], Kedowide Colombiano made a complex assessment of the official website of the Ministry of Human Resources and Social Development of Canada, assessment based on several evaluation criteria.

At first Colombiano has conducted a complex analysis of traditional methods of quality evaluation of government sites in Canada given the opportunity to complete them with a new evaluation method, WebQEM[17]. The reason for this choice was justified in relation to the fact that

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[13] *« le sens qu'on donne à une image est le résultat d'un itinéraire de lecture qui repose sur le repérage et l'association de signes visuels éparpillés, discontinus»*, Choppin Alain, *« Les manuels scolaires : histoire et actualité »*, Hachette, Paris, 1992, p. 158.

[14] Choppin Alain, *« Les manuels scolaires : histoire et actualité »*, Hachette, Paris, 1992, p. 160.

[15] *«[…] son organisation interne (objet présenté, couleurs, contrastes) et de sa situation par rapport au contexte de la page (taille, présence ou absence d'autres images, disposition)»*, id., p. 161.

[16]Kedowide Colombiano, *« Evaluation multicritères du site WEB du Ministère des Ressources Humaines et développment Social du Canada »,* Université Québec à Montreal, 2008, p. 3.

WebQEM[17] uses quality standards in software engineering and WEB and not governmental rules and directives. This method was applied for the first time at government level by Kedowide Colombiano and one of the results of his research was the elaboration of an evaluation grid for a government website. Considering the results obtained from the processing of the data collected by various research methods, we consider necessary to apply an evaluation grid of the websites of all central and local public institutions.

- **Introduction of a research structure in the organisation chart of the supervisory authority fron Romania**

It would be appropriate for the supervisory authority to include, in the organisation chart, structures dedicated to technological expertise, digital innovation and development, digital education as well as structures/a structure dedicated to information and documentation, scientific research and partnership with research institutes. Developing partnerships between higher education institutions in Romania, research institutes and the national supervisory authority, developing the research component in the field of personal data protection, offer internships, it would represent a good step in terms of inter-institutional cooperation, opening new horizons in research by building a closer link between academia and public administration, but also by reducing the existing distance between *regulation* and *application of the provisions of the normative acts*.

- **Study of human rights and fundamental freedoms: a necessary step and a natural evolution in Romanian education**

Children are the most exposed online and the growing presence of devices in their lives creates conditions for increasing virtual interactions in their case. Online presence involves big risks for them. The study of human rights and fundamental freedoms, with a focus on the study of the right to privacy and data protection, at the same time as encouraging and facilitating the participation of data subjects in the formation of basic and advanced digital skills is necessary in Romania.

Member State of the European Union, Romania is a candidate for opening up to the *union and exchange*, including through its human resources. Romanian citizens have equal rights with other European citizens, an additional reason for Romania to be prepared for the digital decade with all its resources and at the level imposed by other Member States. Children, the old persons, the vulnerable persons, all must have access to information, to applied learning, to knowledge and if we talk about the right to the protection of personal data and the formation of digital skills, the key actors must be the National Supervisory Authority and the Ministry of Education. Better regulation, at the moment, involves a restart in terms of regulation and enforcement of the normative acts, placing the citizen at the centre of government concerns, including through its

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[17] Kedowide Colombiano, « *Evaluation multicritères du site WEB du Ministère des Ressources Humaines et développment Social du Canada »,* Université Québec à Montreal, 2008, p. 4.

correct and constant information but also through the development of critical thinking and the proactive side of citizens through education and training.

Conclusions

The implementation, at national level, of an European regulation is a test of unity in the community context, a test of national identity affirmation but also a chance of openness and unitary evolution through cooperation and exchange at the level of States and governments. The protection of data subjects becomes, in the current geopolitical context and the development of new technologies, an area not only important but strategic. *"With the magnitude of cyberthreats increasing exponentially, cybersecurity is a must-have. This call for supporting technologies will help the EU invest to protect us as citizens, our societies and our economy."*[18], says Margrethe Vestager, Executive Vice-President for a Europe fit for the Digital Age. Commissioner for Internal Market, Thierry Breton, also said that *"Detection speed is key to effectively respond to cyber threats. That is why [UE] wants to invest in novel AI applications and other enabling technologies to strengthen our European SOC infrastructure and achieve a true European cyber shield."*[19]

The *detection speed* that Mr Thierry Breton is talking about must, however, be linked to the speed of implementation, at national level, of the proposed measures at European level. In this context, preparing the population, including public administration employees, regardless of age, to face the challenges posed by the changes made to the infrastructure level, in general, cannot be ignored.

On the other hand, if the public administration will be prepared in time to deal with the effects of digitalisation, the public must be also prepared, and here we speak about all the groups involved, in order to safely use the services offered by digital programs. An important role in this context is undoubtedly played by education, the education system in general and also the lifelong learning programs. Developing digital skills to all citizens, regardless of age or social category is a challenge that must be taken into account, especially in terms of participation in adult educational programs and overcoming resistance to change.

Communication, informing people, involving adults in digital skills training programs should become key-activities at the national level if the goal is to increase the speed of implementation of European programs and avoid exposure of data subjects to the risks of deployment activities in the online environment. We cannot forget the results of PISA 2022[20], which places our country on the penultimate place in EU, in front of Bulgaria but following the education systems in countries such as the United Arab Emirates, Brunei or Turkey from 81 participating States and OECD member or partner economies. According to the information

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[18] https://digital-strategy.ec.europa.eu/en/news/digital-europe-programme-makes-eu84-million-available-strengthen-ai-and-cybersecurity. Page accessed on December 27, 2023.

[19] *Ibidem.*

[20] Programme for International Student Assessment, document available on: https://www.edupedu.ro/rezultatele-pisa-2022-la-matematica-penultima-tara-din-uniunea-europeana-in-scadere-cu-2-puncte-fata-de-testarea-din-2018-si-al-treilea-cel-mai-slab-rezultat-din-istoria-testarii-internationale-stan/. Page accessed on December 28, 2023.

published on the website of the National Cyber Security Directorate from Romania, 760 Million Euro were granted for strategic investments to ensure the digital transition and cyber security of Europe through the *„Europe Digital" Programme*[21]. This objective is strategic and in full agreement with the provisions of Chapter II of *the European Declaration on digital rights and principles for the digital decade* where it is specified: *„Technology should be used to unite, and not divide, people. [...] We commit to [...] a digital transformation that leaves nobody behind. It should benefit everyone, achieve gender balance, and include notably elderly people, people living in rural areas, persons with disabilities, or marginalised, vulnerable or disenfranchised people and those who act on their behalf. It should also promote cultural and linguistic diversity [...]."*And in this case we must take into consideration the need to train those who operate data using modern technology, but also those who will transmit data for processing, using modern technology.

The declaration includes a whole section dedicated to education and digital skills training for European citizens, specifying a number of commitments such as the promotion of high-quality digital education and training, supporting efforts to help learners and teachers acquire and use digital skills and competences in their work, promoting and supporting efforts to equip all education and training institutions with connectivity, infrastructure and digital tools providing the necessary support to all European citizens to adapt to the changes brought about by the digitalisation of work through upskilling and retraining.

Formal and large-scale information, using all existing media, will lead to rapid awareness among citizens of the importance of acquiring digital skills. The education remains the basic pillar in the training of citizens, regardless of age or social category, in order to face the challenges of a digital future, including the protection of personal data and the right of privacy. In this context, we hope that the Romanian public administration will find the *right balance* necessary to adapt quickly to the challenges of the digital decade.

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