

REGULATION ON THE STATE VOTERS REGISTRY OF VOTERS

CHAPTER I. GENERAL PROVISIONS

1. The Regulation on the State Registry of Voters (hereinafter referred to as – the Regulation) is drafted in accordance with paragraphs 2, 7 and 9 of the Concept of the State Automated Information System “Elections”, approved by Law No 101-XVI of 15 May 2008, Articles 18, 22 letters c), s), Articles 381, 39, 40 of the Electoral Code No 1381-XIII of 21 November 1997, Law No 71-XVI of 22 March 2007 on registries; Law No 133 of 8 July 2011 on personal data protection and the Government Decision No 1123 of 14 December 2010 “On approval of the requirements to insure personal data security when they are processed within the personal character data systems”.

2. This Regulation defines the term of the State Registry of Voters (hereinafter referred to as – the Registry), determines the scope and the field of its application, lays down the mode of creating and maintenance of the Registry, contents and the legal regime for processing and use of the data contained in it, responsibilities and authorities of the owner, administrator and registrars, control and accountability.

3. The Registry is a module of the State Automated Informational System “Elections” (hereinafter referred to as – SAIS Elections), though it is independent, as much as operability of the Registry does not depend on the functionality of the SAIS Elections.

4. The data contained in the Registry shall be intended exclusively for the compilation of voters lists.

5. The Registry is the only official source of personal data of the citizens of the Republic of Moldova having voting right.

6. The owner of the Registry is the state, in accordance with Article 10(1) of the Law on registries.

7. The Registry is included in the Register of Information Resources belonging to the Central Electoral Commission¹.

8. Provisions of this Regulation are mandatory for the users and are applied in the course of keeping, processing and use of the data contained in the Registry.

9. For the purposes of this Regulation the following terms shall be defined:

special categories of personal data – information related to persons dwelling in hospitals, nursing homes for the elderly, persons sentenced to imprisonment, militaries;

personal data – any information related to an identified or identifiable individual;

holder of the Registry – a subdivision of the Central Office of the Central Electoral Commission, primary responsible for the maintenance and operability of the Registry. The holder of the Registry is its administrator as well;

¹ To be seen the Procedure of the information resources management approved by the Order of the CEC Chairperson, No 45 of 04.11.2013

provider of the Registry data – an authority that, on the basis of a written request and/or a contract free of charge, transmit/make available to the owner of the Registry the data about the citizens of the Republic of Moldova having the voting right;

module of data import from the State Register of Population – the interaction mechanism, through a Web-service, between the Central database subsystem of the SRP with the Registry data.

owner of the Registry – a public authority (Central Electoral Commission) stipulating all procedures aimed at ensuring the functionality of the Registry;

processing of the personal data – any operation or a set of operations performed over the personal data by automated or non-automated means, such as collection, recording, organization, storage, keeping, restoring, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;

registrar – a person within a local public authority who, basing on the authorized access, processes the data contained in the Registry;

the State Registry of Voters - a unique integrated information system of registration of the voters of the Republic of Moldova, built on the basis of the State Register of Population, intended for the collection, storage, update and analysis of data referred to the citizens of the Republic of Moldova, including those residing abroad, who have reached the age of 18 years and have no legal prohibitions to vote.

the State Register of Population (SRP) – a unique automated system for recording the citizens of the Republic of Moldova, foreign citizens, stateless persons, foreign citizens residing permanently and temporarily on the territory of the Republic of Moldova, as well as Moldovan citizens residing permanently or temporarily abroad (for a period of more than 3 months);

user of the Registry – citizen of the Republic of Moldova interacting with the Registry;

CHAPTER II. ESTABLISHMENT (FOUNDING) OF THE REGISTRY

10. The Central Electoral Commission shall be the only public authority authorized by the law to adopt the decision on the establishment of the Registry.

11. The Registry is created based on the information submitted by the providers of the Registry data:

a) *The Ministry of Information Technology and Communications*, through the authority owning the State Register of Population, shall submit the information referring to the citizens who:

- have reached the age of 18;
- passed away;
- legalized and/or modified their personal documents;
- changed their domicile, residence;
- lost their citizenship.

b) *The Ministry of Justice* shall submit the information related to persons acknowledged as incapable by a final judgment of a court of justice;

c) *Local public authority* shall forward the data regarding the borders and locations of the polling stations, including their modification, as well as regarding the assignation of voters to one or another polling station;

12. The main functions of the Registry are:

- a) establishment of the database of the Registry through a personified tracking of the voters;
- b) automated updating of the data related to voters through the module of data import from the State Register of the Population;

- c) assignation of the voters to polling stations;
- d) allowing the transfer of the voters data to the system from one to another polling station;
- e) compilation of voters lists;
- f) detection of duplication of voters in the voters lists;
- g) possibility of data export from the Registry to the SAIS Elections system;
- h) disaggregation of the voters-related data according to gender criteria;
- i) generation of statistic reports.

CHAPTER III. THE CONTENTS OF THE REGISTRY

13. The Registry shall contain the following voters data:

Data on the identity of the voter:

- a) personal identification data of the voter:
 - first name;
 - last name;
 - patronymic;
 - gender;
 - date, month and year of birth;
 - state identification number of the voter (IDNP).
- b) the data on the domicile or place of residence of the voter:
 - name of the country;
 - name of the rayon;
 - type of the administrative-territorial unit (municipality, town, commune, village);
 - name of the locality (municipality, town, commune, village);
 - city district, street, house number, entrance, apartment number.
- c) data on the new place of residence (declared):
 - name of the country;
 - name of the rayon, if applicable;
 - type of the administrative-territorial unit (municipality, town, commune, village);
 - name of the locality (municipality, town, commune, village);
 - city district, street, house number, apartment number, if applicable;

Special data categories related to the voter:

- referring to the declaration of incapacity of an individual – for the persons acknowledged as incapable by a final judgment of a court, who does not have the right to exercise the voting right.

Data related to the identity document of the voter:

- name of the document;
- series of the document;
- number of the document;

The polling station where the voter is assigned:

- number of the polling station;
- address of the polling station;
- boundaries of the polling station.

CHAPTER IV. MAINTENANCE OF THE REGISTRY

14. The Registry shall be maintained in electronic form in the official language of the state.

15. The maintenance of the Registry shall include all the actions related to the primary input and updating of the data through the interaction of the Registry with other information resources both of the CEC (the “Pre-registration” application of the SAIS Elections) and external (the data import module of the SRP).

16. Any intervention of enter-exit from the Registry shall be recorded in a log file, be it authorized or unauthorized.

1.1. DATA INPUT

17. The primary input of the personal data of the voters in the Registry shall be carried out only on the basis of the confirmative documents in the following cases:

- a) when reaching the age of 18;
- b) upon acquiring of the citizenship of the Republic of Moldova;
- c) upon a personal request of a citizen.

In the situation prescribed in letter c), a citizen shall submit an application directly to the authority owning the State Register of Population.

In all situations set forth in paragraph 17, the personal data shall be input to the Registry without human intervention, in an automated way, through the module of data import from the State Register of Population.

1.2. DATA UPDATE AND MODIFICATION

18. To update the data of the Registry, 4 aspects shall be taken into account:

- a) update of the voters personal data;
- b) modification of a voter status;
- c) assignment of a voter to one or another polling station;
- d) modification of the address and boundaries of a polling station.

19. The update of the voters personal data shall be an automated process, representing a continuous daily update through the module of data import from the SRP, without human intervention. The updated data shall remain intact, with no option to be modified.

20. The modification of the status of the voter may be performed only by the holder of the Registry and/or by a registrar, selecting one of the following situations:

- a) deceased – indicating the number of a death certificate;
- b) voter – to be selected when the voter data contained in the Registry is correct;
- c) Court judgment – in case when a person is declared incapable or does not have the voting right, based on the information presented yearly by the Ministry of Justice, no later than 31 January, as well as from time to time, and in case of elections - no later than 25 days prior to the election day;
- d) military – according to the information submitted by the Ministry of Defense on the basis of the data presented by commanding officer of a respective military and their family members, other voters residing on the territory of a military base.

When situations specified in letters a) - c) are confirmed, the modification of a voter status shall be performed permanently and the confirmation of the situation referred to in letter d) shall only be possible during the electoral period.

21. The voter shall be assigned to a polling station in accordance with Articles 29(2), 39 of the Electoral Code and the Regulation on compiling, administering, spreading and updating voters lists, approved by Central Electoral Commission Decision No 2674 of 25 September 2014.

22. The address and the boundaries of a polling station shall be amended, as a rule, during the electoral period, on the establishment of the polling stations, but no later than 35 days prior to the election date. Assigning of a street/entrance, house to a polling station and exclusion thereof from a polling station shall be made on the basis of the proposals of the mayors, according to the decision of the local council.

23. Any update or amendment to the data of the Registry shall be kept in the Notifications submenu.

1.3. REGISTRARS AUTHORIZATION

24. Authorization procedure of the registrars shall be as follows:

- a) The local public authority, by its decree, (Annex No 1) shall designate a person in charge of the voters lists, who shall process the data from the Registry for the purpose of compiling the voters lists;
- b) The information related to a designated person shall be communicated to the Central Electoral Commission, annually, before 15 January, or/and immediately in the case of designation of another person;
- c) In the situation set forth in letter b), the Commission shall submit the authenticated copies of the mayor's decree, the identity card of that person and the request to access the Registry (Annex No 2) which shall contain the person's primary identification data and his/her contact details.

25. If the conditions of paragraph 25 are complied with, the Registry administrator shall create a user name, issue a password against acknowledgement to a designated person and grant permission access to the Registry. As a result of these operations, a designated person shall obtain the status of registrar.

26. The registrar shall be guided in his/her activity by the holder of the Registry and his/her duties and responsibilities shall be set out herein.

27. The Registry shall be divided into territorial-administrative units and polling stations within them, in accordance with Law No 764-XV of 27 December 2001 on administrative-territorial organization of the Republic of Moldova. A registrar, having signed a statement in this regard (Annex No 3), shall have access only to the administrative-territorial unit for which he/she was authorized, may view, update and amend the data only for the polling stations and the voters assigned to those polling stations for which he/she is responsible.

CHAPTER V. RESPONSIBILITIES AND DUTIES

1.1. RESPONSIBILITIES AND DUTIES OF THE OWNER

28. The owner of the Registry shall have the following responsibilities:

- to ensure the legal, organizational and financial conditions, to establish and maintain the Registry;
- to ensure the maintenance of the Registry in accordance with the rules of Registry keeping;
- to ensure authenticity, completeness and integrity of the data of the Registry;
- to ensure security and protection of the data of the Registry;
- to ensure drafting of the guidelines and training of the registrars involved in the process of working with the Registry;
- to ensure the compilation, updating and printing of voters lists on the basis of the Registry.

29. The duties of the Registry owner shall be the following:

- to collaborate with the suppliers of the data of the Registry and the administrator;
- to determine the purposes, conditions, means and period of the Registry keeping and processing of the data contained therein;
- to clearly define responsibilities and duties of the administrator of the Registry and the registrars;
- to authorize the registrars;
- to establish the access conditions to the data of the Registry;
- to establish technical and organizational measures of protection and security of the Registry;
- to establish liability for failure to comply with the provisions hereof.

1.2. RESPONSIBILITIES AND DUTIES OF THE ADMINISTRATOR OF THE REGISTRY

30. The administrator of the Registry shall have the following responsibilities:
- to maintain and to run smoothly the Registry;
 - to oversee the process of automatic data processing;
 - to keep the confidentiality, integrity and availability of the voters-related data;
 - to ensure the availability of the Registry for the authorized persons;
 - to ensure data processing in the way determined by the owner of the Registry;
 - to monitor the activity of the registrar;
 - to identify the risks that may influence the integrity of the data and prevent unauthorized access to the Registry.
31. The duties of the administrator of the Registry:
- to collaborate with the suppliers of the data of the Registry, the owner and the registrars;
 - to establish the user name and grant the access to the Registry;
 - to amend the status and the data related to a voter, except for the data imported from the SRP;
 - to verify the accuracy of the modifications input by a registrar;
 - to coordinate the process of compiling, updating of voters lists by the registrars;
 - to prepare the voters lists for printing;
 - to perform other duties necessary for the proper functioning of the Registry.

1.3. RESPONSIBILITIES AND DUTIES OF THE REGISTRAR

32. The registrar shall be responsible for:
- the accuracy and correctness of the amendments and updates that are carried out within the limit of his/her competence;
 - ensuring the confidentiality and security of the data of the Registry to which he/she has access;
 - processing the data with good faith, within the deadlines and in the way established by the owner of the Registry.

The registrar shall be held liable for:

- extracting the data from the RSA and making copies;
- the quality of the voters lists;
- failure to comply with the provisions hereof.

33. The Registrar duties shall be:
- to collaborate with the administrator and data providers;
 - to establish, delete addresses, streets;
 - to establish and delete statements of residence, on the request of the voter;
 - to create, delete polling stations;
 - to assign and modify the address/street of one or another polling station;
 - to assign a voter to one or another polling station;
 - to modify the status of the voter;
 - to perform other duties necessary for the proper functioning of the Registry.

CHAPTER VI. LEGAL REGIME OF PROCESSING AND USE OF THE REGISTRY DATA

1.1. GUARANTEES REGARDING SECURITY OF THE VOTERS PERSONAL DATA

34. Protection and security of the Registry, of the personal data contained therein, shall be ensured by the Central Electoral Commission in accordance with the legislation in force, by implementing the Information Security Management System within the Central Electoral Commission ISO/IEC 27001: 2005, by adopting the Information Security Policy at the CEC as of 22 October 2013, through the CEC Information Security Standards, approved on 4 November 2013 by the Decree No 46 of the Chairperson of the Commission.

35. The Central Electoral Commission has established procedures, rules, internal rules regulating the entire process of securing the information system of the Commission.

1. 2. ACCESS TO THE DATA OF THE REGISTRY

36. The public nature of the Registry shall be secured to the extent stipulated by the Electoral Code and this Regulation.

37. Voters access to the Registry shall be restricted, as they shall have the possibility to check only their own data, by entering a personal code.

1.3. THE USE OF THE DATA OF THE REGISTRY

38. It is prohibited to use the data of the Registry for the purposes other than those set forth herein.

39. The voters data from the Registry, as of the termination of its use, processing, shall be archived, getting the status of an archived document.

1.4. COMPILATION OF THE VOTERS LISTS BASING ON THE REGISTRY

40. The voters lists compiled on the basis of the Registry shall be the lists including all citizens with the voting right that are domiciled or have their place of residence on the territory of a polling station.

41. The compilation, administration, dissemination and updating of the voters lists shall be carried out in accordance with the Regulation on compiling, administering, spreading and updating of the voters lists approved by Central Electoral Commission Decision No 2674 of 25 September 2014 and this Regulation.

CHAPTER VII. CONTROL AND ACCOUNTABILITY

42. The Registry keeping shall be subject to internal and external control.

43. Internal control shall be carried out by the Central Electoral Commission, while external control – by an authority authorized by the law with this right.

44. Internal control shall be performed annually and, as appropriate, if so necessary. External control, as a rule, shall be performed annually.

45. Prejudice to the security of the Registry, allowing unauthorized access or misuse of access, threat to integrity of the Registry, distortion or destruction of the data of the Registry, unauthorized copying of the database of the Registry shall entail liability in accordance with the legislation in force.