



Independent Evaluation Commission for assessing the integrity of candidates
for the position of member in the self-administration bodies of judges and prosecutors

Comisia independentă de evaluare a integrității candidaților la funcția
de membru în organele de autoadministrare ale judecătorilor și procurorilor

INSTRUCTION

on the deletion and destruction of information collected by the Independent Evaluation Commission for assessing the integrity of candidates for the position of member in the self-administration bodies of judges and prosecutors

Adopted by the Independent Evaluation Commission for assessing the integrity of candidates for the position of member in the self-administration bodies of judges and prosecutors at its meeting of 26 May 2025.

This Instruction on the deletion and destruction of information (hereinafter referred to as the "Instruction") was adopted in accordance with Article 10 para. (11) of Law No. 26/2022 on measures related to the selection of candidates for membership in the self-administration bodies of judges and prosecutors (hereinafter referred to as "Law No. 26/2022") and Article 20 of the Rules of Procedure (hereinafter referred to as the "Rules of Procedure") of the Independent Evaluation Commission for assessing the integrity of candidates for the position of member in the self-administration bodies of judges and prosecutors (hereinafter referred to as the "Commission").

Section I. General provisions

Article 1. General terms and expressions

The terms defined in the Rules of Procedure shall be used in this Instruction. Additionally, for the purposes of this Instruction, the following terms and expressions shall have the following meanings:

- a. "Evaluation Information"* – information collected during the evaluation process by the Commission about candidates and about the persons specified in Article 2 para. (2) of Law No. 26/2022, as well as other materials related to the evaluation process;
- b. "Organizational Information"* – materials specified in Article 20 para. (2) of the Rules of Procedure, as well as other materials related to the operation of the Commission's activity in fulfilling its mandate provided in Article 3 para. (1) of Law No. 26/2022.

Article 2. Duties of the Commission

1. The Commission shall carry out the deletion and destruction of the Evaluation Information and the Organizational Information in accordance with the procedure set out in Section III of this Instruction.
2. The deletion and destruction of the Evaluation Information and the Organizational Information shall be carried out only after the transmission of this information to the Superior Council of Magistracy (hereinafter "SCM") and the Superior Council of

Prosecutors (hereinafter "SCP"), in accordance with the procedure set out in Section II of this Instruction.

3. In performing the duties specified in para. (1) and (2) of this Article, the Commission shall be assisted by the Secretariat.

Section II. Transmission of Information

Article 3. Timing and Recipients of the Information

1. The Commission shall transmit the Evaluation Information and the Organizational Information to the SCM and SCP after the conclusion of the Commission's mandate as provided in Article 3 para. (1) of Law No. 26/2022 and as specified in Article 22 para. (11) of Law No. 252/2023 on the external evaluation of judges and prosecutors and amendments of some regulatory acts (hereinafter "Law No. 252/2023").
2. The Commission shall transmit the Evaluation Information concerning the candidates specified in Article 2 para. (1) lit. (a) – (d) of Law No. 26/2022 to the SCM, and the information concerning the candidates specified in Article 2 para. (1) lit. (e) – (h) of Law No. 26/2022 to the SCP. The Organizational Information shall be transmitted to the SCM and the SCP.

Article 4. Method of Transmission of the Evaluation Information

1. The Commission's Secretariat shall transmit the Evaluation Information in electronic format by placing it on a durable medium (USB flash drive) secured with a password.
2. The durable medium shall contain one folder per Candidate, which will include the Evaluation Information related to that candidate and a list of the enclosed materials (indicating the title of each material and the number of pages).
3. Upon transmitting the Evaluation Information, a handover report shall be prepared, containing the following information: the date of transmission; the names of the parties (the Commission and the SCM/SCP) and the details of the signatory representatives (full name, position held); a description of the action performed under this report and confirmation that the representatives of the SCM/SCP has been given the opportunity to verify and confirm that the durable medium contains the materials listed in the annex to the report. The handover report shall include an annex listing all included materials, indicating the title of each material and the number of pages.
4. The handover report shall be signed in two copies, one for the Commission and one for the SCM/SCP, by the parties. The copy of the Commission will be kept by the development partner supporting the Commission, which is the Center for International Legal Cooperation (CILC).

Article 5. Method of Transmission of Organizational Information

1. The Commission shall transmit to the SCM and the SCP one copy each of the Organizational Information, namely: the Rules of Procedure, the Commission's Evaluation Rules, including all amendments to these Rules, all minutes of the Commission's meetings not related to decisions on candidates, and the agreements concluded between the Commission and other public authorities regarding access to data for evaluation of candidates.
2. The Organizational Information shall be transmitted in accordance with the procedure established in Article 4 above, which shall apply *mutatis mutandis*.

Section III. Deletion and Destruction of Information

Article 6. Organizational Aspects

1. The deletion and destruction of the Evaluation Information and the Organizational Information shall be carried out by a special committee (hereinafter the "special committee") composed of the head of the Secretariat, Chair of the Commission, and an information technology specialist who provided technical (IT) support to the Commission's activities.
2. The deletion and destruction of the Evaluation Information and the Organizational Information shall take place at the Commission's seat, in the presence of the members of the special committee. The Chair of the Commission may be physically present at the Commission's seat or may participate by videoconferencing as facilitated by the Secretariat.

Article 7. Method of destruction and deletion of information

1. The special committee shall destroy paper-format information by shredding the materials using a document shredder. Upon completion of the destruction, a record (minutes) will be prepared containing the following details: date of destruction; first names, last names, and positions of the special committee members; description of the actions performed under this record; and signatures of the special committee members. The record will include an annex listing all destroyed materials.
2. The special committee shall destroy electronic information stored on durable media such as CDs by physically breaking these media into pieces. Upon completion of the destruction, a record will be prepared containing: date of destruction; first names, last names, and positions of the special committee members; description of the actions performed; and signatures of the special committee members. The record will include an annex indicating the number of destroyed media, with a listing of all materials contained on each medium.

3. The special committee shall delete the electronic information stored on durable cloud media used by the Commission by deleting the information from this medium. In this regard the special committee will instruct the IT Specialist of the Secretariat to delete the electronic information and will oversee this deletion process. Upon completion of deletion, a record will be prepared containing: date of deletion; a copy of the request to Microsoft to delete the Commission's Microsoft account; first names, last names, and positions of the special committee members; description of the actions performed (including the type of deletion applied); and signatures of the special committee members. If any confirmation on deletion of Commission's account is received from Microsoft, that confirmation is submitted to the SCM/SCP. The record will include an annex listing all deleted materials.
4. For each category of information (Evaluation Information and Organizational Information), a separate record will be drawn up per type of information destroyed/deleted. Each record shall be drawn up in three copies: one for the Superior Council of Magistracy (CSM), one for the Superior Council of Prosecutors (CSP), and one for the Commission (the copy of the Commission will be kept by the development partner supporting the Commission, CILC).