



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, amended on 13 November 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 candidate 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, including audio-video recordings of closed or open hearing sessions;
- 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;
- c. *"Deletion and destruction of data handled by Commission"* – technical and documented process through which all data handled by the Commission in carrying out its mandate, whether stored electronically (on physical digital storage media or on cloud-based digital storage systems) or in any other format, are completely and irreversibly eliminated by applying technical measures that render the data unrecoverable. The process shall be carried out in accordance with internationally recognized standards for data security and destruction.

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.
3. The Evaluation Information and the Organizational Information includes all information collected by the Commission irrespective of the format in which it was received, such as paper-format or electronic format.¹ That information shall be transmitted to the SCM and SCP in electronic format.

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 encrypted durable medium (such as USB flash drive, SSD or HDD) secured with a password, or on an equivalent digital storage device.
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

¹ All paper-format information received by the Commission during its mandate was digitized and included in the candidate's file. Similarly, all information received in other physical media, such as USB sticks or CDs, was included in the appropriate electronic files.

- (indicating the title of each material, its format, the number of pages and the SHA-256 integrity code for each material).
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, its format, the number of pages and the SHA-256 integrity code for each material.
 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, the Chair of the Commission (international member) and one national member. The Special Committee will be assisted, where necessary, by an information technology specialist (IT specialist) provided by the development partner supporting the Commission. The SCM and SCP will be notified of the date(s) scheduled for deletion and destruction of the Evaluation and Organizational information and will be invited to have a representative observe the activities of the special committee as described in para. (2) below.
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.
3. All data handled by the Commission in carrying out its mandate shall be deleted or destroyed as defined in Article 1 lit. c) above.

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 instruct the IT specialist to destroy or delete the electronic information stored on physical digital storage media (such as CDs, hard drives or computers), by physically breaking such media into pieces or, where applicable, by formatting or resetting the devices. The special committee will monitor the process carried out by the IT specialist. Upon completion of the destruction or deletion, a record will be prepared indicating: date of destruction or deletion; first names, last names, and positions of the special committee members; a description of the actions performed by the IT specialist; and signatures of the special committee members. The record will include an annex indicating the number of destroyed or deleted digital storage media, a list of the categories of materials contained on each medium and the signed copy of the IT specialist's written statement on the actions performed.
3. The special committee shall instruct the IT specialist to completely and irreversibly delete the electronic information stored on the Commission's cloud-based digital storage systems, including any backups, email accounts and associated applications. The special committee will monitor this deletion process. Upon completion of deletion, the IT specialist will produce a signed written statement detailing the actions performed and providing evidence confirming the deletion of information (such as logs, screenshots, communication with the Commission's cloud server provider regarding the closure and deletion of the Commission's account and related applications). The statement shall also specify the type of deletion applied (complete and irreversible). Upon completion of deletion of information and submission of the above-mentioned IT specialist's statement, a record will be prepared indicating: date of deletion; first names, last names, and positions of the special committee members; a description of the actions performed by the IT specialist (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 the relevant cloud service provider, that confirmation is attached to the record and submitted to the SCM/SCP. The record will include an annex listing all categories of deleted materials and the signed copy of the IT specialist's written statement.

4. For each category of information mentioned in paragraphs (1) – (3) above, a separate record will be drawn up per type of information destroyed or 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).