

INTERNAL RULES

On protection of the identity of persons who have submitted an alert for conducting of inspection under the procedure of Chapter Nine, Section I “b” of the Judiciary System Act

Chapter One

GENERAL PROVISIONS

Section I

SUBJECT, OBJECTIVES AND PRINCIPLES

Article 1. (1) The Rules shall regulate the procedure and measures for protection of the identity of a person who has submitted an alert for performance of an inspection under Chapter Nine, Section I “b” of the Judiciary System Act.

(2) These Rules shall not apply in respect of the procedure and conditions for implementing additional measures to protect the identity of the person who have submitted the alert. /Article 175p, para. 5/.

Article 2. The Rules aim to ensure the protection of the identity of the alert submitter in compliance with the requirements set forth in the Judiciary System Act.

Article 3. A person who has submitted an alert may not suffer any adverse consequences on that ground alone.

Section II

IDENTITY PROTECTION MEASURES

Article 4. (1) Protection of the identity of the person who has submitted the alert shall be ensured by:

1. nondisclosure of the person’s identity;
2. non-dissemination of the facts and data that have become known in relation to the review of the alert;
3. protection of the documents in writing from unauthorized access by any third parties.

(2) The information collected while examining the alert shall be deemed professional secret.

Article 5. The measures for identity protection shall include:

1. formation of a specialized recordkeeping office;
2. establishment of special procedure for submission and registration of alerts;
3. opening of a special fax line and email for submission of alerts;
4. drawing up of a special incoming and outgoing register;
5. designating a circle of persons authorized to access the information related to the alerts and defining their specific duties related to the procedure of filing, movement and examination of the alerts;
6. validation of an alert form in which the submitter may additionally indicate an appropriate option for correspondence that protects his/her identity.

Chapter Two

MOVEMENT OF ALERTS

Section I

RECEIPT OF ALERTS

Article 6. The measures for protection of the person shall be initiated upon receipt of the alert at the Inspectorate to the Supreme Judicial Council.

Article 7. (1) Alerts shall be submitted:

1. on site, at the registry office;
2. via mail;
3. via special fax line or email posted on the website of the Inspectorate.

(2) The Inspector General shall validate a list of employees having a right of access to professional secrets.

Article 8. Alerts being received pursuant to Article 7 shall be filed in the incoming register of the Inspectorate by number and date only.

Article 9. (1) The preliminary assessment whether the alert is subject to examination under these rules is made before it is entered in the special incoming register by a designated expert..

..... (2) The final assessment regarding the procedure whereby the alert is to be examined shall be performed by the Inspector General.

..... (3) An alert that simultaneously contains circumstances for conducting an inspection under Chapter Nine, Section I "b" JSA and pursuant to Article 54, para. 1, items 1-4 JSA, shall be examined following the procedure of these rules.

..... (4) Separate proceedings shall be instituted following an alert which, in addition to a request for inspection under Chapter Nine, Section I "b", JSA also contains:

..... 1. a request for payment of compensation under Chapter Three, JSA;

..... 2. a request for inspection under Chapter 9, Section I "a", JSA.

..... (5) An alert that contains allegations for the circumstances under Article 175k, para. 1-4 JSA and that is filed by a judge, prosecutor or investigating magistrate is not subject to assessment and shall be examined following the procedure of these rules.

..... (6) An alert that falls beyond the competence of the Inspectorate shall be immediately forwarded to the relevant authority along with a cover letter signed by the Inspector General.

Section II

FILING, DISTRIBUTION AND MOVEMENT OF ALERTS. CORRESPONDENCE WITH THE ALERT SUBMITTER.

Article 10. (1) After the final determination of the alert as subject to examination under these rules, the designated expert shall affix a stamp "for official use" and special seal.

..... (2) The specialized recordkeeping office shall record the alert in the special incoming register.

Article 11. (1) The special incoming register shall contain:

..... 1. serial number;

..... 2. date of receipt;

..... 3. number and date in the incoming register of the Inspectorate;

..... 4. name and personal identification number of the submitter/ personal number of foreigner; firm of a trader or name of a legal person; UIC /bulstat/;

..... 5. A column headed "about" with a brief description of the alert (described circumstances / issues raised).

..... (2) A hardcopy file shall be created for the cases based on each alert, the number of which shall coincide with the number under which same is entered in the special register.

Article 12. After filing in the special incoming register, the alert shall be reported by the expert under Article 9, para. 1 again to the Inspector General for distribution.

Article 13. The inspector to whom the alert is assigned shall inspect the regularity and admissibility thereof.

Article 14. (1) The instructions to the alert submitter shall be communicated to the postal address, telephone, fax, e-mail address specified by the latter, or via any other appropriate manner complied with the technical capacity of the Inspectorate.

..... (2) When the notification is effected by telephone, the alert submitter shall be informed that he/she may examine the contents of the instructions at the Registry Office. The notification shall be certified.

Article 15. (1) All outgoing documents related to cases instituted on the grounds of alerts under Chapter Nine, Section I "a" shall be recorded in a special outgoing register.

..... (2) The register shall contain:

..... 1. Sequence number;

..... 2. Date of document release;

..... 3. Type of document;

..... 4. Document author;

..... 5. Addressee;

..... 6. Notes (if any).

FINAL PROVISIONS

§ 1. The Rules shall be validated on the grounds of Article 175q, para. 6 and Article 175l, para. 8, JSA.

§ 2. The provisions of these Rules shall be mandatory for inspectors and employees whose duties, directly or indirectly, enable them to access information concerning the alert submitter's personal data as well as the circumstances set forth therein.