

**Law on the profession of private detective, law no. 329/2003 ,
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Chapter I - General Provisions

Article 1

(1) The private investigator is a person certified under this law and that , without prejudice to the right to privacy , family and private or other rights and fundamental freedoms at the request of individuals or legal entities performing specific investigation related to :

- a) public morality of a person;
- b) data on the solvency and credibility of a natural or legal person potential partner in a business ;
- c) persons missing from home ;
- d) goods subject to civil or criminal litigation alienated to prejudice the interests of the parties in the process;
- e) ensuring protection against leakage of information from private life or business operators who want to keep their confidentiality .

(2) The activity private investigator may be internal or the legal agreements to which Romania is part of the national security , public order or morality .

(3) Information obtained from the activities of PI are intended solely for its customer , under this law .

Article 2

(1) The private investigator may exercise the profession , as appropriate , within the specialized company or individual offices of private detectives , established under commercial law and which operates under license issued by the General Inspectorate of the Romanian Police .

(2) The activity of specialized companies and the individual offices of private detectives is unique.

(3) The executive heads of the specialized companies of private investigators must be graduates of a law school or post-secondary schools detective or have served as an officer or employee under the public institutions involved in public order or national security with rank of officer and fulfill the conditions stipulated in art . 5 letter . c) , d) , e) and f) .

(4) associations or individual shareholders of companies specialized private investigators established under par. (1) must meet the conditions stipulated by art . 5 letter . d) and e) .

Article 3

(1) The private investigator is obliged to maintain professional secrecy regarding the data and information obtained .

(2) The data and information provided in par. (1) may be disclosed on request , under the law , courts and public prosecution only if they are useful for finding the truth in criminal cases .

(3) their activity , PI obey the law , statute specialized company or individual private detective office .

Chapter II - acquisition of private

Article 4

Private activity can be performed only by persons who are certified professional .

Article 5

May acquire the status of private person who meets the following conditions :

a) has Romanian citizenship or nationality of a Member State of the European Union or the European Economic Area ;

b) have at least secondary education and is a graduate of a post-secondary schools served as detective or cop or work within public institutions with responsibilities in the field of defense, public order or national security , or is a graduate of an institution of higher education ;

c) is fit in terms of health ;

d) has not been convicted for offenses committed intentionally ;

e) performing an activity involving the exercise of public authority ;

f) obtained the opinion of the County Police Inspectorate or the General Directorate of Bucharest Police , as appropriate;

g) has passed the certification of quality private detective , according to Art. 7 , or holds a certificate of qualification in the profession or a similar certificate issued in one of the Member States of the European Union and the European Economic Area .

Article 6

For exam certification of quality private detective , who must submit to the county police inspectorates or, where appropriate , the General Directorate of Bucharest Police following acts :

a) the application;

b) curriculum vitae ;

c) the act of marital status , the copy;

d) the study certificate copy;

e) the completion of a specialized course in copy;

f) medical and psychological testing certificate issued by a specialized medical unit , ie an approved laboratory ;

- g) Certificate of criminal record ;
- h) statement of showing that meet the condition specified in Art. 5 letter . e) ;
- i) proof of payment of the fee for the certification exam knowledge , established in accordance with the legal provisions .

Article 7

- (1) The PI is acquired after verifying the conditions provided by law and examination candidates by a committee set up at county police inspectorate , namely the General Directorate of Bucharest Police .
- (2) The Commission provided in par . (1) meets quarterly and knowledge verification is made according to the topic approved by the General Inspectorate of the Romanian Police .
- (3) After passing the exam, the private investigator a certificate shall be issued on the basis of which may be associated or hire a licensed company or individual may establish cabinet for self- investigation.
- (4) A person may file an appeal rejected exam General Police Inspectorate within three days , it has the obligation to settle within 30 days of the filing date .
- (5) Citizens of Member States of the European Union and the European Economic Area who act as private investigator can conduct specific activities of the profession in Romania, under this law , solely on the basis of a delegation issued by the company he represents , in makes it necessary to solve the case their presence in Romania . Citizens of European Union member states and the European Economic Area prove their private act attesting to the quality available in the country of origin or provenance.
- (6) The detectives provided in par. (5) have the obligation before carrying out any specific activities and their termination to notify the police officer jurisdiction.

Article 8

- (1) The private ends :
 - a) the written waiver , which shall be filed with the county police inspectorate or, where appropriate , the General Directorate of Bucharest Police ;
 - b) the cancellation of the certificate in terms of art . 23 para. (2);
 - c) when the person in question no longer meets the requirements of art . 5 letter . a) and c)- e) .
- (2) The private detective is suspended :
 - a) when the person is put against criminal action for an offense committed intentionally in connection with detective work , in this case the suspension lasts until the final settlement of the case;
 - b) whilst the private detective is in one of the situations provided in art. 10;
 - c) as provided in art . 20 and art . 23 para. (1).

Article 9

- (1) After passing the certification PI uses , in order to prove the qualities of private ticket .
- (2) private ticket is nominal and is not transferable . Release mode , form and content of tickets are set by the Minister of Interior and Administrative Reform , which is published in the Official Gazette of Romania, Part I.

Article 10

The profession of private detective is incompatible with:

- a) salaried work in other professions that involve the exercise of public authority ;
- b) activities that influence the independence of the profession or contrary to morality;
- c) direct practice of commerce , except in accordance objects and fulfilling tasks.

Chapter III - Rights and obligations of private detective , the specialized societies and the individual offices where they work

Article 11

(1) private investigator profession has the right to conduct investigations related to persons, property , facts, dates and circumstances covered by this work , in strict compliance with the rights and freedoms of citizens and legal provisions.

(2) PI investigations may require individuals or public authorities information that , by law, are not classified and do not infringe the right to privacy , family and private or other fundamental rights and freedoms of the data subject .

Article 12

PI must:

- a) to demonstrate professional integrity and conscientiousness , the goal is finding the truth in its business because it has been committed ;
- b) use the methods and means of investigation that do not affect the rules of law or the rights and civil liberties ;
- c) to keep even after the termination of private , professional secrecy with regard to the acts , facts, dates and circumstances which acknowledged during his activity , unless expressly required by law ;
- d) not to use the status of private than for work .

Article 13

Private detective in this activity , he is forbidden to investigations on :

- a) staff activity diplomatic and consular representations and international organizations with similar status ;
- b) business people , held permanently or temporarily , any title , in the interest of public authorities, institutions or other legal entities of public interest or in the public services ;
- c) confidential data on political, religious , philosophical or trade union and to express these beliefs , sexual orientation , health, social or ethnic origin of a person;
- d) criminal cases in judicial organs work ;
- e) specific activities of institutions in the field of defense , public order and national security .

Article 14

Specialized companies and individual offices of private detectives have the following rights :

- a) to acquire and use technical means of investigation and communications permitted by law ;
- b) to organize courses and other training and physical activities specific to training personnel ;
- c) to join professional associations to represent their interests in relations with other associations or

state institutions ;

d) to formally request information from public authorities on persons, property or situations required private detective in the investigation , which, by law , are not classified and do not infringe the right to privacy and family privacy or other rights and fundamental freedoms the person concerned.

Article 15

(1) The organization and performance of specialized companies and private investigators in individual offices are required :

a) to undertake investigations only upon a written agreement signed by the client ;

b) to establish a register numbered and register it at the county police inspectorate or, where appropriate , the General Directorate of Bucharest Police , which will keep track of the cases investigated ;

c) to communicate data and information requested by the prosecutor or the court, for settlement of criminal cases ;

d) in cases where it finds that the information obtained targeting national security , immediately notify the authorities competent in the field;

e) to employ and use for specific investigation activities only persons who have the status of private ;

f) in relation to possibilities and based on conventions, in practice students receive private detective schools .

(2) specialized companies and individual offices of private detectives prepare their organization and functioning regulation , approved by a written order of the head of the chief executive office of the company or individual , as appropriate.

Chapter IV - Sanctions

Article 16

Violations of this law entails , as appropriate, civil, material, disciplinary , administrative or criminal .

Article 17

Violation of Art. 2 para. (1), art . 4 , and declaring false information by the act referred to in art . 6 letter . h) an offense and shall be punished according to the Criminal Code.

Article 18

The following acts :

a) conducting investigations in other cases than those referred to in art . 1 paragraph . (1) or in violation of art . 12 letter . b)- d) and art . 13;

b) Violation of Art. Article 3 . (1) and (3) and Art. 7 paragraph . (6);

c) Violation of Art. 2 para. (2) and (3), art . Article 3 . (2) and Art. 15 para. (1) . a) - e) .

Article 19

(1) The contraventions stipulated in art. 18 shall be punished as follows :

- a) the facts mentioned in letter . a) and c) , with a fine from 500 lei to 1,000 lei;
- b) the offense referred to in article . b) with a fine from 200 lei to 500 lei.
- (2) If the offenses referred to in art . 18 letters . c) penalty fine may be applied to the legal entity , in which case its limits are from £ 1,000 to £ 2,500 .

Article 20

- (1) Repetition of committing offenses stipulated in art. 18 letters . a) and c) , within one year certificate draws suspension for a period of 3-6 months.
- (2) Suspension and revocation of suspension of the certificate is available in all cases by the General Inspectorate of the Romanian Police , county police inspectorates proposal or the General Directorate of Bucharest Police , and communicates person.

Article 21

The contraventions and enforcement of sanctions are specially appointed by police General Inspectorate of Romanian Police.

Article 22

Government Ordinance no . 2/2001 on the legal regime of contraventions, approved with modifications by Law no. 180/2002 , as amended and supplemented, except art . 28 and 29 also apply to offenses covered by this law.

Article 23

- (1) Violation of obligations stipulated in art . 15 para. (1) . a) - e) attract private detective suspended certificate or, if applicable , the license of Establishment cabinet specialized or individual private detectives over a period of between one month and three months .
- (2) The certificate of private or, if applicable , the license of Establishment specialized or individual private detective cabinet is canceled if , within a period of one year from the date on which the period of suspension of the certificate or license is again committed one of the acts that attract as suspension.

Article 24

- (1) The measures provided for in Art. 23 on the suspension or cancellation of certificate of PI are ordered by the County Police Inspectorate issued or , where appropriate, by the General Directorate of Bucharest Police .
- (2) Suspension or cancellation of license of Establishment specialized or individual cabinet detective is ordered under this law , by the General Inspectorate of the Romanian Police .

Chapter V - Final

Article 25

Control specific activity performed by specialized companies and individual offices are made by police detective specially appointed by the General Inspectorate of the Romanian Police , with the Public

Ministry.

Article 26

General Inspectorate of Romanian Police detective tracks all certified , specialist societies and individual offices of private detectives .

Article 27

Nomenclature of national economic activities are completed with private activity .

Article 28

(1) The provisions of this law shall be completed with the legal provisions on the recognition of diplomas and professional qualifications for regulated professions in Romania .

(2) The documents required for acquiring quality of private , other than those provided in par. (1) issued to nationals of Member States of the European Union or the European Economic Area , by the state of origin or provenance , are recognized under the law.

Article 29

(1) This Law shall enter into force 90 days after publication in the Official Gazette of Romania, Part I.

(2) Within 60 days after publication , the General Inspectorate of the Romanian Police and Intelligence Service shall develop draft implementing rules of this law , which I will submit to the Government for approval .