

## Some Considerations Regarding the Reform in the Field of Civil Status Activity and Public Record

Associate Professor Gabriela LUPȘAN, PhD  
"Danubius" University of Galati  
gabriela.lupsan@univ-danubius.ro

**Abstract:** The objectives imposed by the European Union on Romania regarding upgrading local public administration on the basis of information technologies, including the one in the marital status activity, which includes, in addition to setting the legal framework and setting up technological infrastructure and the identification of the organizational tools necessary to achieve operational objectives. In our work we present, based on the normative acts, a short history of the reform in the domain of marital status activity and population records.

**Keywords:** administrative reform; marital status activity; information society; personal identification number

### 1. The Need for Legislative Changes in the Field of Marital Status Activity

Traditionally, in Romania, the marital status activity has become again the responsibility of the local government bodies. Thus, the previous regulatory provisions established by Law no. 57/1968<sup>1</sup> and the Decree no. 278/1960<sup>2</sup>, the functions of the civil status were under the jurisdiction of the executive Committees (offices) of the popular municipal, town and village executive councils, and of the Bucharest municipality districts.<sup>3</sup>

The new law of civil status acts, Law no. 119/1996,<sup>4</sup> provides in art. 3, align 1 the fact that the functions of civil status shall be fulfilled by the county councils and

---

<sup>1</sup> Law on organizing and functioning people's councils.

<sup>2</sup> Decree no. 278/1960 on the civil status of the repealed Decree. 272/1950 which, in turn, expressly repealed the civil status law of 25 February 1928.

<sup>3</sup> In connection with ruling the civil status activity under the Decree no. 278/1960.

<sup>4</sup> Published in the Official Monitor of Romania, Part I, no. 282 of November 11, 1996.

local public administration authorities of municipalities, districts of Bucharest, towns and villages, by officers of civil status.

After the revolution of December 1989, it was long maintained the duality in terms of individualization of physical entity, that is the civil status activity was for the local public administration and the public records activity were for the police from the structure of the Ministry of Interior. However, in all Member States of the European Union, the two sectors, which would be supplemented also those on issuing driving licenses and passports, and registration of motor vehicles, were the sole responsibility of the local administration bodies – city halls and prefectures.

That is why public administration reform in Romania,<sup>1</sup> claimed by the European Union regarding the integration, it has also considered this aspect of civil status activity and of individualizing the physical entity.

The accession process of Romania in the European Union imposed the achievement of a modern public administration, flexible and efficient as a prerequisite structural transformation of the Romanian society, achieving a profound reform in all socio-economic fields, of growth of the citizen's role in decision making.

The beginning of major reforms in administration was the **Governing Program for 2001-2004**<sup>2</sup>, which approached frontally the acceleration of public central and local administration reform, based on the critical evaluation of the European Commission of the situation in this area. Among the fundamental objectives of the public central and local administration reform and regional development it is included the decentralization of public services, strengthening the administrative and financial autonomy and also the gradual demilitarization of some community services.

The first step in the administrative reform was the shift, based on the Government Emergency Ordinance no. 291/2000 for establishing measures concerning the

---

<sup>1</sup> Government Decision no. 8/2001 on the establishment, organization and functioning of the Ministry of Public Administration, published in the Official Monitor of Romania, Part I, no. 15 of January 10, 2001, created a specialized body of central public administration subordinated to the Government, in order to ensure the achievement of the Strategy and Program of governance in the domain of public local administration, monitoring the development and implementation of the reform programs by the ministries and other central public authorities.

<sup>2</sup> [http://www.meif.org/uk/document/download/governance\\_program\\_2001-2004\\_romania.pdf](http://www.meif.org/uk/document/download/governance_program_2001-2004_romania.pdf).

organization and operation of ministries<sup>1</sup>, of the Directorate of Population Records from the General Directorate for Personal Data Records, located in the structure of the Ministry of Interior, in the structure of Public Administration Ministry as a specialized body of public central administration, under the name of National Inspectorate for Personal Records. It is also used for the first time in our legislation the term "*community public service records of persons*" (art. 5 align. 2), indicating that they are organized under the joint authority of the National Inspectorate for public records and county councils, that the municipal town and village councils, and the Bucharest municipality districts.

The legislative process of demilitarization and reorganization began with the adoption of the Government Ordinance no. 84/2001 on the establishment, organization and operation of community public service of people<sup>2</sup>, but put into practice in 2005. According to Ordinance No. 84/2001 demilitarization is achieved on two levels: *local level*, through reorganization, under the local councils of municipalities, cities and districts, departments of civil status from your local councils and local parties out of the population structure of the Ministry of Administration and Interior in the local community public services of people, called in short "public service record of local community people", and *county level* by organizing under the county councils rule the "public County Community service for population records."

This reorganization was followed, implicitly, by legislative changes, adopting new laws, among which include: Order no. 412/ 2003 for obtaining and changing the names of individuals through administrative channels<sup>3</sup>, the Government Emergency Ordinance no. 97/2005 on the records, domicile, residence and identity documents of Romanian citizens<sup>4</sup>, approved with amendments by Law no. 290/2005<sup>5</sup>; the Government Decision no. 1375/2006 for approving methodological norms for applying uniform laws on the records, domicile, residence and identity documents of Romanian citizens<sup>6</sup>; Law no. 117/2006 amending and supplementing Law no.

---

<sup>1</sup> Published in the Official Monitor of Romania, Part I, no. 706 of December 29, 2000, this ordinance was approved by Law no. 308 / 2001, published in the Official Monitor of Romania, Part I, no. 312 of June 12, 2001 as the Emergency Ordinance on organizing and functioning of ministries.

<sup>2</sup> Published in the Official Monitor of Romania, Part I, no 544 of September 1, 2001.

<sup>3</sup> Published in the Official Monitor of Romania, Part I, no. 68, 02/02/2003.

<sup>4</sup> Published in Official Monitor no. 641 of 07/20/2005.

<sup>5</sup> Published in the Official Monitor of Romania, Part I, no. 959 of 10/28/2005.

<sup>6</sup> Published in the Official Monitor of Romania, Part I, no. 851 of 10/17/2006.

119/1996 on civil status;<sup>1</sup> the Law no. 288/2007 amending and supplementing Law no. 4/1953 - Family Code<sup>2</sup>, Law no. 201/2009 amending and supplementing Law no. 119/1996 on civil status.<sup>3</sup>

## **2. The Need for Computerizing Public Administration**

One of the conditions of accession to the European Union and one of the strategic objectives of Government Program for 2001-2004 was passing to the Information Society.

Modernizing the Institutional communication through the introduction of information technology has resulted in increased efficiency of public administration, eliminate bureaucracy and increase the quality of public services. Thus, the transition from an administration driven, centralized to a decentralized administration in the service of citizens, determined to redefine the relationship of "Administration towards the citizen" and "Administration towards Administration", using information technology and communications.

By the Government Decision no. 1007/2001, it was adopted a strategy on computerizing Public Administration, thus creating the legal, institutional and technical framework to address this important component of public administration reform process.

Strategy on the computerization of public administration can be summed up, in accordance with art. 2, as follows:

- citizens can benefit from any public service to which is entitled through an application to any bureau authorized to perform services, regardless of residence or territorial jurisdiction;
- when requesting a service, in addition to personal identity documents, the citizen should not provide other personal information which are already in the database of any public administration;
- citizens do not need to know how the state is organized for providing services or, which department is sought, but they may require a service based solely on their needs, and without knowing what it does every body;

---

<sup>1</sup> Published in the Official Monitor, Part I no. 410 of 05.11.2006.

<sup>2</sup> Published in the Official Monitor, Part I no. 745 of 02.11.2007.

<sup>3</sup> Published in the Official Monitor of Romania, Part I, no. 391 of 10.06.2009.

- citizens may notify the administration once, at the moment of the event, at any change in their lives or the lives of others. This referral will automatically produce corresponding effects. The administration will maintain for each citizen a separate file, allowing it to transmit the change to all interested bodies and to activate the appropriate services.

In the article no. 9 of the National Computerization Strategy it is established that using information technology in order to support the public administration reform is for:

- ensuring homogeneous computerization and coordination of public and local central administration institutions, including justice system;
- simplifying administrative procedures and practices;
- removing the arbitrariness and corruption;
- improving communication and information flow between institutions at local and central level;
- ensuring interdepartmental cooperation;
- gradual generalization of information sharing based on electronic documents;
- providing citizens access to public information: information centers, electronic kiosks placed in public places;
- ensuring compatibility and interoperability of information systems in public administration at national and international level, by accelerating the development and application of methodologies, norms, standards;
- coordinating the acquirement of ICT products and services, in accordance with the European regulations.

A major importance is granted to transmitting registry services and civil status in accordance with the general need of integration at national level of the registries and the specific need for supporting the certification portal service.

Considering that the current fragmentation of files with records of civil status and family, existing in all cities, towns, villages, represent an obstacle to the practical achievement of the Government Strategy on computerization of public administration, it was wanted to integrate the registries of civil status as a whole, which requires a legislative, organizational effort and information technology system, respecting the privacy and the security requirements imposed by the law.

A unitary system of civil status registers requires the creation and coordination of an index<sup>1</sup>, an index of civil status records, which is necessary both for location and for verifying and maintaining personal data at national level. The index is connected to the unique identification code of citizens, now called "personal identification number".

The index of civil status records will be developed and coordinated through an online service accessible to all local authorities, who will be involved in the act of creating and updating the national index. Therefore, the local authorities will be required to communicate, through network, to the manager of changes in the index only those personal data which produce index changes, such as: births, deaths, changes of address and any other relevant information for drafting the documents of identity.

The index will enable the provision of services to citizens, giving them a unified vision of civil status records, including voter services, identity card and other services related to residence.

Also, a general service for notifying the events that can induce changes in personal data from the register of civil status or family status, is not only desirable, but also essential, in order to ensure the fact that the information about each citizen, held by all central or local government bodies are accurate and updated.

By implementing the objectives of this Government strategy, it has been developed and entered into force the Government Emergency Ordinance no. 96/2000 for amending and completing certain normative acts in order to unify the system of computerized record of a person<sup>2</sup> which, in art. 1, defines the national computerized record of all population as all the activities carried on for recording and updating the individual information, producing, issuing and recording identity cards and passports, driving licenses, vehicle registration certificates and other documents required by the person in its relation with the state.

Regarding the permanent registration of the population record, part of the national system for recording information of the population, created under Law no.

---

<sup>1</sup> The index does not contain personal data of citizens, that belong exclusively to municipality residence, but only the minimum of needed data to locate such information or for a fast access.

<sup>2</sup> Published in the Official Monitor of Romania, Part I, no. 308 of July 4, 2000.

105/1996 on public records and identity cards<sup>1</sup>, the open system works, serving as a unique medium for recording and updating personal data of the Romanian citizens, providing data for all systems of public central and local administration, which processes data on the individual.

According to article 2 of E.G.O. no. 97/2005 amended by Law no 329/2009 for the reorganization of public institutions<sup>2</sup>, the Romanian citizens record is kept track under the principle of residency, by the Ministry of Interior, the Directorate for Personal Records and Database Management, together with Community Public Services for People, the National Register for People. Thus, the Romanian citizens are under observation at birth, based on civil status relating to the birth, provided by public local administrative authorities to the competent body from the residency. At the registration of the birth, under article 25 of Law no. 119/1996 regarding the civil status and article 6 of E.G.O. no. 97/2005, the civil status officer assigns a personal identification number, which is mentioned in the birth certificate, as well as other official personal documents and certificates of civil status, including in the National Register for People.

Updating the National Register of the person<sup>3</sup> is achieved by community public services for persons registration under the coordination of the National Inspectorate for Personal Records, based on documents submitted by the concerned individual or communicated, in the cases provided by law, by the ministries and other authorities or local government, according to their duties in connection to the situation of the physical entity. The personal data of individuals are protected by a special law (Law no. 677/2001 on the processing personal data and free movement of such data<sup>4</sup>) and they can not be processed except the conditions specified therein.

---

<sup>1</sup> Published in the Official Monitor of Romania, Part I, no. 237 of September 30, 1996. This law was amended by the Government Emergency Ordinance no. 96 / 2000 and then repealed by the provisions of G.E.O. 97/2005.

<sup>2</sup> Published in the Official Monitor of Romania, Part I, no. 761 of November 09, 2009.

<sup>3</sup> A normative reference act in organizing the for people records, as the Government Decision no. 113/1997 regarding the content, update and enhancement of the data from the permanent record of the population register (published in the Official Monitor of Romania, Part I, no. 71 of April 21, 1997).

<sup>4</sup> published in the Official Monitor of Romania, Part I, no. 790 of December 12, 2001.

### **3. Conclusions**

After Romania joined the European Union, the public administration reform should continue, the process has two sides: on the one hand, the adoption of laws in the organization of civil status activity and identify the person, taking into account the technological challenges, where the focus is placed not only on protecting the data, but on protecting the rights of individuals, and, on the other hand, the development of infrastructure in the domain of specialized public services. Furthermore, the adaptation of internal legislation with EU regulations did not end once Romania joined the European Union, it is needed a further harmonization of laws and especially the implementation of the law by those responsible, of finding the ways in which their actions do not infringe the rights of individuals, and the latter to recognize their rights.

Looking back, we can say that Romania has started to harmonize their legislation in the field of individuals' identity; the legislative changes have continued in the field of material law and institutional infrastructure. In the recent years there have been adopted a series of normative acts aimed at decentralizing the work of individuation of the person and increasing the autonomy of local administrative authorities in the field, establishing public Community services which would ensure the preparation, storage and release records, in a single window system, acts of civil status, identity cards, voter cards, the permanent electoral lists, driving licenses and registration certificates for motor vehicles and issuing simple passports.

If from the legal point of view, the European Union requirements in the civil status activity and the identification of individuals are achieved, the situation is more difficult in practical terms, law enforcement and operation of local public services. Thus, the lack of spaces where it would be created a small shop, specialist staff shortage, the poor technical equipment services, all these lead to delays in implementing the existing targets in the European Community area.