



MINISTRY OF JUSTICE
National Prison Administration



**Berean
Prison
Ministries**
Berean Prison Ministries Foundation

No. 21158 dated 01/13/2024

No. 1 dated 7 August 13th 2024

COLABORATION PROTOCOL

I. PARTIES:

Berean Prison Ministries Foundation in the United States of America, Office of the Chaplain, PO BOX 761, Peoria, IL 61652-0761, represented by Kenneth HOERR, acting as President,

and

National Prison Administration, a central public institution, based in Bucharest, 47 Maria Ghiculeasa Street, district 2, having the correspondence address in 39 Calea Floreasca, district 1, Bucharest, website www.anp.gov.ro, represented by **Prison Police Quaestor Phd. Dan HALCHIN**, acting as Director General,

II. LEGAL GROUNDS:

- a) Law no. 254/2013 on serving sentences and measures issued by judicial bodies during criminal proceedings, as subsequently amended and supplemented;
- b) Law no. 544/2001 on free access to public interest information of, as subsequently amended and supplemented, Directive (EU) 680/2016 on protecting personal data in the specific activities performed by law enforcement authorities, Law 363/2018 on protecting natural persons with regard to processing personal data by competent authorities with a view to preventing, discovering, investigating, prosecuting and fighting against crimes or serving sentences, educational and security measures, as well as on the free movement of such data, Regulation (EU) 2016/679 on protecting natural persons with regard to processing personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);
- c) Law no. 489/2006 on freedom of religion and the general regime of cults, republished and European Norms establishing the right to free thought, conscience and religion of any person provided for in the European Convention on Human Rights in Strasbourg;
- d) Government Decision no. 756/2016 on the organization, work and duties of the National Prison Administration, and on amending Government Decision no. 652/2009 on the organisation and work of the Ministry of Justice, as subsequently amended and supplemented;
- e) Government Decision no. 157/2016 for approving the Regulation on enforcing Law no. 254/2013, as subsequently amended and supplemented;
- f) Order of the Minister of Justice no. 160/2018 on approving the Regulation on the organization and work of the National Prison Administration;
- g) Order of the Minister of Justice no. 1322/C/2017 on approving the Regulation on the conditions for organizing and performing educational, cultural, therapeutic,

psychological support and social care activities in prisons, as subsequently amended and supplemented;

- h) Order of the Minister of Justice no. 4800/C/2018 on approving the Regulation on the security of the detention places subordinated to the National Prison Administration, as subsequently amended and supplemented;
- i) Order of the Minister of Justice no. 4000/C/2016 on approving the Regulation on the religious assistance provided to the inmates in the custody of the National Prison Administration.

The National Prison Administration and Berean Prison Ministries Foundation have agreed to conclude the following protocol:

III. PURPOSE:

The Protocol is concluded to provide the framework for collaboration between the two Parties, with a view to unfolding joint programmes and activities, contributing to facilitating inmates' social reintegration and to improving the detention conditions.

IV. OBJECTIVES OF THE PROTOCOL:

- (1) Providing inmates and the Foundation representatives with the conditions for participating in the social reintegration endeavours organized by/together with the Foundation, in compliance with the prison system legislation;
- (2) Unfolding joint projects aimed at facilitating the social reintegration of persons in detention and decreasing their discrimination and social prejudices;
- (3) Diversifying inmates' educational and psychosocial support activities and programmes, with a view to preparing them as responsible citizens;
- (4) Improving the detention conditions by providing the material support for improving inmates' detention conditions and equipping the spaces used for performing the educational activities in the Romanian prison system, depending upon the resources of the Berean Prison Ministries Foundation;

V. OBLIGATIONS OF THE PARTIES:

The National Prison Administration, by means of its subordinated units:

- (1) Will allow the access of the representatives of the Foundation and of the persons involved in the projects, based on the nominal tables submitted by the Foundation President and approved by the Prison Director, as well as based on the identity document of each person;
- (2) Will inform, by means of its subordinated units, the Foundation volunteers and collaborators of the specificity of the activities performed in the detention units, the provisions of the Inner Order Regulation, the necessity to comply with them, as well as the consequences of not complying the regulatory framework;
- (3) Will establish, together with the Foundation representatives, the schedule for unfolding the activities for the meetings to be held in the prison units;
- (4) Will ensure an optimal space (access, location, surveillance, communication and collaboration with the Foundation representatives), which is proper for performing the activities of the Foundation representatives, depending on the conditions of each detention unit;
- (5) Will inform inmates of the existence of a protocol concluded between the signatory parties and the conditions for participation in this endeavour;
- (6) The access of the Foundation representatives with their own equipment, to be used solely for performing educational activities with inmates, will be allowed only upon the approval of the Director of the detention place, on condition it is previously checked.
- (7) Will participate, with experts, in the projects initiated by the partners;
- (8) Will request, periodically or whenever necessary, information from the Foundation about the activities performed with the inmates.

Berean Prison Ministries Foundation:

- (1) Will provide the nominal tables with the Foundation volunteers and collaborators who are assigned to perform activities with persons in detention, in due time, with a view to having it approved by the Director of the unit.
- (2) The access of the Foundation volunteers and collaborators to the detention places is made in strict compliance with the relevant legal provisions.
- (3) While inside the detention place, these persons shall comply with the inner order rules established by the administration and shall wear their access badge in plain sight, being accompanied by the prison unit staff, assigned by the Director of the detention place.
- (4) Will have the project information materials sent to and seen by the prison unit, before using them in the activities with the detainees.
- (5) Will establish the schedule of activities together with the prison representatives.
- (6) Will communicate, at the request of the National Prison Administration, information about how project activities are implemented;
- (7) Will inform, on an annual basis, the National Prison Administration of the evaluation of the activities performed in the prison units;
- (8) Will organise events and manifestations, in which representatives of the National Prison Administration will be invited to participate;
- (9) Will ensure, whenever possible, the financial, material and human resources necessary for performing the project activities;
- (10) To suspend the involvement in implementing the programmes of any volunteer or collaborator who does not comply the limits imposed by law or the programme objectives.

VI. COMMON OBLIGATIONS:

- (1) Will assign the staff with specific attributions of the subordinated units and of the Foundation with a view to performing the proposed activities of the joint projects;
- (2) Will establish, by mutual agreement, the programme of the activities to be unfolded and the conditions for participation therein;
- (3) Will inform inmates of the joint programmes and the conditions for participation therein;
- (4) Will provide the necessary framework for developing the cooperation between the Romanian prison system and the American prison system;
- (5) The mutual knowledge of the legislative framework on serving custodial sentences and of the procedures and regulations applied by the two prison systems;
- (6) Ensuring the mutual exchange of information necessary for organizing social reintegration activities;
- (7) Will exchange experiences and information which are significant for organizing inmates' social reintegration activities;
- (8) To make the jointly unfolded activities public in mass media and to promote, reciprocally, the image of the two institutions

VII. DURATION OF THE COLLABORATION:

- (1) This protocol is concluded over a period of 3 years and it becomes effective on the date it is signed by the Parties. By mutual agreement, the Parties will periodically reassess the activities performed based on the Protocol and will record the potential amendments in an addendum.
- (2) The validity period of the Protocol will be automatically extended for one year unless one of the sides communicates the intention to denounce it to the other side, at least 30 days before the term expires.
- (3) Any of the signatory Parties may notify the other side of its denunciation of the Protocol 30 days in advance.

VIII. DATA CONFIDENTIALITY:

The access to the individual file, to any public interest information and processing personal data will be done in strict compliance with the provisions of Law no. 254/2013 on serving sentences and measures issued by judicial bodies during the criminal proceedings, as subsequently amended and supplemented, of the Regulation on enforcing Law no. 254/2013 on serving sentences and measures issued by judicial bodies during the criminal proceedings, approved by GD no. 157/2016, as subsequently amended and supplemented, (EU) Directive 2016/680 of the European Parliament and of the Council dated April 27th, 2016 on protecting natural persons with regard to processing personal data by the competent authorities with a view to preventing, identifying, investigating or prosecuting or serving sentences and on the free movement of such data, and repealing Council Framework Decision 2008/977/JAI of the Council, Law 363/2018 on the national transposition of EU Directive 680/2016, (EU) Regulation 2016/679 on protecting natural persons with regard to processing personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), Law no. 46/2003 – Law on patient's rights, as subsequently amended and supplemented, and Law no. 190/2018 dated July 18th 2018 on the measures for implementing (EU) Regulation 2016/679 of the European Parliament and of the Council dated April 27th 2016 on protecting natural persons with regard to processing personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

IX. LIABILITY OF THE PARTIES:

The responsibility for fulfilling the obligations arising from this Protocol, with an adverse effect on the cooperation, lies with the Parties, as each of them has been bound by this Protocol.


X. DISPUTE RESOLUTION:

(1) Disagreements between the Parties about interpreting or enforcing the provisions of the Protocol shall be settled amicably.

(2) Should disputes not be settled amicably, each of the parties may request their settlement by the court of law.

3. This Protocol has been concluded in two original copies today, January 13th, one for each signatory Party. 2024

National Prison Administration



Prison Police Quaestor
Ph.D. Dan HALCHIN
Director General
National Prison Administration


Prison Police Quaestor
Ph.D. Ioana Mihaela MORAR
Deputy Director General
National Prison Administration

Berean Prison Ministries Foundation


ROBERT HOERR
President

Ferenc Davidovics



Prison Police Chief Commissioner
Marian ILIE
Director
Detention Security and Prison Regime Directorate


Prison Police Chief Commissioner

Cristina Manuela CERNAT
Director
Social Reintegration Directorate

Prison Police Chief Commissioner
Daniel Adrian MICLESCU


Director
Judicial Directorate
Notification for lawfulness