

KOMISIONERI PËR TË DREJTËN E INFORMIMIT DHE MBROJTJEN E TË DHËNAVE PERSONALE

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E TË DHËNAVE PERSONALE

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ACRONYMS

TERMINOLOGY

NAIS	National Agency of Information Society
AMS (NAIS)	Application Management System
ASPA	Albanian School of Public Administration
EU	European Union
CFCU	Central Finance and Contracting Unit
Directive 95/46 EC	Directive 95/46 EC of the European Parliament and of the Council of 24 October 1995 <i>“On the protection of individuals with regard to the processing of personal data and on the free movement of such data”</i>
Police Directive	Directive (EU) 2016/680 of the European Parliament and Council of 27 April 2016 <i>“On the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data”</i>
Directive 2019/1024	Directive (EU) 2019/1024 <i>“On open data and the re-use of public sector information”</i>
EDPB	European Data Protection Board
GDPR	Regulation (EU) No. 2016/679 <i>“On the protection of natural persons with regard to the processing of personal data and on the free movement of such data”</i> – General Data Protection Regulation
GPA	Global Privacy Assembly
ECDDPA	European Conference of Data Protection Authorities
ICIC	International Conference of Information Commissioner

EC	European Commission
CoE	Council of Europe
Law on the protection of personal data	Law No. 9887, dated 10.03.2008 ,“On Personal Data Protection”, as amended
Law on right to information	Law No. 119/2014 “On the Right to Information”
Law on notification and public consultation	Law No. 146/2014 “On Notification and Public Consultation”
LGU	Local Self-Government Unit
CSO	Civil Society Organization
Twinning Project	The “Institution-building for alignment with the Union <i>acquis</i> to meet economic criteria regarding the protection of personal data” Twinning Project
Transparency program	The entirety of information and information disclosure by the public authority, pursuant to articles 4 and 7 of the law on the right to information
ERRRRI	Electronic requests and responses register on the right to information
Assembly Resolution	Resolution on the assessment of the activity of the Commissioner for the Right to Information and Protection of Personal Data for 2020, adopted on 03.06.2021
ISMS	Information Security Management System
SIGMA	Support for Improvement in Governance and Management
ICT	Information and Communication Technology
Order No. 14/2015	Order No. 14, dated 22.01.2015 “On the Adoption of the Model Transparency Plan”
Order No. 211/2018	Order No. 211, dated 10.09.2018 “Model Transparency Program for Local Self-Governance Units”

Order No. 187/2020	Order No. 187, dated 18.12.2020 “On the Adoption of the Model Transparency Plan”
Order No. 188/2020	Order No. 188, dated 18.12.2020 “On the adoption of the reviewed Requests and Responses Register”
Instruction No. 19/2012	Instruction No. 19, dated 03.08.2012 on “Regulation of relationship between the controller and processor in cases of data processing delegation and the use of a standard contract for such delegations” amended by Instruction No. 30, dated 27.12.2012
Instruction No. 41/2014	Instruction No. 41, dated 13.06.2014 “On permitting certain international transfer categories of personal data to a country that does not have adequate personal data protection level”
Instruction No. 47/2018	Instruction No. 47, dated 14.09.2018 “On Defining the Rules for Safeguarding Personal Data Security Processed by Large Processing Entities”
Instruction No. 48/2018	Instruction No. 48, dated 14.09.2018 “On certification of information management systems, personal data and their protection”
Instruction No. 49/2020	Instruction No. 49, dated 02.03.2020 “On the protection of personal medical data”
Decision No. 8/2016	Decision No. 8, dated 31.08.2016 “On determining the countries with adequate level of personal data protection”
DCM No. 145/2018	Decision of the Council of Ministers No. 145/2018 “On the establishment of the state “Electronic Register of Requests and Responses of the Right to Information” database”
Framework 2008/977/JHA	Decision Council Framework Decision 2008/977/JHA of 27 November 2008 “On the protection of personal data processed in the framework of police and judicial cooperation in criminal matters”
Decision of the Parliament No. 84/2020	Decision of the Parliament of the Republic of Albania No. 84/2020 “On some addenda and amendments to Decision No. 86/2018 “On the approval of the structure, organizational chart and salary classification

of the Commissioner for the Right to Information and Protection of Personal Data””

Commissioner’s Office

Commissioner’s Office for the Right to Information and Protection of Personal Data

I. MESSAGE OF THE OFFICE HOLDER

Ethics, integrity, responsibility, transparency and accountability are the pillars underpinning the culture of respect for the right to obtaining public documentation and protection of personal data.

In fulfilling its mission, the Commissioner's Office activity in 2021 was geared towards the effective impartial supervision of applicable legislation. On the other hand, public authorities and public and private controllers have assumed an ever increasing collaborative approach, but there still lies a long way ahead to achieve the standards required to guarantee such fundamental constitutional rights and freedoms. Moreover, with the aim of improving their performance in providing quality services, the staff has at any occasion made available its experience.

The institution administered 1354 citizen complaints, an increase of over 30% compared to 2020. The figure undoubtedly reflects their awareness in exercising their rights in practice. Nonetheless the analysis in this Annual Report shows that responsibilities in the exercise of duties and functions remain low and often a formality.

Cases of violation and mass dissemination of citizens' personal information pointed out significant weaknesses of the structures and systems that administer them. The age in which we live impels us to step up our efforts, increase resources and strengthen measures for addressing identified issues in order to prevent their recurrence.

The adoption of the new regulatory framework on personal data protection represents a qualitative leap in this modernizing undertaking in the framework of the country's EU integration process. In that same spirit, amendments were made to the legislation on the right to information, for a transparent and dynamic public administration.

The Commissioner's Office believes in the Council of Ministers and Parliament's commitment to their prompt adoption. Simultaneously, it welcomes and encourages any initiative that supports capacity building and strengthening of its supervisory functions.

ICIC membership vote to become part of the organization's Executive Committee clearly bespeaks of the institution's role in international relations. The Commissioner's Office believes that this new dimension will influence Albanian public authorities in valuing transparency as a positive factor in communicating with the public to fight corruption.

Together we advance democracy and the rule of law, by developing the economy and increasing societal well-being.

Right to Information

have published the
Transparency Program



FOR 2021

374 Public Authorities monitored
online



have published Coordinator's
contact details



have published the Requests and
Responses Register



61 Public Authorities
provide the request/
complaint service on e-
Albania

II. RIGHT TO INFORMATION

Right to information is one of the fundamental rights and freedoms sanctioned by the Constitution of Albania, the implementation of which is carried out through the effective cooperation of citizens, public authorities and the Commissioner's Office. Proactive transparency is the result of satisfying the obligations provided for the legislation on the field, thus affecting the present disclosure of a larger amount of public information/documentation. On the other hand, an important link in this process is the special role played by civil society organizations, whose activity has significantly influenced the increase of public authorities' accountability.

Enforcement of this right ranks high with regards to the Public Administration Reform principles in the area of accountability. According to the 2021 SIGMA monitoring report¹ on Albania, the "Access to public information" indicator value has increased compared to the previous assessment carried out in 2017. With regards to such progress, SIGMA, among others mentions the role of the Commissioner's Office, favorably assessing the institution's efforts in promoting transparency.



"The Information and Data Protection Commissioner, plays a key role in monitoring transparency standards established in the Law No. 119/2014. In particular, the Commissioner operates as an appeals body considering remedies against refusal of access to

information or administrative silence. In a majority of the cases received by the Commissioner, the applicants received the requested information in the course of the proceedings, which provides some evidence of the successful mediating role of the institution. As WeBER survey also demonstrates, a large part of population positively assesses efforts of this institution in promoting transparency."

During 2021, the actions and activities undertaken by the Commissioner's Office centered on:

- ✓ monitoring the obligation to implement and update the transparency program and requests and responses register;
- ✓ monitoring the fulfillment of public authorities obligation to appoint and continuously train right to information coordinators;
- ✓ reviewing complaints in compliance with legal timeframes, including undertaking inspections or holding hearings;
- ✓ making recommendations regarding the Transparency Program and the Requests and Responses Register;
- ✓ achieving the objectives set in the cross-sector strategies to which the Commissioner's Office is a party;
- ✓ carrying out awareness-raising activities with public authorities and stakeholders;
- ✓ installing the ERRRI in as many public authorities as possible;

¹ <https://www.sigmaweb.org/publications/Monitoring-Report-2021-Albania.pdf>

- ✓ cooperating with NAIS for the installation of the AMS system, to provide the service of request for public information and complaint for refusal of
- access to information, through the unique *e-Albania* government portal;
- ✓ the Commissioner’s Office active role as ICIC Executive Committee member.

II.1 Monitoring and supervising the Transparency Programs of public authorities.

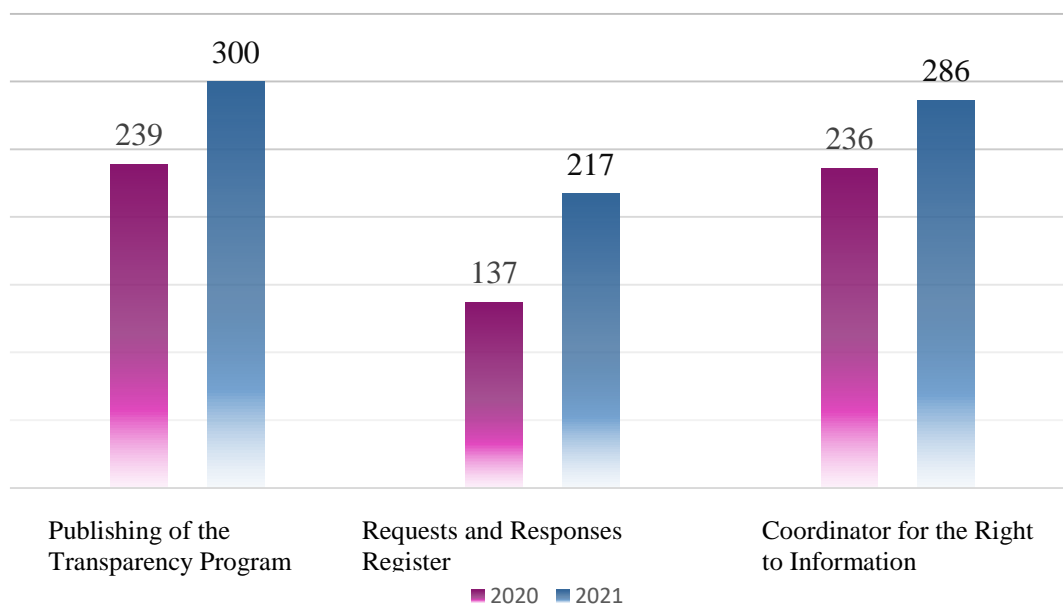
The Transparency Program constitutes one of the main instruments of the law on access to public information, with the aim of promoting the integrity, accountability and responsibility of public authorities in relation to citizens and stakeholders. For 2021, the Commissioner’s Office noted the improvement of proactive transparency in a larger number of public authorities, which have published information in specific sections of the Transparency Program. Such progress is deemed to be the result of systemic monitoring, carrying out inspections of public authorities, holding hearings with the heads of these institutions, giving recommendations and conducting ongoing training of coordinators.

During 2021, 374 public authorities were monitored online, of which 313 central and subordinate institutions, as well as 61 LGUs.

Central and subordinate public authorities were monitored with regards to the publication of the “*Revised Transparency Program*”, pursuant to Order no. 187, dated 18.12.2020, whereby 30 June 2021 was set as the deadline for adoption and publication on their official websites. Whereas, 61 LGUs were monitored with regards to the publication of the “*Model Transparency Program for LGUs*” pursuant to Order No. 211, dated 10.09.2018. All public authorities were also monitored for the appointment and publication of Coordinator’s data, as well as publication of the Requests and Responses Register, pursuant to Order no. 188, dated 18.12.2020.

The monitoring showed that 300 public authorities published the Transparency Program on their websites, 286 published the contact information of the coordinator whereas 217 published the Response and Requests Register, in accordance with legal provisions. Progress on these outcomes came as a result of several factors such as:

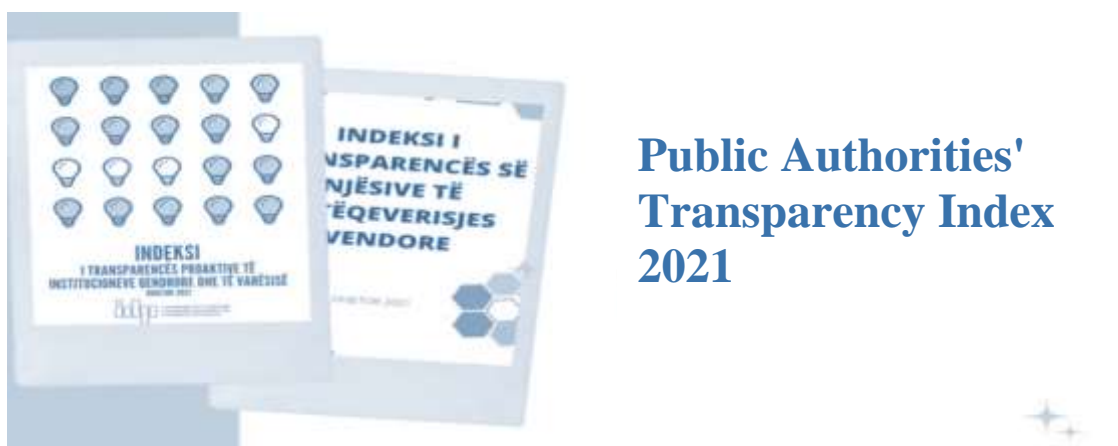
- ✓ adoption of the revised Transparency Program, which is more structured and makes it easier for authorities to identify information/documentation for publication;
- ✓ *ex-officio* inspections carried out at the institutions to verify publication and relevant enforcement;
- ✓ periodic update of the Transparency Program and the Requests and Responses Register;
- ✓ continuous training of public authority representatives and coordinators.



The Commissioner’s Office shall pursue such active approach even for those public authorities that have yet to meet their legal obligations.

II.2 Transparency in local self-governance units and state administration

For 2021, with the aim of measuring proactive transparency, the Commissioner’s Office carried out two monitoring activities in various categories of public authorities, which were detailed in the respective reports.



II.2.1 Local Self-Governance Units Monitoring Report and Proactive Transparency Index

The first monitoring was carried out to verify the proactive transparency level of 61 LGUs for the September-December 2021 period. The measuring system used for this monitoring refers to 5 indicators which objectively assess the functional level of their proactive transparency, as follows:

- publication of Transparency Programs;

- update of Requests and Responses Register;
- publication of Coordinator’s data;
- publication of Coordinator’s data on notification and public consultation;
- publication of the budget and expenditure plan data for 2021 fiscal year.

In conclusion of this monitoring, an increase of proactive transparency compared to 2020 was noted, especially with the first 3 indicators of the methodology and specifically: “*publication of the Transparency Program*”, “*update of the Requests and Responses Register*” and “*publication of coordinator data*”. The monitoring results indicated that 57 LGUs, or 93% of them, have published the Transparency Program and out of these, 55 have either fully or partially published the information/ documentation. The focus of the Commissioner’s Office work will continue to be the more detailed monitoring of the Transparency Program sections of these public authorities, with regards to the fulfillment of obligations under Article 7 of the law.

II.2.2 Central and Subordinate Institutions Monitoring Report and Proactive Transparency Index

The second monitoring was carried out to verify the level of proactive transparency of 100 central institutions (Prime Minister’s Officer, ministries and their subordinate institutions; independent institutions; courts, prosecution system, universities, commercial companies where the state owns the majority of shares) for the September-December 2021 period. The methodology used was based on the following 5 main indicators:

- publication of Transparency Programs;
- update of Requests and Responses Register;
- publication of Coordinator’s data;
- publication of Coordinator’s data on notification and public consultation;
- publication of the budget and expenditure plan data for 2021.

The Commissioner’s Office noted that compared to the monitoring conducted in 2020, central and subordinate public authorities had a better performance in publishing information/ documentation in the Transparency Program on their official websites. Both monitoring Reports have been published on the Commissioner’s Office official website at the following link <https://www.idp.al/raporte-monitorimi-2021/>.

II.3 Recommendations and Decisions regarding the implementation of the Transparency Program

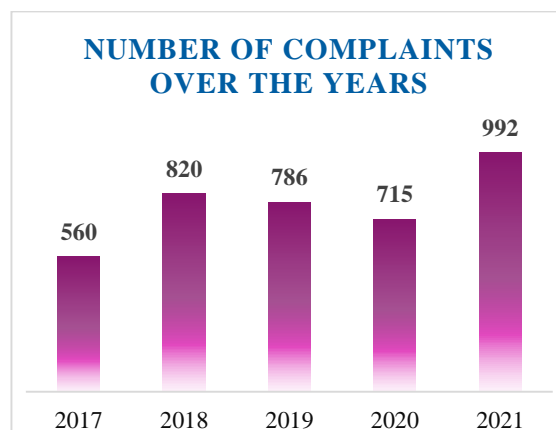
At the beginning of 2021, the Commissioner’s Office completed the administrative inquiry process, initiated in December 2020, for those central and subordinate public authorities that had not published the Transparency Program. In conclusion, the Commissioner made 4 Decisions on administrative sanctions and 1 Recommendation for public servants responsible for the implementation of this legal obligation.

From the monitoring conducted on the LGUs official websites to verify the publication of the Transparency Program, pursuant to Order No. 211/2018, some of the LGUs, despite having formally published this instrument, had shortcomings in publishing the required information under its sections. The Commissioner concluded with 35 Recommendations for these public authorities. Upon the completion of the deadline provided in these acts, 20 inspections were conducted in LGUs to verify the fulfillment of recommendations. From the inspections carried out, the Commissioner’s Office noted the fulfillment of the obligation for the publication of the Transparency Program by 19 LGUs, whereas 1 LGU had not fulfilled this obligation. Therefore, the Commissioner issued a Decision on an administrative sanction for the public servant responsible for the implementation of this legal obligation.

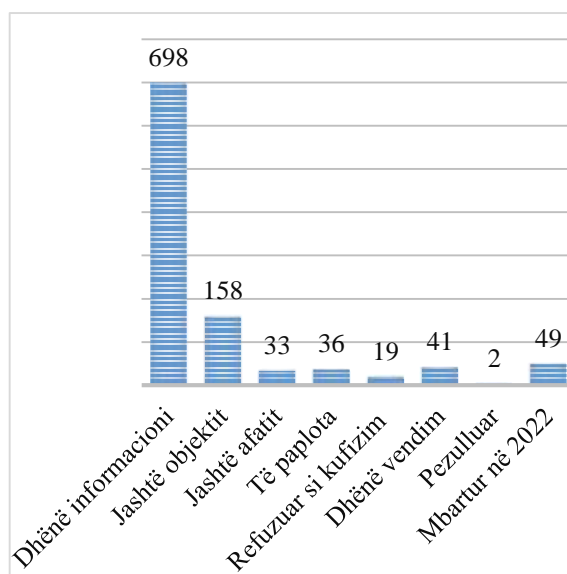
At the end of the deadline for the publication of the Transparency Program, pursuant to Order No. 187/2020, on central and subordinate public authorities, the Commissioner’s Office initiated the administrative inspection procedure in 5 institutions, which, as attested from the preliminary monitoring, had not taken any measures to fulfill this obligation. Upon completion of the administrative inquiry procedure, these authorities fulfilled the obligation to publish the Transparency Program and the Requests and Responses Register.

II.4 Complaint handling and administrative inquiry

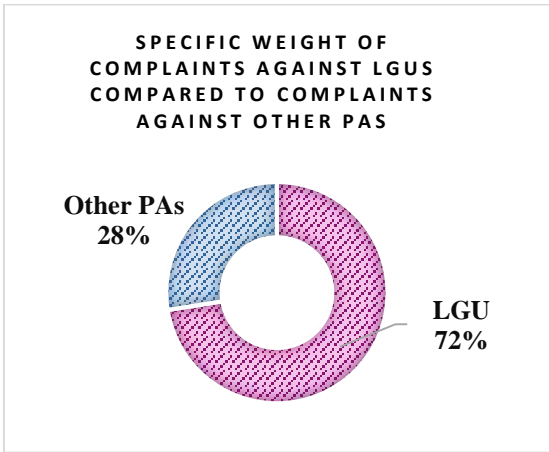
For 2021, the Commissioner’s Office administered 992 complaints, as well as continued the review of 44 complaints carried over from 2020 (*a total of 1036*). The institution noted an ever-increasing tendency of the number of citizen complaints, thus implying the strengthening of their trust in the institution’s activity and work results.



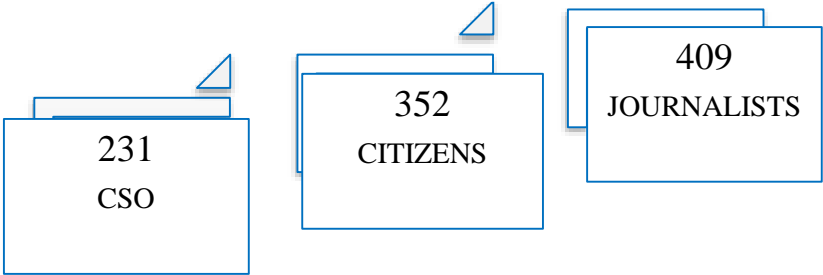
Out of 1036 complaints in total, in 698 of them the applicant has been provided with the information/ documentation requested, as a result of the administrative inquiry process. Whereas 158 complaints fell outside the scope of the institution, 33 exceeded the deadlines, 36 were incomplete, 19 were rejected based on the restrictions of the right to information pursuant to Article 17 of the law and 2 complaints were suspended. The Commissioner issued Decisions on 41 complaints. 49 complaints were carried over for review in 2022.



Whereas, the rest of 656 complaints, with the same subject matter, were made against 313 other public authorities. When comparing the specific weight of complaints between these two categories of public authorities, it is noted that those against LGUs bear the main weight, as shown in the graph.



With regards to the filed complaints, the Commissioner’s Office conducted 23 inspections at the public authorities, and held 52 hearings. In conclusion, the Commissioner issued decisions on 41 complaints, of which 36 were orders on information provision, 1 was dismissed, 2 were rejection decisions, and 2 were administrative penalty decisions. For greater public transparency, the Commissioner’s Office publishes on www.pyetshtetin.al portal, the list of administered complaints, which can be easily consulted by citizens and stakeholders. Referring to the data, as far as identification is possible, filed complaints can be grouped into three categories: complaints filed by citizens, by civil society organizations, and by investigative journalists/media.



From the complaints review, the Commissioner’s Office finds that they were centered on provision of information regarding public contracts (concessions, procurements, etc.), the 2019 earthquake reconstruction process, as well as the activity of public authorities in the health sector. The following were among the most important issues:

- i. *lack of clarity on the part of public authorities regarding the concept of confidentiality in public contracts, which is not handled in line with the provisions of article 17 of the Law; Public contracts often provide for information/ documentation confidentiality thereof and in case of non-implementation, public authorities are faced with sanctions. To avoid this problem, it is necessary that the confidentiality clauses clarify how far information provision extends, since under any circumstances they cannot prevail over the provisions of the law on the right to information, except when contending with another legal provision;*
- ii. *applicants’ tendency to use for administrative matters/ practices of individual character, the provisions of the law beyond its scope and purpose, such as: documentation pertaining*

- to construction permits, earthquake aftermath, property ownership, recruitment procedures, etc .;*
- iii. the requested information extends over long periods of time (over 10 years), which has made it difficult to respond within the legal timeframe;*
 - iv. complaints by lawyers regarding access to unified documentation, which serves as evidence in court proceedings, thus bypassing the Law on the Legal Profession or the Code of Administrative Procedures, have increased;*
 - v. initial requests consisted of questions or statements on certain matters addressed to public authorities, thus exceeding the scope of access to public information/documentation pursuant to the law;*
 - vi. frequent replacement of coordinators, their appointment at an executive or low management level, and limited access to other structures of the public authority. Due to the coordinator's role and responsibility in handling requests for information, the Commissioner's Office continuously guides public authorities on taking measures to strengthen its position. Are to be commended those cases that have a dedicated coordinator's position (according to such guidance, several municipalities have included such position as part of their structure). On the other hand, the problems identified with regards to the coordinator's activity have been proposed to be addressed in the amendments to the law on the right to information.*

The Commissioner's Office is committed to conducting trainings on all these issues with all levels of public administration to strengthen integrity and accountability, focusing on increasing proactive transparency. Dedicated trainings are planned to be held with citizens or stakeholders, to raise awareness on the exercising of their rights in practice, with regards to the difference between the request for public information and the handling of individual practices in fulfilling the institution's functional duties. Annex 2 herein, which reflects the recommendations for public authorities, provides in greater detail the issues verified during the administrative inquiries of the Commissioner's Office.

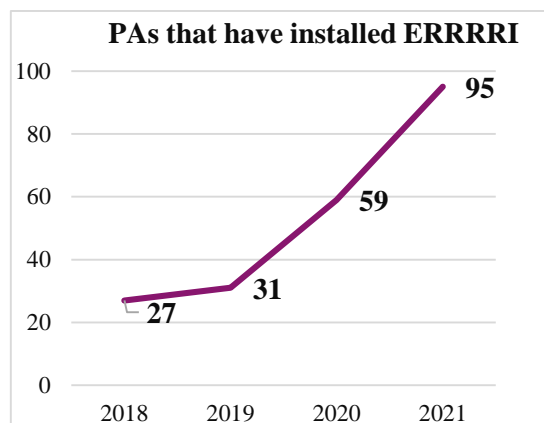
II.5 Electronic requests and responses register on the right to information

The electronic Requests and Responses Register on the right to information is a system that enables more direct access of citizens and stakeholders to public information, thus avoiding bureaucracies. ERRRI further ensures the right to appeal to the Commissioner's Office in the event of public authorities' refusal to provide information. The system ensures real time tracking of the request/complaint handling process.

By the end of 2020, this register was installed in 59 public authorities. During 2021, the Commissioner's Office asked 53 institutions to install ERRRI, an obligation met only by 12 authorities. Noting the slow progress in scaling up the system, the Commissioner's Office, through its own budget funds, enabled its installation for 24 other public authorities. At the end of the year, a total of 95 institutions had installed the system, and further work is being

carried out to increase this number. At the same time, coordinators have been trained on how to use the system.

In 2021, the 95 public authorities that have installed ERRRI handled 382 requests for public information. Whereas, 49 complaints were lodged with the Commissioner’s Office.



II.6 Handling of requests for information and complaints through e-Albania portal

The Commissioner’s Office is cooperating with NAIS for the installation of the AMS system, to provide the service of “request for public information” and “complaint for refusal of access to information” through the unique e-Albania government portal. These services are already being provided to citizens by 61 central public authorities and local self-government units thus ensuring citizens with another alternative to exercising their right to access public information. This initiative fulfills one of the recommendations of the Resolution of the Assembly, in addition to being an obligation provided for by Article 14 of the law. Given that this is an innovation, trainings are being conducted to familiarize coordinators with the system modalities.



More than 7 years from entry into force of Law No. 119/2014, the area of the right to information has witnessed a rapid evolution, both quantitatively and qualitatively. The Commissioner's Office notes an increasing trend of both citizens and stakeholders' interest to request public information/ documentation. Such access is important to the Albanian society, as one of the main elements in strengthening democracy and rule of law.

PERSONAL DATA PROTECTION

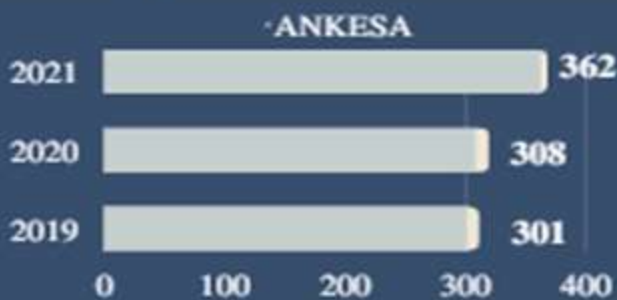
MASSIVE PERSONAL DATA LEAK FOR THE CATEGORIES OF



Voters
Salaries
License Plates

ADMINISTRATIVE INQUIRIES

Orders
Recommendations
Decisions



FOR 2021
46

ADMINISTRATIVE INQUIRIES

33 PUBLIC
CONTROLLERS
13 PRIVATE
CONTROLLERS



HEALTH CARE
EDUCATION
TELECOMMUNICATION
PUBLIC INSTITUTIONS
DIRECT MARKETING

III. PERSONAL DATA PROTECTION

Personal data processing is the vital engine for the economic development of a society. Fostering a culture of privacy guarantees the enforcement of individuals' fundamental right and freedom in an environment where digitization is ubiquitous.

In 2021, the Commissioner's Office, in parallel with its monitoring and supervisory obligations pursuant to the law, focused on the activity of sectors such as: health, education and direct marketing. Their selection was dictated by the extensive amount of personal and sensitive data being processed and the impact that these sectors have on citizens' privacy, while bearing in mind that the Covid-19 pandemic continues to affect the normal course of everyday life. Attention has been paid, in particular, to the verification of technical-organizational measures in guaranteeing a secure personal data processing process by these controllers.

To bring attention to any stakeholders with regards to certain aspects of "telework" affected by the pandemic, the Commissioner's Office drafted the "Guideline on processing of personal data during telework within the measures against COVID-19". This initiative addresses the issue of taking additional measures with regards to data security by public and private controllers when applying for the first time or increasing the use of "teleworking" tools.

The instances of the massive personal data leak, that took place during this year, constitute the most serious violation of privacy and the right of citizens to data protection. These events engaged the institution to responsibly undertake related *ex-officio* administrative inquiries. The European Commission's 2021 Progress Report on Albania² praised the role of the Commissioner's Office and urged the authorities responsible for implementing its decision-making.



Albania 2021 Report

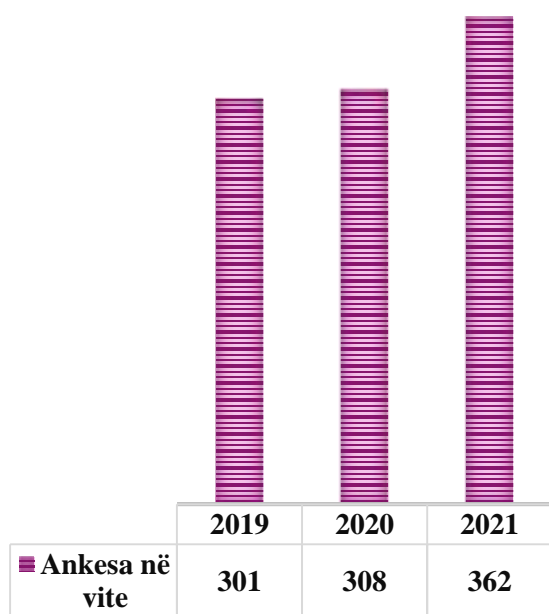
The IDP launched an ex-officio administrative inquiry after the leaking of sensitive personal data including political preferences emerged during the campaign for the 25 April general elections. The IDP released its report, which includes findings of breach of data protection rules. The IDP addressed recommendations to relevant authorities on updating security protocols, and limiting access to and use of personal data stored in state-owned databases. One decision was issued imposing a sanction to the tax authorities for non-cooperation. These recommendations need to be swiftly followed up, without prejudice to other proceedings by competent authorities aimed at assessing the integrity of the election process.

III.1 Monitoring and supervision

III.1.1 Handling of complaints

² https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en

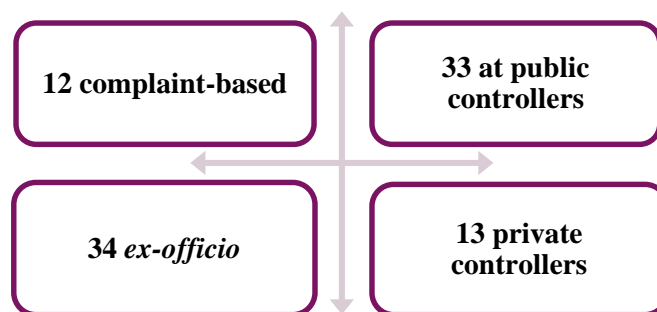
During 2021, the Commissioner’s Office administered 362 citizen complaints. In the majority of cases, nearly 60%, the subject matter of complaints pertained to non-compliance with the right of access, whereas complaints regarding the unlawful personal data leak constituted over 25%, and the rest of complaints related to direct marketing.



The Commissioner’s Office has pursued a proactive approach in its supervisory activity both in terms of prevention and fulfillment of legal obligations, focusing on technical-organizational measures and specifically on Information Security Management Systems. Every controller and processor bears the responsibility and accountability of always guaranteeing citizens with such fundamental right. On the other hand, economic development dictates that they pay attention to technological improvement and modernization, to minimize risks of personal data leak/ breach.

III.1.2 Administrative inquiries

A total of 46 administrative inquiries were undertaken in 2021. Out of these, 12 were carried out to verify citizens’ complaints and 34 upon the Commissioner’s Office own initiative. 33 administrative inquiry procedures were carried out at public controllers and 13 at private controllers. All this activity was carried out at the controllers’ premises, thus making it possible to verify evidence and concrete situation with regards to the process of legal processing of personal data.



SECTORS
OF
ADMINISTRATIVE
INQUIRY

HEALTH CARE
EDUCATION
TELECOMMUNICATIONS
PUBLIC CONTROLLER
DIRECT MARKETING

III.1.3 Administrative inquiries pursuant to the Resolution of the Assembly of the Republic of Albania

Pursuant to the Resolution of the Assembly, the Commissioner's Office was engaged in conducting 33 administrative inquiry processes at public and private controllers, which due to their activity, process citizens' personal data in a large scale.

In **the health sector** were carried out 13 inspections on the supervision of implementation of legal obligations, focusing on personal data processing processes during the Covid-19 pandemic. Based on the findings, the Commissioner issued a unifying Recommendation for 15 health care institutions, to address issues related mainly to technical-organizational measures for data security, as laid down in Instructions No. 47/2018, 48/2018 and 49/2020. Similarly, the Commissioner issued 10 Recommendations and 3 Decisions corresponding with 4 administrative sanctions.

In **the education system** were carried out 13 inspections, mainly at public controllers, to supervise the implementation of legal obligations, focusing on personal data processing during online learning for the Covid-19 pandemic period. Similarly for this sector, the focus was on controlling technical-organizational measures to ensure the security and confidentiality of personal data. In conclusion, the Commissioner issued 9 Recommendations and 4 Decisions corresponding to 12 administrative sanctions.

In the **direct marketing sector**, were undertaken 7 inspections on private controllers, mainly complaint-based, which were the subject of unsolicited promotional calls/ messages. In conclusion, the Commissioner issued 2 Recommendations and 4 Decisions corresponding to 14 administrative sanctions.

From this supervisory activity, the Commissioner's Office noted serious issues in terms of taking the necessary technical-organizational measures to carry out data processing processes, with a substantial impact on ensuring personal data protection.

- Necessary infrastructure elements for setting up, managing and maintaining ISMS are lacking, in line with the provisions of Instruction No. 47/2018 in harmony with Instruction No. 48/2018.

- The health sector lacks rules for the levels of access to patient personal (sensitive) data, especially, of those affected by the Sars-Cov-2 virus.
- There is a lack of controller engagement with regards to the necessity of continuous training of staff who have access to personal data and supervise processing processes. The Commissioner's Office deems that the work practices of the contact person for personal data protection should be consolidated with regards to the specific legislation that regulates controllers' activity.
- Controllers do not fulfill the obligation to inform data subjects (citizens), particularly, regarding the process duration, as well as the exercise of their rights (access, blocking, rectification, deletion, etc.).
- It has been noted that the principles of purpose and storage limitation of personal data during the online learning process were not respected.
- The publication of photos/ videos of pre-university education students on social networks taken during classes or cultural and sports activities, is carried out in violation of personal data protection principles and legal criteria for their processing. Throughout its awareness-raising activities with educational institutions, the Commissioner's Office has always recommended the taking of appropriate related measures.
- Public and private controllers, in their use of personal data due to their activity, do not comply with the process security measures, particularly, in terms of electronic communications from employees' individual addresses.
- In the direct marketing sector, it has been noted that the provision of personal data is carried out in an unlawful manner and the consent criterion is not respected according to regulatory provisions.
- Controllers do not comply with the obligation to notify and update, whenever new categories or amounts of personal data are processed.

Annex 2 herein, which reflects the recommendations for public controllers, provides in greater detail the issues verified during the administrative inquiries of the Commissioner's Office. The same aforementioned issues were noted during the supervisory process for handling citizens' complaints, whereby we highlight noncompliance with the provisions of applicable law on cases of data processing delegation.

III.1.4 Administrative inquiry into personal data leaks

Faced with the massive leak of citizens' personal data published in the media and/ or through other electronic communication mechanisms, the Commissioner's Office immediately initiated *ex-officio* inquiries, combined with the handling of individual complaints. These events, which in data protection terminology are known as "*personal data breach*", constitute a very serious violation of citizens' privacy. Moreover, the Commissioner's Office deems that the exercise of freedom of expression and of the press, when pertaining to personal data, above all, should be carried out by taking into account the fact that "*high public interest*" fundamentally differs from "*of interest to the public*". In this context, administrative inquiries centered on:

- the lawfulness of personal data processing of 910 thousand *citizens/ voters*;
- the lawfulness of personal data processing of “*civil servants/ employees*” in the public and private sector;
- the lawfulness of personal data processing of “*vehicle owners*”.

III.1.5 Unlawful *citizens/ voters*’ personal data leak

On 11.04.2021, Lapsi.al portal published the news titled “*Exclusive: How the Renaissance monitors the phone numbers, ID numbers, job positions, confidential data of 910 thousand voters in Tirana*”, which could be found at the link: <https://lapsi.al/2021/04/11/ekskluzive-si-namonitoron-rilindja-nr-e-telefonit-nr-id-vendet-e-punes-te-dhenat-konfidenciale-per-910-3-mije-votues-te-tiranes/>. According to this news, the controller indicated that he had obtained a database with the personal data of over 910 thousand citizens of Tirana Municipality. The Commissioner’s Office obtained this database (*data_tirana_2021_Backup_Backup.accdb*), which also contained sensitive information within the meaning of paragraph 4, Article 3 of the law.

With regards to this case, administrative inquiries were initiated at the controllers of the General Directorate of the Civil Status, National Agency of Information Society, General Directorate of Taxation, Socialist Party of Albania, Democratic Conviction Party and onLapsi.al portal. Simultaneously, there has been a massive and unlawful leak of this database through the websites www.patronazhisti.com and <https://adfrehasdgfh.web.app/>. The Commissioner’s Office asked the Electronic and Postal Communications Authority and the General Directorate of State Police for the immediate blocking of these domains, as well as the initiation of legal proceedings against the persons who own/possess these websites. Due to the complexity of this issue, extensive field inspections were conducted for each of the controllers.

During the administrative inquiry process, the Commissioner’s Office briefly noted the following issues:

- Despite the continuous contribution of the authority in raising awareness and assisting public controllers, there remains an inadequate level of knowledge and a clear lack of willingness to fulfill and comply with the provisions of the legislation on personal data protection in the framework of carrying out their duties.
- It has been observed that during personal data processing, controllers do not concretely foresee all the processing processes, in proper regulatory documents that guarantee the storage, security and protection of citizens’ personal data, in accordance with applicable legal acts.
- There is a lack of attention and efforts towards generally taking technical-organizational measures, which aim to guarantee, in particular, the security and confidentiality of personal data. In this regard, there is a lack of coordination and cooperation among institutions, whereby the parties keep avoiding their own responsibility, while pointing fingers.

- Ongoing efforts are required in terms of guaranteeing technical and organizational data security, as well as setting up, maintaining and managing the ISMS, pursuant to the provisions of Instruction no. 47/2018 and 48/2018. In addition, there is a continued fundamental need to modernize the infrastructure and regulatory acts related to systems and databases.
- Unrestricted access is noted, without reference to any legal obligation or in excess of a legal provision, on the amount of allowed access to information.
- Management of information technology resources appears challenging, as well as the lack of independent strategies, plans and structure to perform this function in compliance with the regulatory measures of ISMS.
- Gaps in addressing legal elements, obligations and guarantees sanctioned by law with regards to contractual relations that controllers enter into with third parties (in the capacity of processors) regarding the delegation of various services, which comprise personal data processing.
- There is a systematic noncompliance with the legislation by all controllers on their responsibility to seek feedback/opinions from the Commissioner's Office on draft acts, laws and bylaws, pertaining to the field of personal data, as well as projects that need to be implemented by these controllers, alone or in cooperation with others.

The findings identified during these administrative inquiries are detailed in the “*Report on the administrative inquiry for the unlawful leak of citizens' personal data*”, Prot. No. 1399, dated 19.08.2021.

It is worth mentioning that these issues have been previously noted by the Commissioner's Office, and have been reflected in the Report³ drafted in the framework of the *Resolution of the Assembly of the Republic of Albania, dated 21.05.2020, “On Assessing the Activity of the Information and Data Protection Commissioner for 2019”*.

- ✓ In conclusion, the Commissioner issued 3 Recommendations and 1 Decision, corresponding to one administrative sanction. The Commissioner's Office urges all controllers engaged with these administrative inquiries, to take measures for: drafting an ISMS strategy, based on ICT security principles (confidentiality, integrity, availability, reliability), according to the ISO/IEC 27001 standard;
- ✓ setting up ISMS monitoring structures and continuous upgrade of security objectives;
- ✓ continuous staff training on international standards;
- ✓ continuous design and monitoring of network security and encryption of data during their transfer to all tunnels (HTTPS, IPSec, TLS, PPTP, SSH);
- ✓ creating a complete register of in-use ICT equipment (assets), by analyzing the importance of the personal data stored and processed by these assets;
- ✓ centralizing all assets that carry out personal data processing and their periodic monitoring, as well as the implementing and monitoring policies for equipment (assets) installation, access and update;

³ <https://www.idp.al/wp-content/uploads/2022/01/RAPORT-TIK.pdf>

- ✓ implementing control (physical/technical) policies and restricting users according to work needs, as well as periodic auditing of systems and networks based on the access matrix. The use of Multifactor Authentication (MFA) in critical structures and those containing sensitive data;
- ✓ controlling critical infrastructure, through systematic scans;
- ✓ implementing an information security contingency plan (disaster recovery plan) and periodic testing of all its components;
- ✓ assessing ISMS compliance with ISO/IEC 27001 standard, in accordance with Instruction no. 48/2018, through periodic audits and related certification mechanism.

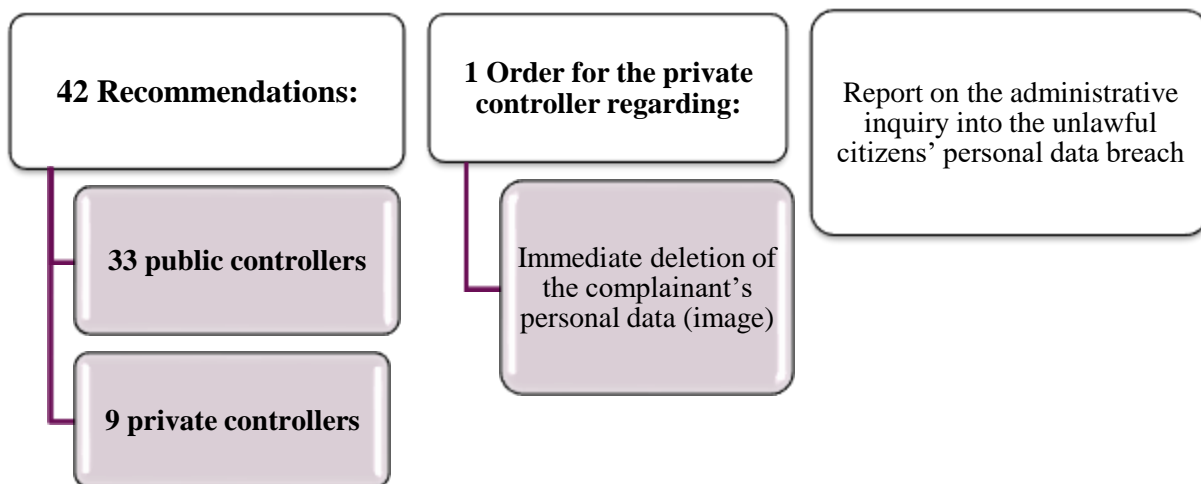
III.1.6 Unlawful leak of personal data of *salaries/ license plates* category

On 22.12.2021, the Commissioner’s Office became aware of the massive personal data leak from a database, which among others included the salaries for *January 2021* of *637137 individuals* employed both in the public and private sector through the “*WhatsApp*” communication platform. In the following days, certain media outlets published limited portions of this database. Meanwhile, another database containing, among others, salaries for *April 2021* of *910061 individuals* began circulating on this application. A third database, including among others *information of vehicle license plates/ model/ color* of *530452 individuals*, was similarly leaked and published.

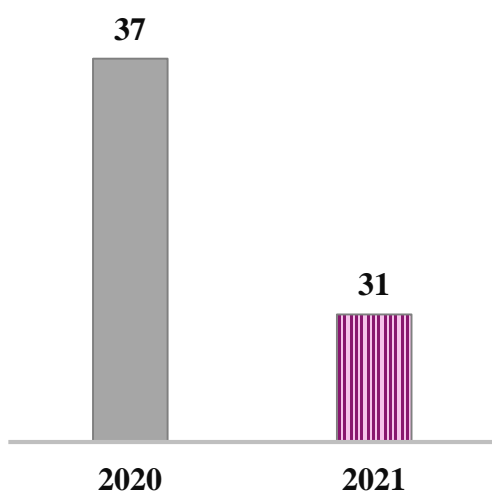
The Commissioner’s Office immediately carried out its supervisory *ex-officio* duties for these serious cases of citizens’ privacy violation and personal data breach. After administering as evidence of these databases, the necessary administrative actions were taken to verify all possible violations by various controllers. It should be noted that due to the case complexity, the Commissioner’s Office has interacted with a number of institutions, including law enforcement, as well as with the parent company of “*WhatsApp*” application (Facebook), to take measures for minimizing the risks and put an end to the unlawful personal data breach. Administrative inquiries into these cases are still ongoing.

III.2 Decision-making

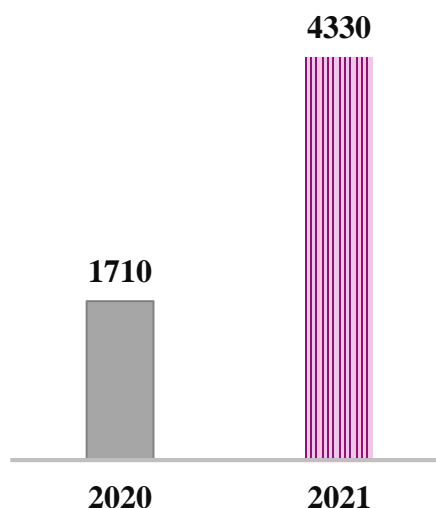
Pursuant to legal obligations, in order to clarify the circumstances and facts regarding the administrative processes conducted, a total of 39 hearings were held. In conclusion, the Commissioner issued 42 Recommendations, 1 Order and 12 Decisions corresponding to 31 administrative sanctions.



Administrative sanctions



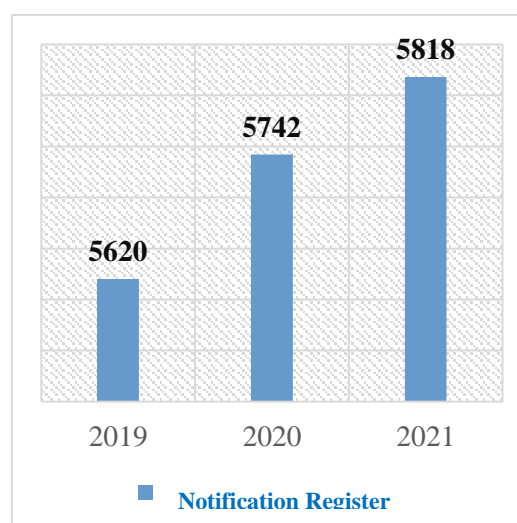
Value of sanctions (in thousand ALL)



Notification Register

III.3

Pursuant to the legal obligation of controllers to notify on personal data processing, 76 new entities were added to the Notification Register in 2021. Moreover, the statements of 30 controllers were changed, following the change in the status of the previous notification. The total number of controllers in the Notification Register, operating in the territory of the Republic of Albania, is 5818.



III.4 International transfer

The personal data protection level for a country is determined based on an assessment of all circumstances regarding the processing, nature, purpose and duration in the country of origin and final destination, pursuant to applicable regulatory framework (Law No. 9887/2008, Decision No. 8/2016, Instruction 41/2014). The Commissioner's Office addressed 5 practices for authorizing transfers in certain countries without an adequate level of personal data protection and the Commissioner issued 1 Decision to allow international transfers.

IV. LEGAL ACTIVITY, ADMINISTRATIVE AND JUDICIAL PROCEEDINGS

IV.1 Drafting of regulatory acts

IV.1.1 Approximation of the legislation on personal data protection with the GDPR and the Police Directive

The Albanian legal framework consists of the law on personal data protection fully aligned with Directive 95/46 EC and the sub-legal acts issued for its implementation. On 25 May 2018, the GDPR entered into force thus repealing the Directive. The aim of the GDPR is to expand and improve guarantees for personal data protection, at a time when due to technological development their processing has proliferated. This regulatory reform also includes the modernization of processing processes within the activity and cooperation of law enforcement bodies in the criminal field, through the adoption of the Enforcement Directive and the repeal of 2008/977/JHA framework decision.

In this context, the necessity of approximating Albanian legislation with these European acts implies the fulfillment of the requirements envisaged in the national and international strategic documents in the country's EU accession framework. This process of approximation with the *acquis communautaire* aims to guarantee Albanian citizens the same high standards for personal data protection. The Commissioner's Office, with the support of the Twinning Project experts, drafted the draft law "On personal data protection" and 13 sub-legal acts for its implementation in practice. Since GDPR is a continuation of Directive 95/46 EC, consequently, the proposed draft law significantly improves the regulatory framework for data protection in Albania, in the following main areas:

- *the range of the data subject rights is expanded and at the same time, the measures of their guarantee are strengthened, thus providing citizens with higher control over their personal data;*
- *additional obligations are added for controllers/ processors, which are introduced for the first time in the legislation, affecting the effectiveness of information security in the process of personal data processing;*
- *criteria of data subjects' consent and validity are strengthened, including the handling of practical aspects of child consent, as well as consent via electronic means;*
- *for the first time rules on personal data processing by law enforcement authorities in the criminal sphere are introduced, which are considered *lex specialis* in this field;*
- *administrative sanctions are increasingly reviewed, as a clear indication of the importance of personal data protection and enforcement of obligations arising from the legal framework;*

- *in the interest of institutional independence, the Commissioners' mandate is strengthened and competencies are expanded, including, for the first time, supportive, inquiry and rectifying competencies for the fulfillment of legal provisions.*

IV.1.2 Drafting the draft law to improve the law on the right to information

Upon entry into force of Law No. 119/2014, the guarantee of this citizen right has seen significant improvement, by increasing public authorities' accountability and responsibility. Issues encountered during its implementation, as well as stakeholders' continuous suggestions/proposals have prompted improvements of the rules in this field. Moreover, these improvements will reduce the possibility of corruption and increase public trust. Therefore, the Commissioner's Office drafted the draft law "*On some addenda and amendments to Law No. 119, dated 14.09.2014 "On the right to information"*". It is worth noting that this draft act has currently advanced, as a result of parallel legal amendments in the legislation on personal data protection.

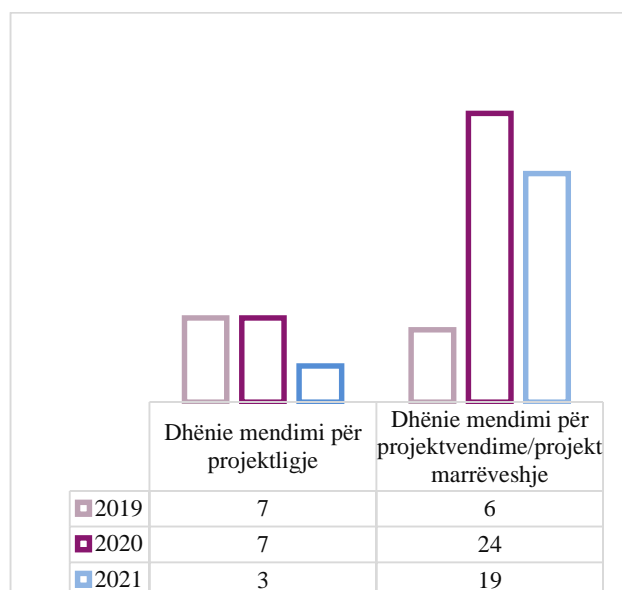
The proposed amendments and addenda improve and strengthen the rules and procedures of the current legislation, and comprise:

- *the provision of the Commissioner's competencies in the field of the right to information by the law that regulates such activity;*
- *the establishment of the Advisory Board, which will serve as a recommendation mechanism for the fair and comprehensive implementation of the law;*
- *engagement of prosecution bodies' decision-making on criminal offenses of high public interest in the Transparency Program, in order to increase transparency in the justice system, according to the definitions of the Model Transparency Program approved by the Commissioner for this category of public authorities;*
- *the possibility of sanctioning the person responsible for refusing to provide information, except when the coordinator is responsible;*
- *determining the Commissioner's Decision on providing information as an executive title, after the deadline specified in the decision;*
- *providing an additional salary of a special work nature to the coordinator for the right to information.*

Both these draft acts have been submitted to the Ministry of Justice to carry on with the procedures until their approval, in the capacity of the leading institution for Chapter 23 of the EU membership negotiations "*Judiciary and Fundamental Rights*", whereby the Commissioner's Office is a party.

IV.2 Providing opinions on the draft acts

In 2021, the institution has provided its opinion on 22 draft regulatory acts (draft laws, draft decisions and draft agreements), and 69 legal opinions have been prepared and submitted for opinion by public and private controllers. We would like to point out that institutions are reluctant to fulfill the obligation of consulting draft acts of which scope is personal data processing. Annex 3 herein provides the list of regulatory acts adopted during 2021, whereby the Commissioner's Office has not been consulted in advance.



IV.3 Judicial proceedings and execution of decisions

In 2021, 34 lawsuits were pursued at Tirana Administrative Court of First Instance, on the implementation of the law on the right to information, where in 13 cases the court upheld the institution's decision.

Cases under the scope of Law No. 119/2014	2021
Judicial proceedings	34
Lawsuits dismissed	13
Accepted lawsuits	2
Suspension of adjudication for the Commissioner's Office	3
Partial acceptance of filing	4
Lack of territory jurisdiction competence	3
Case returned for flaws in lawsuit claim	1
Case under review	8

Whereas, the same court processed 8 cases regarding the implementation of the law on personal data protection, where in 2 cases the court upheld the institution's decision.

Cases under the scope of Law No. 9887/2008	2021
Judicial proceedings	8
Rejection of lawsuits	2
Under review	6

The Commissioner's Office is party to 51 lawsuits that are being reviewed by Tirana Administrative Court of Appeals and during 2021, only 1 case was handled whereby the court upheld the institution's decision.

V. TWINNING PROJECT

Privacy and personal data protection is a dynamic and continuously-developing field. In view of the regulatory reform's importance in the EU and as a country currently in integration negotiations, the Commissioner's Office intensified the steps to align the national legislation in force through the implementation of the Twinning Project entitled "*Institutional support for the approximation of legislation on personal data protection with European Union acquis*".

The Twinning Project involving Italy, Austria, and Albania was funded by the European Union in the amount of EUR 400.000, in the framework of the EU Instrument for Pre-accession Assistance, IPA 2017, for the 1 October 2020 - 15 December 2021 period.



This Project was implemented by the Italian Data Protection Authority (*Autorità Garante per la Protezione dei Dati Personali*), the Ludwig Boltzmann Institute of Fundamental Freedoms and Human Rights in Austria, with the support of CSI-Piemonte in Italy. In addition to them, CFCU was a close collaborator and partner of the Commissioner's Office in the capacity of the Contracting Authority.



This Project comprised 3 components: a) Approximation of the national legislation with the GDPR and the Enforcement Directive; b) Capacity building for enforcement of the new Data Protection legal framework, and c) Increasing awareness of controllers and processors to ensure compliance with the new Personal Data Protection Law. The Covid-19 pandemic led to activities being held virtually, thus enabling the involvement of a larger number of experts than initially foreseen. On 16 February 2021, the Commissioner's Office held the kick-off meeting, attended by representatives of Albanian and foreign institutions, who acknowledged the efforts of the institution in regards to carrying the initiative out and undertook to provide ongoing support to the authority in fulfilling its duties.



V.1 Twinning Project Implementation

Several measures were foreseen for each component of the Twinning Project, in regards to its implementation.

Component 1 “*Approximation of the national legislation with the GDPR and Enforcement Directive*” focused on:

- ✓ comparative review and analysis of the Albanian law in force with that of the EU;
- ✓ presentation of initial findings to stakeholders and recommendation development;
- ✓ drafting of the strategy on the alignment of the Albanian legal framework with the European framework;
- ✓ amendment of national legislation in line with the GDPR and the Enforcement Directive;
- ✓ drafting of sub-legal acts pursuant to the new law.

Component 2 “*Capacity building for enforcement of the new Data Protection legal framework*” focused on:

- ✓ training of Commissioner’s Office staff on the EU regulatory framework;
- ✓ enhancing the institution’s administrative capacity to manage the new legislation;
- ✓ provision of the necessary knowledge and best practices related to the GDPR and the Enforcement Directive application in practice in EU member countries.

Component 3 “*Awareness-raising with controllers and processors in order to ensure that they comply with the new Data Protection Law*” focused on holding informative/training meetings with stakeholders from both the public and private sectors.



The outcome of Component 1 implementation is the draft law “On Personal Data Protection” fully aligned with the GDPR and the Enforcement Directive.



Whereas, as regards the secondary legislation, 13 draft acts were reviewed and developed, as follows:

- ✓ *Instruction on the obligation to conduct a Data Protection Impact Assessment;*
- ✓ *Instruction on the exemptions from the obligation to conduct a Data Protection Impact Assessment;*
- ✓ *Instruction on the processing, protection and security of electronic communication metadata on public networks of electronic communication;*
- ✓ *Instruction on personal data processing in public registers;*
- ✓ *Instruction on personal data processing through security systems;*
- ✓ *Instruction on personal data processing in the education sector;*
- ✓ *Instruction on safety measures on personal data in the field of education;*
- ✓ *Instruction on the fundamental rules in connection to the protection of personal data in written, visual and audiovisual media;*
- ✓ *Instruction on the establishment of terms and conditions of exemption from the respective obligations in personal data processing for journalistic, literary or artistic purposes;*
- ✓ *Instruction on the determination of countries ensuring an adequate level of personal data protection;*
- ✓ *Instruction on the transfer of data to countries which do not ensure an adequate level of personal data protection;*
- ✓ *Instruction on personal data protection in direct marketing, including adequate protection measures;*
- ✓ *Instruction on the definition of retention periods of personal data processed by state police bodies for public or national security, and violation or crime prevention and prosecution purposes.*



The outcome of Component 2 implementation concerned the enhancement of the capacities of Commissioner’s Office staff as regards integral awareness of the EU legislation in the field. There were 5 modules developed to carry out this component of the Twinning Project, internationally referred to as *Training of Trainers (ToT)*. These activities dealt with significant aspects of the new Data Protection legislation, such as responsibility and accountability in the processing process; risk assessment of privacy infringement or specific roles of personal data processing, and responsibility sharing within the organization/institution. There were also discussions held with regard to the role and functions of the staff responsible for data protection (Data Protection Officer-DPO); approach to the concept of privacy by design and privacy by default; as well as in terms of the importance of the processing activity register. Furthermore, attention was given to regulatory novelties on the right to be forgotten and data portability process (transferability), all very important elements in terms of increasing the awareness of the personal data subject (citizen) about the practical exercise of their rights.



In the context of this Component, 3 additional training modules were developed for the purpose of recognizing the practical application of the GDPR and Enforcement Directive, as well as

exchanging best experiences among Project partners. The addressed topics included the relations and responsibilities of the controller or joint controllers, controller-processor relations; competences of the oversight authority, particularly in regards to the administrative inquiry process and sanctions. The European regulatory framework has strengthened and expanded the criteria related to legitimate consent and interest; international transfer or duties of the personal data protection officer. Discussions during the activities also concerned certification and certification bodies; controller audit as regards the fulfillment of their duties related to personal data; codes of conduct, and the overall imposition of technical-organizational measures to ensure a secure process. Matters related to the management of relations with counterpart authorities and European and international organizations, as well as relations with the public and media, were also discussed.



In conclusion of the activities relevant to the Component, a 4-day virtual study visit was conducted for purposes of sharing knowledge and best regulatory practices. The first part focused on the background story, role and functioning of the Italian counterpart authority, mainly on the competences for administrative inquiry organization and ICT department's duties. Moreover, matters related to concepts such as data privacy/protection on social media and networks, in the telecommunication sector, direct marketing and cyber bullying, were also discussed. The second half focused on the Austrian experience in the field legislation application, by introducing the experience of the activity of the Ministry of Justice and Ministry of Interior, as well as Supreme Administrative and Federal Courts thereof. Through cases from practice, the jurisprudence and decision-making of relevant institutions was discussed, underlining the increase of responsibility in the process of personal data processing.

The outcome of Component 3 implementation included the awareness and recognition of public and private controllers/processors and stakeholders as regards the contents of the new legislation in the field. There were 11 activities carried out for this purpose, attended by more than 550 representatives from entities operating in various sectors and fields, as follows.

✓ *Webinar with public institutions*

In cooperation with ASPA, 2 training modules were carried out, with the participation of over 80 representatives from central government, independent and local self-government

institutions. The focus was on increasing the responsibility of public controllers in relation to fulfilling their legal obligations.

✓ *Webinar with CSOs and media*

This training was attended by over 30 representatives from various civil society organizations and media entities, focusing on awareness-raising about observing citizens' rights. These stakeholders play a key role in democratic system functioning and rule of law strengthening.

✓ *Webinar with the health sector*

The training was attended by more than 50 representatives from public institutions and private entities operating in the sector. As one of the largest sectors with regard to personal (sensitive) data processing, it focused on the observance of citizens' rights for the overall sustainable sector development and, in particular, for its technological development.

✓ *Webinar with law enforcement institutions*

This training was attended by over 60 officials from the Prosecution Office, State Police, and General Directorate of Prisons, and it concerned the introduction of the Enforcement Directive's inclusion in the Personal Data Protection legislation. The new regulatory framework expands and strengthens the guarantees on citizen right observance by the competent authorities for purposes of criminal offense prevention, investigation, detection/prosecution or criminal punishment execution and free movement of such data.

✓ *Webinar with banking/financial and telecommunication sectors*

More than 60 representatives from public institutions and private entities operating in the banking/financial and telecommunication sectors participated in this activity. Attention was given to aspects concerning technological improvements in service provision, without affecting personal data processing security.



✓ *Webinar with higher education institutions*

This training was attended by over 130 representatives from academic and administrative staff, as well as students of both public and private universities. Their role consists in

teaching future professionals and, as such, knowledge of the upcoming regulatory framework is a contribution to a new and informed generation prepared to face the economic and social development challenges.

✓ *Webinar with the School of Magistrates and justice system*

Attended by more than 25 representatives from such institutions, the webinar introduced the new legislation aligning the Enforcement Directive and examples from practice were discussed as regards guaranteeing citizens' rights in the criminal field. The School of Magistrates plays a special key role in training future professionals in the field.

✓ *Webinar with representatives of independent professions*

The training was attended by more than 30 attorneys, notaries and judicial mediators. It involved aspects of processing processes and fulfillment of legal obligations in connection to citizens receiving such services.

✓ *Webinar on personal data security*

This activity was attended by over 30 representatives from independent/state institutions that provide services through electronic means on ICT systems, as well as political parties processing personal data in connection to their activity. Matters relating to a secure process were discussed in the training, as well as matters concerning personal data processing during election campaigns, the concept of breaches and taking actual preventive measures.



✓ *Webinar with pre-university education students*

The purpose of this activity was to raise the awareness of students in the 9-year education system with regard to concepts and information related to privacy and personal data protection in the digital environment and, in particular, on social networks. The training aimed at introducing tools and means to prevent negative phenomena, such as online bullying, identity theft, or unwanted contacts. The activity was simultaneously conducted with more than 60 students from “Servete Maçi” and “Kosova” 9-year schools in Tirana.

In the framework of Component 3, four documents were drafted to provide guidance regarding the new field legislation about:

- i. the different roles and responsibility sharing as regards controller-processor relations;

- ii. obligations of the data protection officer;
- iii. data protection impact assessment process;
- iv. consent concept.



The Twinning Project conclusion ceremony was held on 12 December 2021, with the attendance of high-ranking officials from Albania and abroad. The cooperation spirit and synergy between the Commissioner's Office and Italian and Austrian partners resulted in a quality and sustainable output, and constitutes a concrete outcome with regard to the country's EU integration process.



The complete activity carried out in the context of the Project can be found on the website of the Commissioner's Office.

V.2 Twinning Project Impact

The implementation of the Twinning Project impacts the consolidation of institutional capacities, in addition to playing a direct role in the country's European integration process. On the other hand, it contributed toward the awareness-raising of controllers/processors regarding the fulfillment of legal obligations and increasing citizens' knowledge about exercising their rights. Regarding the sustainability of such outcomes over time, visibility elements were created, such as the special Project section on the official website (<https://www.idp.al/twinning/>) and promotional materials, namely videos and leaflets.



VI. ACTIVITY ON INTERNATIONAL COOPERATION, CROSS-SECTORAL STRATEGIES, AWARENESS-RAISING AND PROMOTION

VI.1 Participation on International Forums and Networks

VI.1.1 International Conference of Information Commissioners

In May 2021, the first voting on the ICIC Executive Committee was held, with the Commissioner’s Office being elected as a member of the highest steering forum of the organization. The process was part of the implementation of its restructuration plan, provided for in the Johannesburg Charter 2019. Being elected to the Executive Committee is an acknowledgment of the institutional efforts and efforts of Albanian public authorities in terms of transparency strengthening and accountability increase in meeting the obligations set forth under the legislation on the Right to Information. Forum membership was the main objective of the international relations of the institution for the medium-term period. The forum operation commenced after the 2021 ICIC Conference (virtual), organized by the Brazilian authority. The organization was established in 2003 and it constitutes the main global platform of Right to Information support and promotion.

During 23-24 June 2021, the works of the 12th ICIC Closed Session under the central theme “*The right to information for a changing world, using technology to promote inclusion*” were held. More than 60 national/regional member and observer authorities were represented in the Conference meetings, wherein the latest field developments were discussed and the following documents were adopted:

- ✓ 2021-2024 Strategy;
- ✓ ICIC, Executive Committee and Working Group Organization and Functioning Procedure Handbook;
- ✓ Assignment of the Executive Committee to review the Johannesburg Charter 2019;
- ✓ Resolution on “Proactive publication of information relating to the COVID-19 pandemic”.

All other activities in the framework of the Conference with members or stakeholders were carried out throughout the remainder of the year, under themes such as “*hazy restrictions on access to information*”, “*interaction between access to information and public service provision*”, “*interaction between data protection and access to information*”, “*transparency challenges in digital governments: transparency of public administration in using artificial intelligence.*” During this period, the Commissioner’s Office also participated in the meetings of the Executive Committee, where various matters regarding ICIC functioning were addressed.

VI.1.2 Global Privacy Assembly

From 18 to 21 October 2021, the works of the 43th GPA were carried out, in a hybrid format - online and in person - organized by the Mexican authority. The Closed Session was attended by representatives of 153 member/observer authorities, where 5 documents were adopted, with the Commissioner’s Office contributing to 2 of them:

- ✓ Resolution on the Future of the GPA and Secretariat (the Commissioner’s Office is a co-proposer);
- ✓ Resolution on 2021-23 Strategic Plan (the Commissioner’s Office is a co-proposer);
- ✓ Resolution on Data Sharing for the Public Good;
- ✓ Resolution on Government Access to Data, Privacy and Rule of Law: Principles for Governmental Access to Personal Data held by the Private Sector for National Security and Public Safety Purposes;
- ✓ Resolution on Children’s Digital Rights.

Matters concerning “*data sharing and innovation*”, “*lessons learned from the Covid-19 pandemic*”, “*fostering innovation through engagement*” and “*international enforcement cooperation and experience sharing*” were discussed in the Session. In the latter, the Commissioner’s Office was also represented along with representatives of counterparts from Great Britain, Australia, Japan, Colombia, Hong Kong and Ghana. It shared the cooperation experience with the Italian authority in conducting joint inquiries, focused on the effective implementation of the Right to Personal Data Protection. The panelists acknowledged the presented experience and noted that the bilateral or multilateral enforcement cooperation is the

way to address issues arising from economic development, particularly technological advancement.

The annual reports of GPA Working Groups were presented and approved in the Closed Session, and the activity of several partner organizations was also presented. The Commissioner's Office attended Executive Committee meetings, contributing concretely to document drafting and addressing GPA operational matters.

In the frame of attending other significant activities in the field of personal data protection, the institution has actively participated in the meetings/trainings/webinars held by:

- Convention 108 Consultative Committee of the Council of Europe (T-PD);
- European Data Protection Board;
- European Conference of Personal Data Protection Authorities;
- Case Handling Workshops of the European Conference;
- International Working Group on Data Protection in Technology (Berlin Group);
- Central and Eastern Europe Data Protection Authorities Network (CEEDPA), wherein the Commissioner's Office was represented in two panels;
- French-Speaking Association of Personal Data Protection Authorities (AFAPDP);
- Organization for Economic Co-operation and Development (OECD), for the "Child protection in the digital environment" Recommendation;
- DECOS Project for "Developing Capacity, Cooperation and Culture in Overseeing the Security Sectors of Albania, Kosovo and North Macedonia";
- Regional Cooperation Council (RCC) on "Free flow of data in the Western Balkans".

VI.2 Bilateral Cooperation

VI.2.1 Cooperation with the Kosovo counterpart

A delegation of the Commissioner's Office conducted a working visit to Pristina, upon invitation of the Information and Privacy Agency (AIP). The parties agreed to draft an agreement to strengthen long-term cooperation, increase contacts between staff for experience sharing, and utilize all means to support the Kosovo Authority in becoming a member of/participating in regional/international organizations in both fields. Meetings with the Ombudsperson and Deputy Speaker of the Assembly of the Republic of Kosovo were also part of the visit.

VI.2.2 Cooperation with the British Embassy

The Commissioner's Office has formed a partnership with the British Embassy to carry out the project titled "*Improving the openness and accountability of the governments of the Western Balkans through the development of effective strategic communications.*" The Project aims to ensure a more efficient administration of the strategic communications of public authorities, particularly in terms of strengthening the role and capacities of the Coordinator, and it consists in drafting a manual of his/her activity, conducting activities with stakeholders and creating awareness-raising materials (posters, leaflets, videos). This is a 3-year project and is implemented by the *Government Communications Service* of the United Kingdom cabinet.

VI.3 Cross-Sector Strategies

VI.3.1 Cross-Sector Strategy on Public Administration Reform 2015-2022 and the new Activity Plan 2018-2022

The Commissioner's Office is the institution responsible for achieving Objective 11 *"Strengthening control over public administration activities on guaranteeing citizens' rights and access to information"*. With the aim of achieving this objective, 9 of the sub-measures defined in the annual Action Plan were completed during the reporting period.

VI.3.2 Cross-Sector Strategy against Corruption and Action Plan 2020-2023

The Commissioner's Office is the institution responsible for achieving Objective A.1 *"Improving state activity transparency and citizen's access to information"*. With the aim of achieving this objective, 3 of the sub-measures defined in the annual Action Plan were completed.

VI.3.3 Public Legal Education Strategy 2019-2023 and Action Plan 2019-2023

The Commissioner's Office is the institution responsible for achieving Objective IV *"Raising the public awareness of the importance of knowing the law, their rights and obligations, based on specific needs, and promoting citizen engagement to strengthen the rule of law"*. With the aim of achieving this objective, 5 of the activities defined in the Action Plan were completed.

VI.3.4 Budget Support Contract for Good Governance 2020

The Commissioner's Office is the institution responsible for implementing Indicator No. 7 of the Budget Support Contract for Good Governance IPA 2020 *"State activity transparency and citizen access to information."* According to the Contract, the target for 2021 was *"At least 35 other institutions shall install the Electronic Register of Requests and Responses compared with 2020"*. This indicator has been fulfilled, as by late 2021, the number of public authorities that had installed the ERRRRRI was 36 more than in 2020.

VI.3.5 Juvenile Justice Strategy and Action Plan 2018-2021

The Commissioner's Office is involved in Objective 5.1.1 *"Establishment and functioning of the cross-institutional network at central level for juvenile justice issues"*, carrying out awareness-raising activities concerning matters related to juveniles.

VI.4 Cooperation with Civil Society

The Commissioner's Office has cooperated with Non-profit Organizations, focusing on enhancing the implementation of the right to information. Together with the Institute for Justice

and Mediation (IDM), several local civil society organizations were trained to monitor the Transparency Programs of Local Self-Government Units.

The institution has actively contributed in consultation meetings and reports of various CSOs, in the framework of their monitoring activity with regard to public authorities, such as:

- *Report on the Democratic Control of the Armed Forces, drafted by the IDM;*
- *Monitoring Report “Transparency and Accountability at Local Government Level”, drafted by the IDM;*
- *“Trust in Governance 2020” Opinion Poll, conducted by the IDM;*
- *Monitoring Report on Public Administration Reform 2019-2020 for Albania, drafted by the IDM;*
- *Evaluation Report on Public Information and Consultation by Central Government Institutions, drafted by the Albanian Institute for Policy Development;*
- *“Citizen Participation and Engagement at Local Level” Study Report, drafted by the Juxtaposing Political Offers CSO Network;*
- *Report on the Right to Information, drafted by BIRN;*
- *“Health State Budget and the Covid-19 pandemic” Report, drafted by “Together for Life”;*
- *discussions with representatives of the National Democratic Institute on increasing transparency in the Parliament and citizen participation.*

In the framework of the “*Legal Education of Roma Students, Community and Health Mediators to Facilitate Access to Justice for their Community*” Project, the Commissioner’s Office cooperated with the Roma Versitas Albania organization. An agreement was signed to this end, followed by trainings with representatives from the Roma and Egyptian communities. They learned about the constitutional rights to public information access and personal data protection, as well as the respective applicable legislation.

VI.5 Activities of the Commissioner’s Office

The Commissioner’s Office has carried out training and awareness-raising activities in both of its operational fields, focusing on promoting integrity and responsibility with regard to citizen right observance.

- ✓ Personal Data Protection Day on 28 January 2021 coincided with a historic moment for the community of privacy professionals, namely with the 40th anniversary of the Council of Europe *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data*, widely recognized as Convention 108. In May 2018, its modernization was approved, thus naming it Convention 108+. To mark this anniversary, an awareness-raising video was prepared and published on the website and official YouTube channel of the institution. Simultaneously, the CoE produced and published a celebratory video message on the occasion, with the Commissioner’s participation. Lastly, in view of 28 January, an activity was held at “Servete Maçi” school in Tirana. The meeting constituted part of the “Digital Education - Play and Learn - Happy Onlife” national campaign. Such initiatives play a key role for the Commissioner’s Office, as the

school brings together teachers, children and parents, for the future of an emotionally, culturally and professionally healthy younger generation.

- ✓ The activity on the occasion of 28 September - Right to Information Day - was dedicated to public authorities in the health sector. The Commissioner's Office continues to collaborate with and assist these institutions in meeting their legal obligations, as they have faced objective difficulties in this regard due to the Covid-19 pandemic. The main issues discussed concerned the completion and update of Transparency Program sections or the quality enhancement of information to the public by timely responding to citizens' and stakeholders' requests. This meeting continued in November with a training of Information Coordinators and contact persons for personal data protection. It addressed the implementation of the regulatory framework in terms of the balanced evaluation of both rights, as well as issues encountered in dealing with the pandemic.
- ✓ Two separate meetings were carried out with regard to improving the proactive transparency and increasing the accountability of public authorities, which were attended by the Secretary Generals of ministries, Mayors, and high-ranking municipal officials, as well as Information Coordinators. They discussed issues pertaining to the full functioning of Transparency Programs in accordance with their respective designs, as well as the updating of the Register of Requests and Responses. Furthermore, they established requirements to improve the response process in order to ensure timely and content-appropriate responses to requests for information, as well as to strengthen the coordinator's role within the institutional structure.
- ✓ In collaboration with ASPA, a cycle of 9 online training sessions entitled "*Balance between the Personal Data Protection Right and the Right to Information*" were carried out. The meetings were attended by more than 180 civil servants of various categories, focusing on the participation of Information Coordinators and persons assigned to protect personal data from central, subordinate and independent public authorities, as well as LGUs. The trainings were conducted using practical cases and were based on the difficulties of public authorities in the balanced handling of both rights.
- ✓ The institution held 10 meetings with coordinators and representatives of central, subordinate and independent public authorities, to assist them in publishing the Transparency Program and Register of Requests and Responses, according to the templates adopted by Orders No. 187 and No. 188/2020. The meetings/trainings regarding the operation of the ERRRI by 36 public authorities that had installed it during the year continued. Trainings on learning and operating the new AMS system were conducted with the responsible persons from 61 institutions, in collaboration with NAIS.
- ✓ A dedicated training was carried out with media prosecutors and information coordinators at the General Prosecution Office and prosecution offices at district and appellate courts. There was particular focus on updating/completing Transparency Program sections, as a key means of public information, as well as on the coordinator's role in the process of handling citizens' requests. The activity tackled cases from practice from the operation of prosecution offices or law enforcement institutions, and discussed restrictions on the Right to Information.

- ✓ The institution participated in training for National Bureau of Investigation (NBI) staff, an activity held in collaboration with and coordinated by the International Criminal Investigative Training Assistance Program (ICITAP) Albania with the Presence of the Organization for Security and Co-operation in Europe (OSCE). Participants were introduced to the applicable legislation on Personal Data Protection, role and oversight functions of the Commissioner's Office, as well as cases from practice combining the regulatory field framework with the framework governing the scope of NBI's activity.
- ✓ In collaboration with the Center for Countering Violent Extremism (CVE), 2 trainings regarding the "*Right to Information and Protection of Personal Data related to P/CVE issues - the Basic Legal Standard and Cases of their Limitations*" were conducted. The training was attended by employees of the Center and representatives from institutions executing the National Strategy on Countering Violent Extremism. The trainings concerned the legislation of both activity scopes of the Commissioner's Office related to the scope of the CVE work.
- ✓ Attention was also given to the collaboration with HEIs or student associations, in order for the awareness-raising activity of the Commissioner's Office to reach as many segments of society as possible.
 - A meeting with organization representatives was held on "*Higher Education, Challenges to Supplement and Amend the Law*", and the adoption of a sector-specific Transparency Program was proposed.
 - Three trainings were conducted with "Aleksandër Moisiu" University in Durrës, "Fan Noli" University in Korça and "Luigj Gurakuqi" University in Shkodra to learn about the Right to Information and Personal Data Protection legislations, which were attended by more than 100 students and academic/administrative staff.
 - A meeting with members of the Student Club of the Faculty of Justice of the University of Tirana was held to learn about the role and activity of the institution, in order to enhance proactive transparency and increase responsibility with regard to personal data processing.
- ✓ A meeting with a group of students from Tirana high schools was conducted, in the framework of the "*Act on Hate*" project carried out by the "*Act for Society*" Center. The youths expressed interest in the activity of the institution and became acquainted with its role and applicable legislation, and were provided with an overview of the awareness-raising activities conducted over the years across the country, primarily with pre-university education students and teachers.
- ✓ The Commissioner's Office concluded the "Digital Education - Play and Learn - Happy Onlife" National Campaign. There were 32 awareness-raising activities carried out in 9-year schools in Tirana, Fier, Berat, Korça, Vlora, Gjirokastra, Divjaka, Lushnja, Kuçova, Dimal, Poliçan, Patos, Ballsh, Maliq, Bilisht, Erseka, Puka, Fushë-Arrëz, Prrenjas, Pogradec, Memaliaj, Tepelena, Përmet, Orikum, Himara, Saranda, Delvina, Roskovec and Selenica, attended by over 650 students and teachers. The goal is to teach the 12-15 year old age group which behaviors to adapt, specifically on social networks, through play. This

helps stimulate critical thinking about the safe use of personal data and teaches how to prevent or minimize negative phenomena, such as bullying, exploiting others' identity, and unwanted contacts.

- ✓ The "Information and Privacy" journal was published, namely issues 11 and 12, overviews of institutional activity for the first and second 6-months of 2021, respectively.
- ✓ There were 12 "Right to Information" newsletters published, introductory monthly overviews on the activity and oversight of compliance with the Right to Information Law.

VII. MANAGEMENT OF HUMAN RESOURCES AND FINANCES

VII.1 Management of Human Resources

VII.1.1 Organizational Chart

The Commissioner's Office's structure comprises 44 employees, pursuant to Decision of the Assembly of Albania No. 84/2020, the financial effects of which commenced on 1 January 2021. For the purpose of its implementation, all procedural steps were taken to reorganize the units comprising the institution, job positions and salary levels/categories, in conformity with the legislation in force.

This activity was performed in two stages; firstly, to reposition the staff according to the new structure and, secondly, to fill vacancies. The fair and rational management of human resources entails the fair execution of the Career Advancement Policy, as well as recruiting qualified staff to carry out tasks in a quality and competent manner. In this context, the Commissioner's Office has noted with concern that, due to the specific nature of the scope of institutional activity, there is ongoing difficulty in filling vacancies, thus resulting in relevant procedure repetitions. The progress and issues encountered in the process have been reported to both the Assembly and the Commissioner for the Oversight of Civil Service. In late 2021, the structure was occupied at 86% (38 job positions), one recruitment procedure was carried over and 5 remaining vacancies are to be filled in 2022.

On the other hand, it bears noting that, as required by the Commissioner's Office in the Medium-term Budget Program 2022 - 2024, completing the institution structure remains a necessity, particularly the personal data protection structure, in order to fulfill the additional duties and competences set forth under the new Personal Data Protection legislation.

This has been regularly included in the Progress Reports of the European Commission over the years, particularly in the 2021 Progress Report, stating:

“Additional staff needs to be allocated to the Information and Data Protection Commissioner in order for it to fulfill the increased duties foreseen in the legislation on personal data protection expected to be adopted soon.”

VII.1.2 Development of Human Resources

The professional development of human resources constitutes one of the key factors in carrying out institutional duties and objectives. The main directions with regard to this element comprise:

- *implementing regulatory practices transparently and responsibly in process administration;*
- *recruiting staff with high education achievements;*
- *building capacities through ongoing trainings;*
- *implementing an objective staff assessment system, based on the performance of functional and individual duty fulfillment.*

Considering the organizational changes, Annual Working Program and ongoing situation due to the Covid-19 pandemic, a needs analysis was conducted and the training schedule was established in cooperation with ASPA. They concentrated on 15 topics, the most important of which were those related to the EU accession process and projects, risk management, conflict of interest, improved recognition of civil service and financial legislation, discrimination, electronic governance and computer security, etc. 17 employees from the institution took part in the 28 trainings that were given.

Work outcome assessment procedures were carried out on time according to the standards provided for in the legal framework of the field. Gender representation is a key indicator of the implementation of human resources development policies, which amounted to 68% females and 32% males in 2021. It's worth noting that women hold 6 of the 9 middle and senior management positions.

VII.2 Budget Management

VII.2.1 Revenues and Expenditures

Pursuant to Law no. 137/2020 “*On the 2021 State Budget*”, the adopted funds allocated to the Commissioner’s Office amounted to a total of 78.200 (*in thousand ALL*).

Through the changes during the year, the budget was reduced to 66.700 (*in thousand ALL*), thus 11.500 (*in thousand ALL*) less for the “*personnel and related expenditures*” and “*operating expenditures*” items, as a result of the restructuring/vacancy filling process; reserves resulting from the positive effects of procurement procedures; limitation of domestic activities or abroad.

The actual realization of the budget is 64.058 (*in thousand ALL*) or 96%.

BUDGET INDICATOR REALIZATION

No.	ITEM	000/ALL	000/ALL	ACTUAL AMOUNT FOR 12 MONTHS	% OF EXECUTION COMPARED TO THE ANNUAL PLAN
		PLAN	% OF THE TOTAL		
1	Salaries	42.726	64%	42.142	98.6%
2	Social securities	7.300	11%	6.987	95.7%
3	Other goods and services	15.074	22.6%	13.491	89%
4	Investments	1.000	1.5 %	995	99.5%
5	Transfers and special fund	500	0.8%	369	74%
6	Membership fees	100	0.1%	74	74%
	Total	66.700	100%	64.058	96%

Salaries constitute one of the main expenditure indicators and were realized in the amount of 42.142 (*in thousand ALL*) or 98.6% and social security/health insurance contributions were realized in the amount of 6.987 (*in thousand ALL*) or 95.7%. Current expenses and investments were realized in the amount of 14.929 (*in thousand ALL*) or 89%. Failure to realize expenses was a result of the lower bids in procurement procedures and the use of the special fund at a level of 40%.

VII.2.2 Revenues from Sanctions

By the end of 2021, a total of ALL 2.337.819 were collected as revenue from administrative sanctions for violations of applicable legislation provisions, which were paid 100% into the state budget. In 2021, the imposed sanctions amount to 4.730 (*in thousand ALL*), of which the collected amount is 1.820 (*in thousand ALL*). On the other hand, an amount of ALL 517.819

was collected for administrative sanctions from previous periods (2015-2020). In 2021, 86% of the amount collected was paid voluntarily by offenders, which shows awareness in immediately complying with Commissioner's decisions.

VIII. COMPLIANCE WITH THE RECOMMENDATIONS FORWARDED BY THE EUROPEAN COMMISSION REPORT

The following recommendations were addressed in the 2020 Albania Progress Report of the European Commission, requiring the Commissioner's Office to provide direct contribution and cooperate with the other institutions involved in carrying such recommendations out.

The Information and Data Protection Commissioner should have broader oversight competences. A central register for information requests is in place, but its coverage should be expanded.

With regard to personal data protection, further efforts are required to align the personal data protection legislation with General Data Protection Regulation 2016/679 and Enforcement Directive 2016/680.

Albania is yet to become a signatory of the 2018 Protocol, which amends the Convention for the protection of individuals with regard to the automatic processing of personal data.

The capacities of the Commissioner's Office should be further enhanced to allow it to fulfill its duties in a more effective manner.

Access to information regarding procurement contracts, audits and salaries of officials should also be enhanced. Decisions of the Commissioner are not binding to public administration officials.

In coordination with the Ministry of Justice, in the capacity of the leading institution under Chapter 23 “*The judiciary and fundamental rights*”, the Plan of Measures has been drafted regarding recommendation implementation and fulfillment monitoring, which have been fully addressed by the Commissioner's Office. The information on the institution's activity and measures taken to comply with the recommendations has been included in this Report, according to relevant chapters.



IX. FULFILLMENT OF INTERNATIONAL OBLIGATIONS AND REPORTING

The Commissioner's Office is part of the "Political Criterion" Chapter, Chapter 10 "Information Society and Media" and Chapter 23 "The judiciary and fundamental rights" of the European integration process. As part of the obligations arising from this undertaking, and others, the following contribution has been provided:

- *Compilation of the information on the institution's activity in developing and submitting contribution I, II, III, and IV of the Albanian Government for the 2021 European Commission Report on Albania, regarding all three Chapters.*
- *Compilation of the information on the institution's activity in holding the 13th European Union Sub-committee Meeting on "Justice, Freedom and Security", and additional questions.*
- *Compilation of the information on the institution's activity in holding the Public Administration Sub-committee (PAR-Special Group) Meeting with the European Commission, and additional questions.*
- *Drafting of the National Plan for European Integration 2022-2024 for Chapter 23.*
- *Drafting of periodic reports with regard to the Plan of Measures for the implementation of the recommendations made in the 2020 European Commission Report on Albania, with the involvement of the Commissioner's Office.*
- *Drafting of 4 periodic reports on the duties assigned in view of the Assembly Resolution.*
- *Drafting of 4 periodic reports on the implementation level of the recommendations issued by the Commissioner's Office to public institutions, as well as the real-time updating of the "Cross-Institutional Platform".*
- *Following up on the 2021 SIGMA assessment process for Albania for the Commissioner's Office and relevant contribution to the PAR.IS system.*
- *Compilation of the information on the implementation of the relevant indicator of the Commissioner's Office in the Budget Support Contract for Good Governance 2020.*
- *Compilation of the information on the institution's activity with regard to the IPA-Sector Monitoring Committee meeting on Democracy and Good Governance/IPMG GG.*

- *Drafting of 2 reports on the implementation of the Public Legal Education Strategy and Action Plan.*
- *Drafting of 2 reports on the implementation of the Juvenile Justice Strategy and Action Plan.*

X. IMPLEMENTATION LEVEL OF THE 2021 ASSEMBLY

In the Resolution adopted on 03.06.2021, the Assembly requested the Commissioner's Office to carry out the following recommendations:

- *Continue supporting and monitoring public authorities in regards to the implementation of the reviewed Transparency Program and Register of Requests and Responses.*
- *Determine mechanisms to raise the awareness of Information Coordinators and state administration staff about the Law on the Right to Information and the use of the Electronic Register of Requests and Responses.*
- *Take institutional and legal steps with the relevant authorities in order to fully address the requirements under paragraph 1 of Article 14 of Law No. 119/2014 "On the Right to Information" (handling requests for information and complaints through the unique governmental portal e-albania).*
- *Continue overseeing compliance with Personal Data Protection legislation by public and private controllers of the health care sector.*
- *Participate in the drafting of a unifying recommendation in the health field.*
- *Monitor and oversee compliance with Personal Data Protection legislation in the education sector, particularly with regard to the technical and organizational measures taken by relevant controllers to ensure personal data security and confidentiality in the context of online teaching, resulting from the spread of the Covid-19 pandemic.*
- *Monitor and oversee compliance with Personal Data Protection legislation by controller entities conducting direct marketing activity.*
- *Improve institutional coordination with public controllers, in order to continue overseeing and monitoring in order to remedy the issues noted in the Commissioner's Office report on overseeing controllers, focusing on online platforms, the information and communication technology sector, as well as public and private controllers of the health care sector.*
- *Continue making a contribution to the approximation of Personal Data Protection legislation with the relevant EU legislation, namely the General Data Protection Regulation 2016/679 (GDPR) and Enforcement Directive 2016/680 (successful implementation of the Twinning Project assisting the Commissioner's Office to this end).*
- *Enhance the contribution and active engagement in international working groups in the framework of the Global Privacy Assembly (GPA), International Conference of*

Information Commissioners (ICIC) and the European Conference of Data Protection Authorities (ECDDPA).

- *Carry out awareness-raising, training and promotional activities related to activity fields, for the purpose of exercising citizen rights in practice, focusing on pre-university education students, students or representatives of ethnic/cultural minority communities.*

The Commissioner's Office has fully implemented these 11 recommendations in 2021. Considering that the authority supports annual institutional objectives, including these recommendations among others, the Annual Report identifies all steps taken to achieve them.

XI. VISION

Our vision is to promote a society relying on transparent institutions and responsible public/private controllers, as fundamental values, in order to achieve a sustainable economic-social development. This can only be achieved by expanding the cooperation with such actors, with a view to transform regulatory standards and norms into opportunities to guarantee citizens' rights, instead of grounds for restricting or side stepping them. The main objectives of 2022 for realizing this through adequate professional engagement and dedication include:

- Active role in finalizing the procedures to modernize the legal framework in the field of personal data protection through:
 - *the adoption of the draft law "On the Ratification of the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data";*
 - *the adoption of the draft law "On Personal Data Protection".*
- Active role in finalizing the procedures to modernize the legal framework in the field of the right to information through:
 - *the adoption of the draft law "On the Ratification of the Council of Europe Convention "On Access to Official Documents"";*
 - *the adoption of the draft law "On some addenda and amendments to Law no. 119/2014, dated 14.09.2014 "On the right to information"";*
 - *the adoption of the draft law "On open data and the re-use of public sector information", aligning EU Directive 2019/1024.*
- Strengthening institutional capacities through the implementation of projects with various partners, in the framework of legislative improvements, with special focus on technological developments.
- Cooperating with citizens and stakeholders in learning about the modernized legal framework and raising awareness about complying with it.
- Proactive monitoring and oversight of public authorities of different categories to verify the updating of the Transparency Program and Register of Requests and Responses, in order to enhance the transparency and accountability of their activity.
- Supporting public authorities in clarifying issues on public interest and cases of information restriction, particularly with regard to the use of the confidentiality concept.
- Extension of the AMS and ERRRI electronic systems to as many public authorities as possible.

- Strengthening the Information Coordinator’s role through periodic trainings and providing technical support to institutions.
- Monitoring and overseeing compliance with Personal Data Protection legislation, focusing on the technical-organizational measures regarding their secure processing, particularly ISMS from public and private controllers.
- Monitoring previously-issued recommendations to public and private controllers, reflected in the Report on the implementation of the Assembly Resolution dated 21.05.2020 and during the 2021 institutional activity.
- Monitoring and overseeing the work of law enforcement bodies in the personal data processing process, pursuant to the duties of the Commissioner’s Office provided for in the Law “On Additional Public Safety Measures”, “On Border Control”, “On Civil Status” and “On State Police”.
- Monitoring the implementation of the Cooperation Agreement between the Republic of Albania and Eurojust and drafting the Annual Report.
- Establishing the Network of Personal Data Protection Officers, in light of the improvement of the national field legislation.
- Organizing activities and participating in initiatives to raise awareness with regard to the exercise of rights, focusing on the younger generation.

Monitoring and overseeing compliance with the legal framework in both activity fields in the digital era fosters mutual trust with citizens, thus continuously improving the mentality and culture of the society.

ANNEX 1 - STRUCTURE AND ORGANIZATIONAL CHART

INFORMATION AND DATA PROTECTION COMMISSIONER ORGANIZATIVE STRUCTURE

