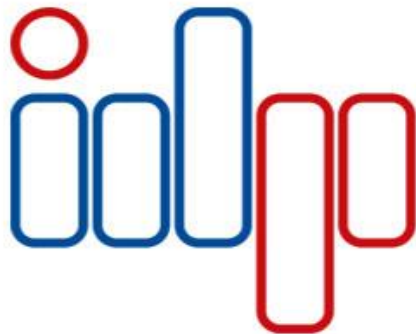


Annual Report 2016



**INFORMATION AND
DATA PROTECTION
COMMISSIONER**

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MISSION OF COMMISSIONER OFFICE ACTIVITY

The mission being the purpose of the activity and performance of the Commissioner Office is safeguarding the impact of the public information to the public, creating an insight on the state and society situation and the legitimate processing of the personal data, by way of abiding by and guaranteeing the fundamental human rights and freedoms, specifically, the right to information and the right to preserving the privacy.

In compliance with this mission, the Commissioner Office has, over the year 2016 been more articulated and consolidated, while implementing the resolution of the Assembly of Albania, Progress Report of the European Union, international cooperation and continuous trainings. The efforts have, from this perspective, been oriented towards measurable priorities and indicators.

The approval of the new EU Regulation on the protection of personal data requires a more intensive commitment in the context of the European reform which is designated to be carried out for the protection of personal data.

The Commissioner Office has, as an independent authority in monitoring and overseeing the right to information and protection of personal data, intended at consolidating and strengthening its independent supervisory role in both of these important pillars.

It has, by way of its awareness and preventive activity, as well as through the sanctions being imposed, brought about better results contrasted to the previous years.

The Commissioner Office has, despite disposing of limited human resources, extended its activity all over the country, periodically working towards making the stakeholders, the public at large, the civil society and media aware of identifying nowadays the importance of transparency and privacy, as well as the measures required to be taken for their protection.

We have been represented in the activities in the country and abroad through an active role and by way of presentations, discussions and opinions.

The international relations have been under the focus of the activity of the Commissioner Office, thus assigning importance to the meetings, accessions, reporting and filing the requests for running joint projects and enhancing the professional level of the employees and beyond.

The Commissioner Office aims at further developing its vision, while bolstering and safeguarding observation of two constitutional rights at the appropriate levels, and practically settling in real time and sanctioning the law infringements.

Constituent part of the Commissioner Office is also the examination of complaints regarding the procedures provided for in the Law no 146/2014 “On public notification and consultation”, this being another important task requiring enormous commitment, but also enhanced capacities.

The activity of the Commissioner Office, as an important institution, is being reported to the Assembly of Albania, while it is evaluated by way of annual resolutions. To the effect of implementing the resolution of the Assembly and recommendations of the EU Progress Report 2016:

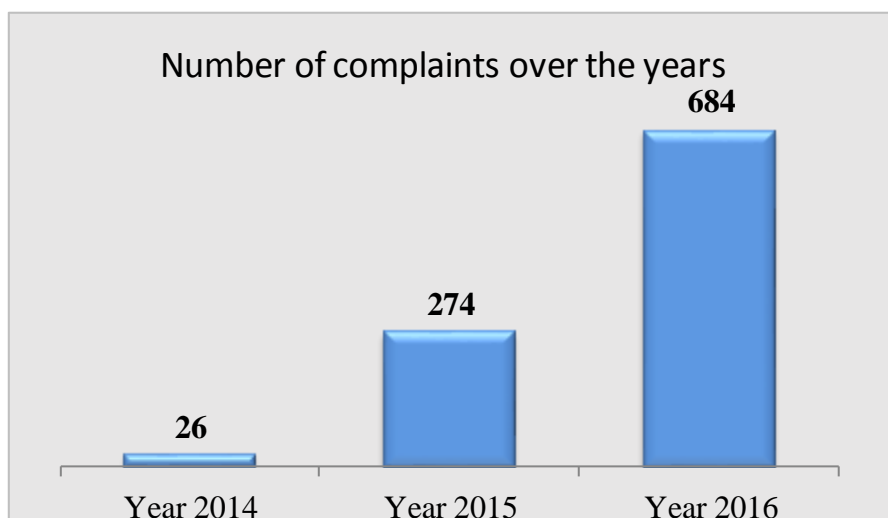
- The frequency of inspections has been intensified, thus referring to the observation of the right to information and protection of personal rights, specifically focusing on the topic-related inspections.
- The administrative enquiries, chiefly in sectors where sensitive data are being processed, have been enhanced.
- The transparency programs, specifically the implementation by the local governance bodies, have been monitored.
- The administrative measures for the legal violations being found out have been upgraded.
- The instances of abusive requests and complaints regarding the right to information have been carefully dealt with.
- By-law acts in specific sectors have been approved.
- We have focused on making the students, academic staff and media, as the main cooperation factor, as well as the public at large, aware.
- The enhanced training of the institutional capacities, by way of international training measures and by the Albanian Public Administration School, has been given effect.
- The implementation of the recommendations addressed to the controlling and processing entities over the years 2015 - 2016 have been monitored.
- Efforts have been furthered with the organisation of training measures, chiefly in the media sector, judiciary, law and order bodies and public administration.
- The expertise for legal, by-law draft acts and drafts connected to the observation and protection of personal data has been upgraded.
- The procedure for the certification of Albania as a country with sufficient level for the protection of the personal data has been initiated.
- The draft strategy of the Commissioner Office for 2017 - 2020 has been compiled.

1. RIGHT TO INFORMATION

1.1 Law no 119/2014 “On the Right to Information”

Processing the complaints

The Commissioner Office has, over the year 2016, proceeded with its efforts for implementing and monitoring the law no 119/2014 “On the Right to Information”. The number of complaints being deposited with the Commissioner Office has substantially increased compared to one year earlier. 684 complaints were deposited, 547 whereof have been resolved by mediation, while the Commissioner has, with regard to 36 complaints, issued a decision; 65 complaints turned out to fall outside the scope of law, 7 complaints were filed beyond the respective time period and 29 complaints were insufficient.



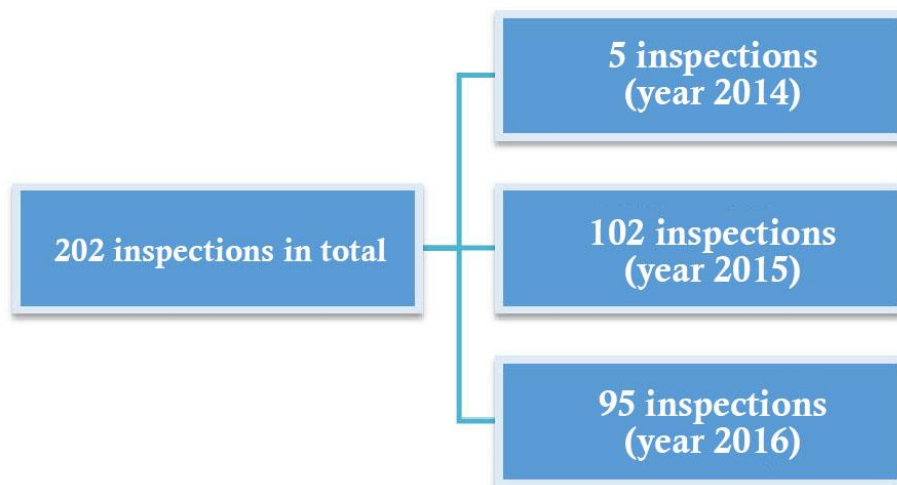
The increase of the number of complaints from the civil society organisations and the citizens is a good indicator of enhancement of awareness. At the same time, the fact that the bulk of the complaints have been settled by mediation reflects the effectiveness of the intervention of the Commissioner Office.

684 Complaints for 2016	
574	Complaints settled by mediation
65	Complaints outside the scope of law
29	Incomplete complaints
7	Complaints beyond the time period.

Most of the complaints being dealt with by the Commissioner Office were complaints being filed by the civil society organisations. Actually 374 complaints have been deposited by NGOs and 310 by the citizens. A significant increase of the number of complaints of citizens is evident as compared to one year earlier, where the total number of the complaints was just 274. The complaints mainly bore a connection to the local governance institutions, however, there were complaints also regarding the central government institutions. An issue of concern persists to be the failure on the part of the Public Authorities to respond within a 10 day period, which has been set out in the law no 119/2014 “On the Right to Information”.

Administrative enquiries

The commissioner office has carried out **95** administrative enquiries in the field of the right to information to the effect of verifying the deposited complaints. **273 requests** have been sent to the Public Authorities seeking submissions, while **46 complaints** are in the process of being examined. Likewise, **36** decisions have been issued addressing Public Authorities, whereof **2** decisions surrounding, 3 administrative sanctions against the persons held liable for refusing to make available the requested public information.



It is worth mentioning that it was the first time that, upon the intervention of the Commissioner Office by way of the ordering decisions, the decisions of the prosecution office regarding the criminal denunciations have been made public.

31 hearing sessions have been held this year, whereof specific interest have attracted the hearings conducted between the representatives of the Albanian Helsinki Committee, coordinators of the right to information and the coordinators of public notification and consultation. The scope of these hearings was the improvement of the implementation of the Law no “On public notification and consultation”, as an important instrument aiming at encouraging and cultivating the culture of transparency and accountability, through the mechanisms offered by the Law no 119/2014 “On the Right to Information”. On the other hand, the full performance of the obligations of the Law no 146/2014 “On public notification and consultation” would be a valuable contribution to this process, simultaneously also for strengthening the efficiency of the public administration activity to the service of the citizens.

A hearing session of specific importance was that which was organised by the State Information Service and BIRN Albania. The scope of this hearing was making public the annual analysis of the former State Security for the period 1980 - 1989. The Commissioner decided in this instance to order the Public Authority to implement the procedure provided for in the law. Subsequently the case was taken to the Administrative Court of First Instance and the latter decided in favour of transparency and making public the materials requested by BIRN Albania, specifically the annual analysis of the State Security for 1980 - 1989.

Other important hearing sessions in 2016 were those conducted between BIRN Albania and the Ministry of Energy and Industry for making available the documentation on the files of unsolicited concessions. The Commissioner has, also in these cases, decided in favour of transparency, by way of ordering making available the requested information.

1.2 Monitoring the implementation of the Law on the Right to Information

The Commissioner Office proceeded with the monitoring of not only the official websites of the Public Authorities, but it carried out inspections on the ground, while seeking information regarding the performance of obligations emerging out of the law no 119/2014, such as the publication of the transparency program, appointing the coordinator for the right to information, as well as publishing the requests and answers register.

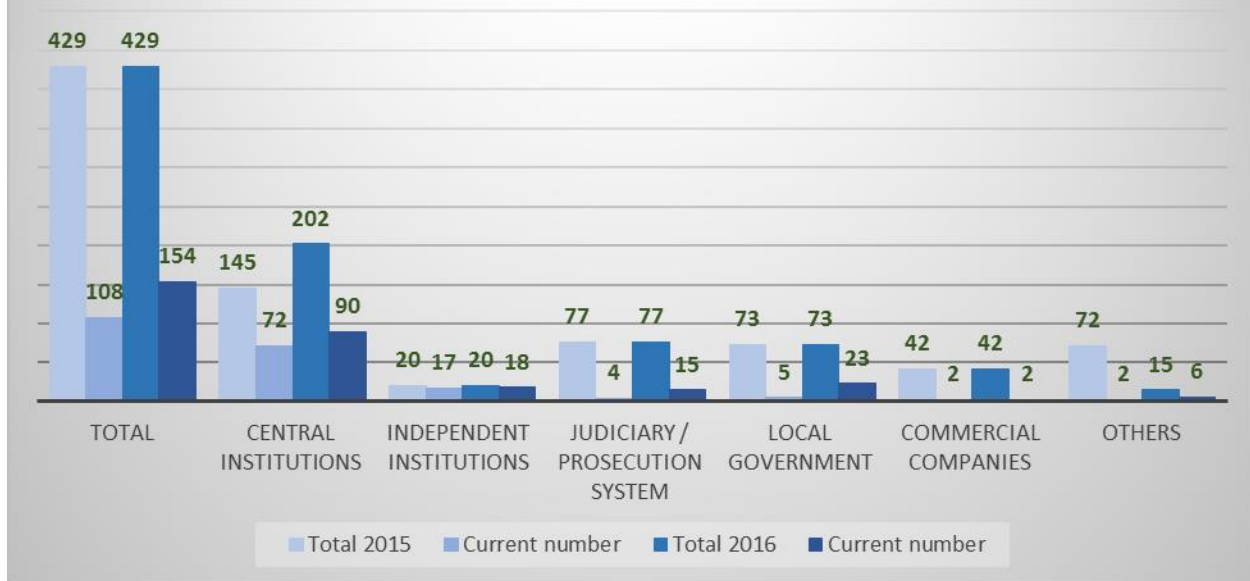
The outcome of this continuous monitoring was:

- **154** Public Authorities have approved and made public the transparency program.
- **227** Public Authorities have appointed the Coordinator for the right to information.
- **116** Public Authorities have been set up and published the requests and answers register.

The Commissioner Office has, in the course of this year, concentrated on revising the database of the Public Authorities and, specifically for this reason, with the assistance of SIGMA experts, drafted and approved a guide on the assignment of the Public Authorities.

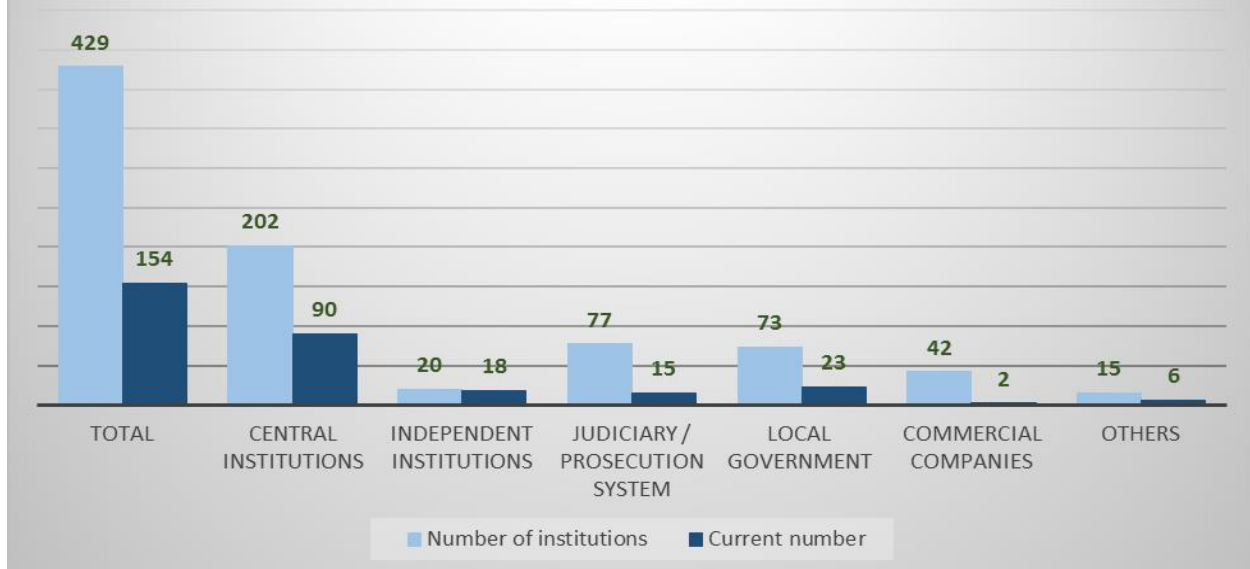
Following the approval of this document, a change in the number of some of the categories of the Public Authorities is evident, for instance in 2015, 145 institutions have been reflected, being part of the category of central institutions, while in 2016, following the revision of the data base of institutions, 202 institutions have been reflected, being part of this category. We explain that these institutions were in 2015 part of the category '**Others**', consequently changing even the number of the institutions in this category.

Transparency Programs 2015 – 2016



It is evident in the above graph that contrasted to 2015, there is an improvement of the number of the central institutions, as well as the local government institutions having drafted the transparency program. In the course of 2016, **46** institutions have drafted the transparency program, additionally compared to the previous year.

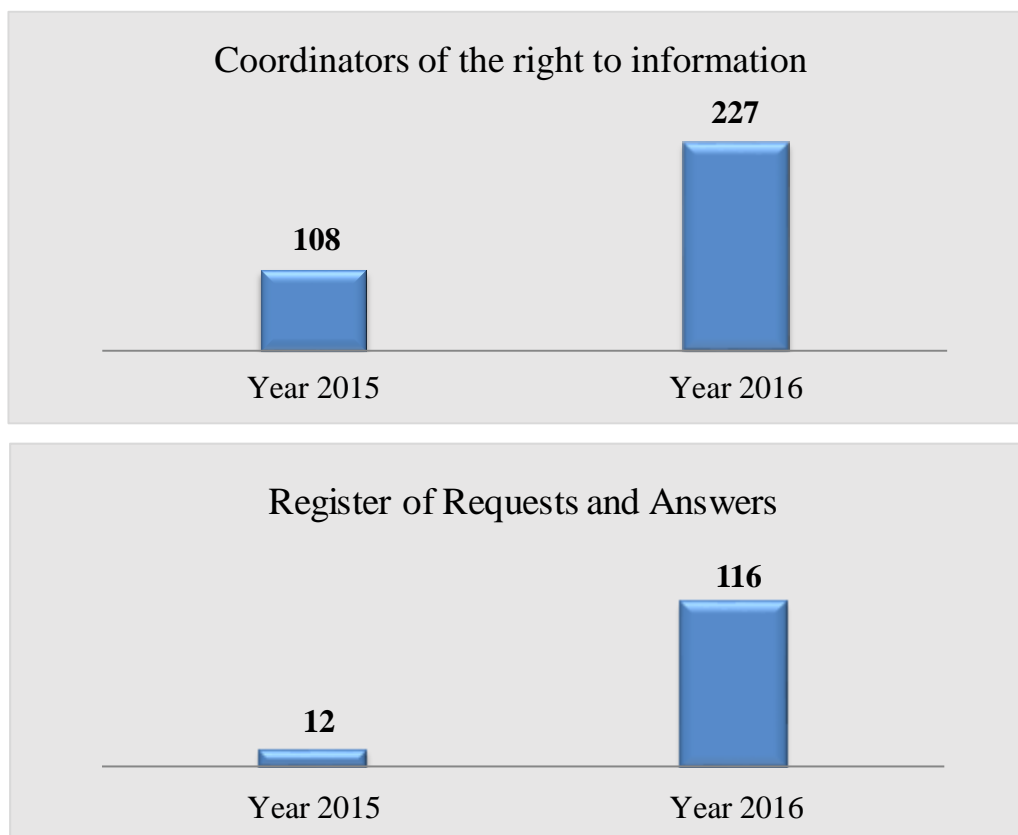
Transparency Programs 2016



It emerges out of the monitoring of the public authorities that the drafting of transparency programs for the judicial system, local government units, commercial companies and the central institutions persists to be a problem. Simultaneously, another problem is the quality and the updating of transparency programs for those institutions currently having such a program.

While the independent institutions not only drafted and approved transparency programs, but their quality is also better.

The Commissioner Office has collected data from the Public Authorities regarding the coordinators of the right to information, as well as for the requests and answers register. Comparative data are displayed in the following graphs for 2015, regarding the number of the coordinators and the number of the requests and answers register.



Compared to one year ago, as observed in the graphs, there is a considerable increase of 119 coordinators of the right to information and of 104 requests and answers registers.

1.3 Strategy and indicators

The Commissioner Office has regularly attended all the working groups pertaining to the implementation of the measures provided for in the cross-sector anti-corruption strategy, as well as indicators it is bound to meet in the cross-sector strategy for the public administration reform. The indicator which should be met by the Commissioner Office for the right to information and protection of personal data is “**Improvement of the implementation of the law for the access to information**”. 50% of the state administration institutions maintain a register of documents and data base, while at least 50 of the requests for information are dealt with in compliance with Article 15 of the Law no 119/2014.

In cooperation with the representatives of the European Union Delegation, there was agreed on a list with the Public Authorities which would be monitored and reported upon this indicator of the

anti-corruption strategy. The list of Public Authorities shall be updated with the further monitoring years.

The outcome of the monitoring having been accomplished is that out of 128 Public Authorities, 77 of them have drafted and approved the transparency program and 78 Public Authorities maintain a requests and answers register, thus ensuring that the first part of the indicator (505 of the institutions of the state administration maintain a register of the documents and database) be met at the extent of 60.1%. To the effect of collecting this information, the Commissioner Office has contacted 128 institutions, thus seeking them to send the register of requests and answers, as well as to self-declare the meeting of the legal obligations in compliance with Article 15 of the law no 119/2014 “On the Right to Information”. With reference to the received answers from 78 Public Authorities, it turns out that for 2016 **14314** requests for information have been dealt with and only 626 of them have been rejected, i.e., only 4.3% of the requests have been rejected, thus bringing about that the second part of the indicator be met at the extent of **95.7%**.

In this context, we attended the meeting organised by the Ministry of State for Innovation and Public Administration in order to report on the dynamics of the indicator. We participated at the 6th meeting of the special group regarding the public administration reform. There was reported in this meeting on the implementation of the law ‘On the right to information’ as well as on the entire activity having been carried out by the Commissioner office during the period July 2015 - February 2016. The establishment of the ‘National Register of Requests’ remains to be established, provided for to be sponsored with the EU funds.

1.4 Activities on the Right to Information

2nd National Conference “On the Right to Information/Pyetshtetin.al”

The Commissioner on the Right to Information and Protection of Personal Data has, in cooperation with the Foundation Open Society for Albania SOROS, organised the second National Conference “On the Right to Information/Pyetshtetin.al”. Attending this activity were the representatives of the central, local institutions and from the justice system from across the country. A detailed analysis was introduced for the implementation so far of the law “On the right to Information”, while the portal “Pyetshtetin.al” was introduced.

The access of the citizens to official documents of the public administration is intended by way of this portal.

This platform is offering to the citizens and groups of interest plenty of opportunity to assume their right to be informed about the official documents. The transparency program and the list of coordinators of the Public Authorities can be easily consulted, while included in this platform is also the national register of requests for information being registered by themselves.

Participating at this conference was the Scottish Commissioner and the Croat Commissioner of the right to Information, who conducted a training session with the coordinators.

To the effect of enhancing and making the citizens aware for the implementation of the law “On the right to information” and for the promotion of the portal “Pyetshtetin.al” a television footage

was composed which was transmitted in all national televisions in Albania, as well as a specific leaflet with the 10 steps which have to be followed to file a request for information was made public.

Round table with representatives of the civil society for the effective implementation of the right to information

The Commissioner Office for the Right to Information and Protection of Personal Data conducted a round table “Encouragement of cooperation for a more effective implementation of the right to information”. Invited there were representatives of the various civil society organisation, discussing on the forms and ways where NGOs may and should have an impact on the implementation of the law “On the right to information”.

Regional Conferences on the Right to Information

The Commissioner Office organised 4 regional conferences in the town of Elbasan, Gjirokastër, Berat and Kukës with the topic “*Right to information, public authorities, coordinator and the transparency programs*”. In the context of the re-organisation of the bodies of the local governance as a consequence of the implementation of the administrative-territorial reform, the activities targeted the institutions of the local governance and those of the central government at central level get to know the obligations stemming from the law no 119/2014 “On the Right to Information”.

28 September, International Day of the Right to Information

This promotion initiative was joined this year for the first time by the Commissioner Office for the Right to Information and Protection of Personal Data by way of conducting some awareness activities. In the evening, on a part of the front façade of the National Museum and that in front of Tirana International Hotel, there were displayed the principles of the law “On the right to information” and the rights which are enjoyed by the citizens. The aim of his activity was to support the purpose of making the citizens aware of their rights.

On the same day, the mobile communication operators joined the initiative of the Commissioner and they sent an awareness message to the subscribers surrounding the right of the citizens to be provided with public information.

Participation in other activities

The Commissioner Office has attended activities conducted by the Albanian Helsinki Committee, the institute of Political Studies, Qendra Res Publica, InfoCIP, Birn Albania, Movement Mjaft, etc. The outcome of monitoring conducted by these civil society organisations were submitted regarding the implementation of the law no 119/2014 “On the right to information”, mainly by the local government.

1.5 Training sessions

In cooperation with the EU Information Centre, there were organised 3 meetings with the journalism students of Tirana University, Shkoder University and Elbasan University. The purpose of these information activities was enhancing the awareness of upcoming journalists on the transparency of the public authorities, on the right to information and protection of personal data, to the effect of guaranteeing the free and independent media.

A two-day seminar was held with the Croatian Commissioner and the SIGMA/OECD expert in order to discuss on the “Guide of the Coordinator of the Right to Information” and on “Self-evaluation Instrument for the Performance of Public Authorities”. On the second day of this training, there were invited to attend this training the coordinator of the Council of Ministers, the High Inspector of Declaration and Verification of Assets and Conflict of Interest and the Competition Authority, being institutions selected for implementing this pilot project.

1.6 Cooperation with ASPA

During this year and in cooperation with the Albanian Public Administration School, there were organised 10 trainings, being attended by 335 civil employees in probation period from ministries and their subordinate institutions. A training with 35 civil servants of ILDKPKI was conducted.

A 3-day training was organised by TAIEX referring to the EU directive for the re-use of information. The purpose of this training was the discussion at expert level and sharing the international experiences to the effect of transposing this directive.

1.7 Cooperation with SIGMA/OECD

The Commissioner Office for the Right to Information and Protection of Personal Data is part of the SIGMA/OECD evaluation (Support for Improvement in Governance and Management –/ Organisation for Economic Co-operation and Development).

1.8 International ranking of the Law no 119/2014 “On the right to information”

The centre for Law and Democracy and AccessInfo Europe are to international organisations dealing with the international ranking of the right to information. The law no 119/2014 “On the right to information”, the measures taken by the Commissioner Office for its implementation, as well as the progress being made to reach the best international standards regarding transparency have brought about the upgrading of the law from the 85th position (ranking of the law no 8503, dated 30/06/1999 “On the right to information and the official documents”) to the 6th position in the world.

1.9 Projects and their implementation

During 2016, the cooperation between the Commissioner Office and the SIGMA/OECD experts was completed. This cooperation was crowned with the drafting of two guides.

- The guide “Public Authorities in the sense of the law no 119/2014”.
- The Guide “On coordinators of the right to information”.

At the same time the SIGMA/OECD experts conducted a training for the staff of the Commissioner Office.

There were set out the activities of the anti-corruption twinning project activities between the Albanian State and the Consortium Germany - Austria. These activities shall for the Office of the Commissioner start to be implemented in February 2017.

2. PROTECTION OF PERSONAL DATA

2.1 Processing the complaints

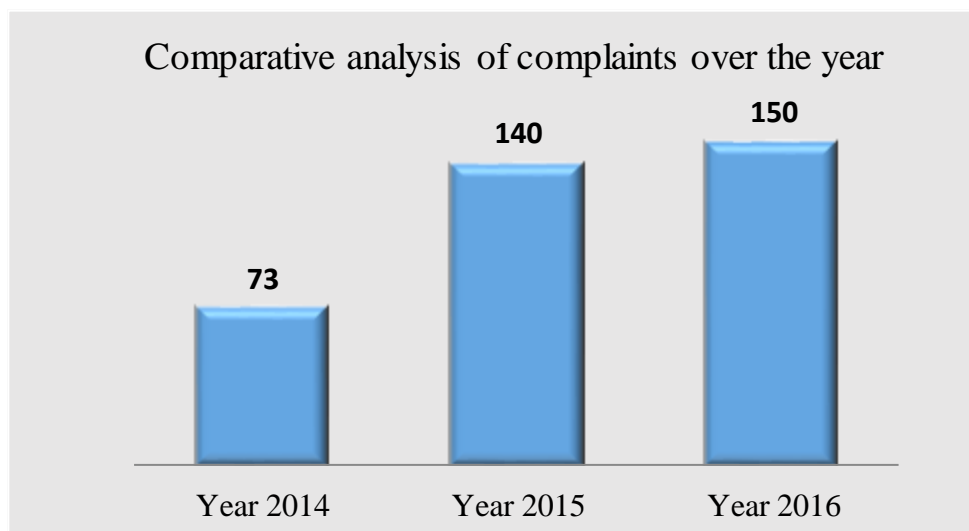
Round **150** complaints were filed during **2016**, whereof **94** of them have turned out to be in compliance with the law on the protection of personal data.

To the effect of the fair and comprehensive settlement of the complaints, administrative inspections have been conducted with the controllers, as appropriate, while the procedural steps have been undertaken, as a continuous communication with the complaining and controlling entities in the context of collection of the information.

The complaints mainly pertained to:

- Publication of personal data in the media and in the official website of controllers;
- Illegal dissemination of the personal data by the public institutions (State Police, IPRR, MAS etc.);
- Assumption by the entities of the right for rectification/deletion of the personal data;
- Setting up surveillance cameras in public places;
- Direct marketing regarding the unsolicited communications, by the conveyance of the phone or electronic post.

Even in the course of this year, a considerable number of complaints have been submitted to the Office of the Commissioner by the conveyance of the electronic post which has been made available to the data subjects info@idp.al or the green number. This has facilitated the fast and direct communication with the subjects, thus facilitating the procedure for settling the complaints.



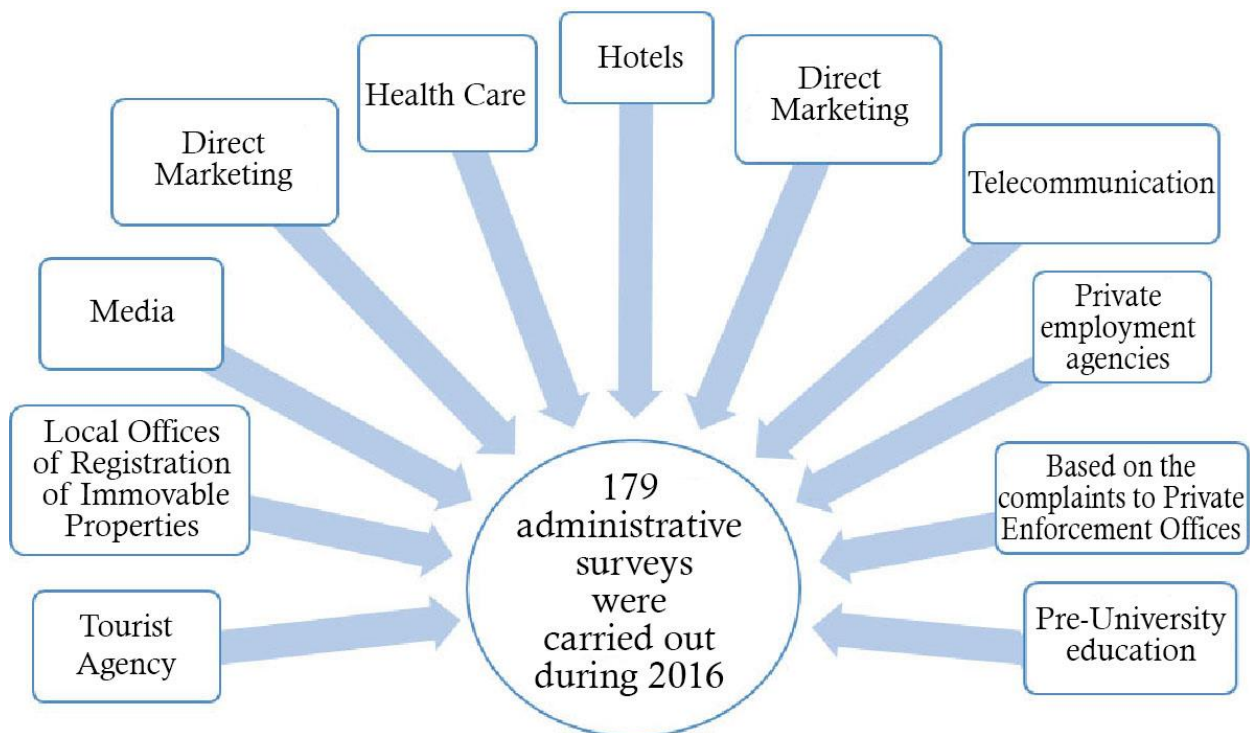
2.2 Administrative enquiries

179 inspections have been conducted in the course of this year *on the ground* and *online*.

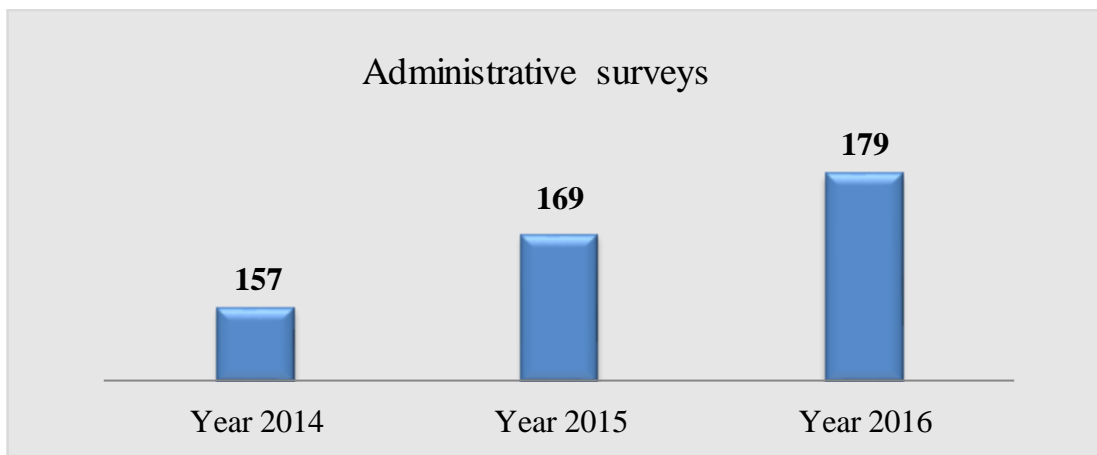
- The online enquiries have been carried out with the local self-governance bodies, in **61** municipalities, offering services by way of the processes, encompassing the collection, pooling and communication of the personal data.
- The enquiries have been initiated based on the complaints as well as ex officio by the Commissioner Office. **118** administrative enquiries have been conducted on the overall, thus pertaining to **84** private controllers and **34** public controllers.
- The Commissioner office expanded its administrative enquiry even to **34** controllers carrying out their activity in various districts of Albania.
- The administrative enquiries have been carried out with the following sectors:
 - Pre-university education (Regional Educational Department);
 - Media (complaints related enquiries);
 - Telecommunication (process of destruction of personal data);
 - Direct marketing;
 - Local Offices of Immovable Property Registration;
 - Private enforcement offices based on the complaints;
 - Health care (hospitals, clinics and private medical laboratories and regional hospitals and state hospital centres);
 - Tourist agencies;
 - Hotels;
 - Private employment agencies.

The scope of the enquiry was “*Implementation of the Law no 9887, dated 10/03/2008, “On the protection of personal data, as amended, and other by-law acts for its implementation”*”. Following the examination of the respective materials administered in the file, **57** hearing sessions have been conducted and completed, upon the completion of which the respective acts have been issued by the Commissioner Office.

The hearings have been conducted after the controllers were notified in advance and observing the right of the entities to be heard under the Law no 44/2015 “Code of Administrative Procedures in the Republic of Albania” prior to the final decision being made.



The administrative enquiries have mainly been carried out with controllers having their seat in Tirana, however, also in other districts of the country, such as Korçë, Pogradec, Fier, Vlorë, Berat and Shkodër.



The above graphs indicate the tendency of administrative enquiries in the three recent years.

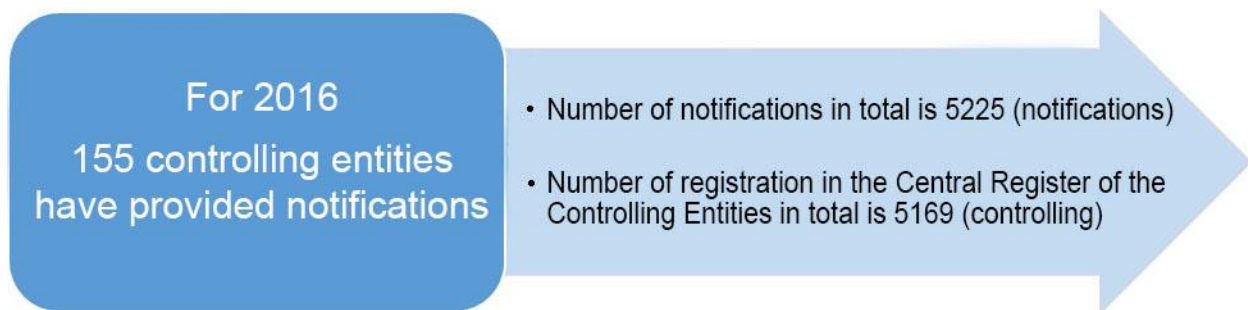
2.3 Notification

155 controlling entities have been notified in the course of 2016 and meeting the respective legal obligations.

The overall number of notifications of processing by the controllers in the territory of the Republic of Albania so far amounted to 5225.

The updating of the notification register has been effected, including the municipalities and the communes which were dissolved following the approval of the new administrative and territorial division into the database.

The number of the controlling entities being registered with the Central Register of Controlling entities is **5169**.



2.4 International Transfer

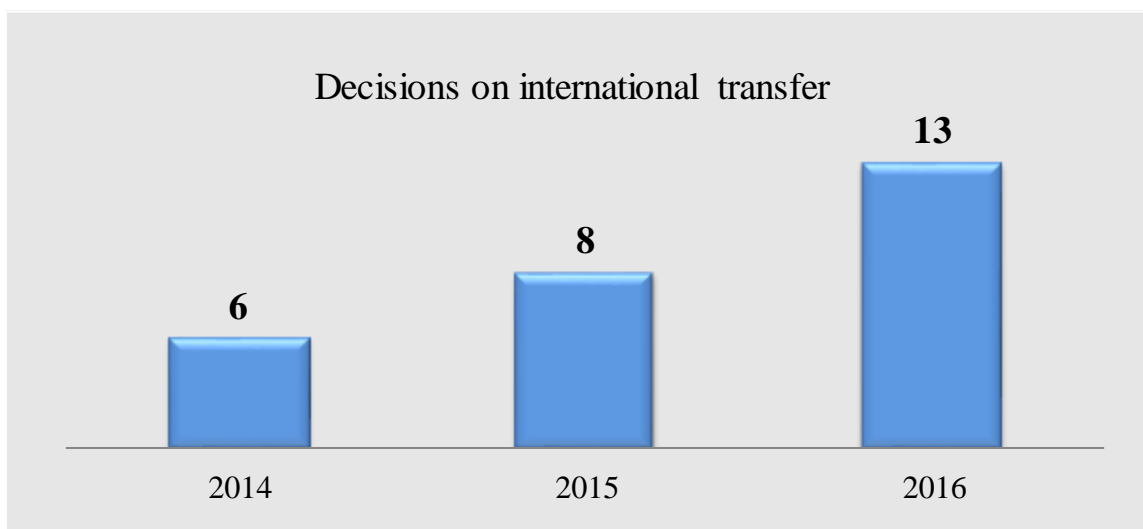
The monitoring of the process of international data transfer has been followed with priority, specifically in strategic sectors, such as the phone and bank service, to the effect of a better protection of the personal data of the citizens.

At the same time, taking reference to the filling out of the Notification Forms and upon finding out that the transfer is being effected to the countries with insufficient level of protection, additional information has been solicited from the controllers and the respective practices of transfers were subsequently examined.

A total of 31 cases have been dealt with, whereof:

- **13** decisions have been made;
- **11** cases have been provided with a feedback;
- **7** cases are still under processing.

Cases being processed for the international transfer of the personal data	31
Decisions for the transfer of personal data	13
Answers	11
Cases still under examination	7



The above graph indicates an increase of the rendered decisions

2.5 Recommendations / Orders

The Commissioner has, while implementing the powers being granted by the law no 9887/2008 “On the protection of personal data”, as amended, issued **99** recommendations for public and private controllers. **70** recommendations have been issued for the public entities and **29** recommendations for the private entities.

The Commissioner Office has issued 2 Orders on “Banning the processing and collecting further data and the immediate destruction if those which were collected illegally”, addressing the public and private controller. In this context, by way of recommendations and orders, it was intended to make aware any controller of the data for making any further processing fairly and legitimately, while not infringing the privacy of the individual.

2.6 Unification Standards in Separate Sectors

Referring to the positive experience of a year ago, where the Unifying Recommendations of the Commissioner turned out to be successful in implementation, the Commissioner continued with issuing recommendations of this nature even during this reporting year.

Recommendation for the Local Self-Governance Bodies

The Commissioner Office evaluates the importance of the local self-governance in the context of the impact it has on the citizens regarding the assumption of the functional tasks, to the effect of observing the respective legal obligations by the controllers operating in this sector.

The re-organisation of this sector after the territorial reform brought to the attention of the Commissioner Office the need for assuming control in this sector. Following the control and finding out the violation, it was considered to issue a unifying recommendation, aiming at being applicable for the entire sector by way of bringing about the unification of the activity of the processing the personal data of the data subjects.

The recommendation mainly consisted in:

1. Taking measures for publishing the ‘privacy policies’ as the basic element in assuming the right for the information of every entity;
2. Taking the measures for making the notification with the office of the Commissioner as the primary legal obligation for proceeding further with the processing of the personal data;
3. Applying the criteria set out by law and the by-law acts, regarding the publication of the personal data of the persons benefiting the economic assistance, students benefiting stipends etc.

Recommendation in the health care sector

The health care sector is one of the sectors where a relatively high number of personal data is being processed. Due to the specific nature of the work of this sector, the collection of the personal and sensitive data is dominating. The administrative control in this sector aims at assuming a deep enquiry for implementing the Law no 9887/2008 “On the protection of personal data”, as amended. Upon the completion of the enquiry, following the finding out of the infringements, the Commissioner considered the issue of a recommendation for the central institution of Ministry of Health, arguing that the latter, in the capacity of surveyor or regulator, can improve the identified situations with the subordinate institutions, specifically focusing on the consolidation of the work for dealing with the data of patients in compliance with what the legislation for the protection of personal data is requiring and providing for the protection of the personal data.

The recommendation mainly consisted in:

1. Taking measures for giving effect to the obligation for informing the data subjects, at the public health care institutions;

2. Taking measures for giving effect to the obligation of notification and making the updating, etc.;
3. Taking measures for drafting the contract annexes, according to the standards expressed in the acts issued by the Commissioner for the protection of the personal data of the patient-persons;
4. Taking measures in storing and archiving in accordance with the normal requirements of the clinical cards, which contain material data for the citizens;
5. Taking measures for giving effect to the Declarations of Confidentiality for all the health care employees accessing the personal data in the course of assuming their task with the institutions of the public health care.

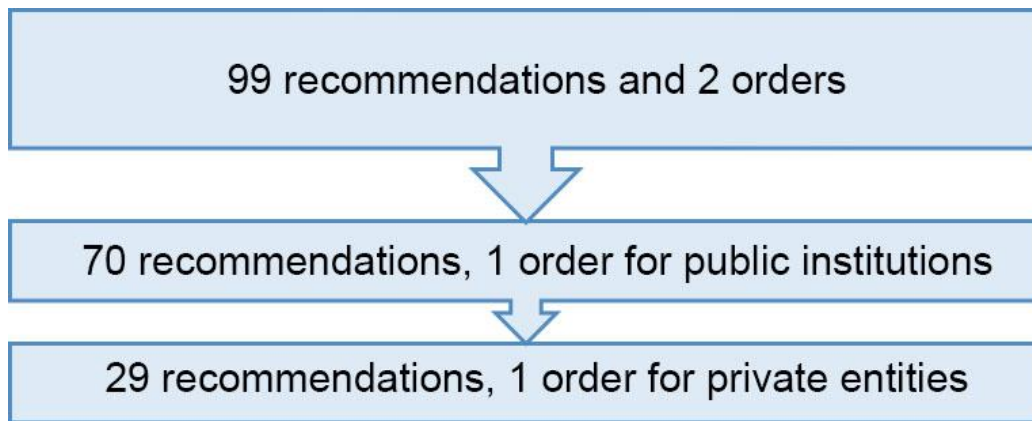
Recommendation for the health care sector

Along the same lines, the Commissioner proceeded to create this unified standard even with the educational system, as a controller referred to as a potential processor of the personal data and sensitive data, which include the categories of students, pupils, pedagogical staff and administration in general or this sector.

Even in this sector, following the finding of the problems, there was recommended that the controller, Ministry of Education and Sports, to the effect of proceeding further with the follow up and implementation of the legislation for the protection of personal data across the sectors under its authority, survey and operate with them.

The recommendation mainly consisted in:

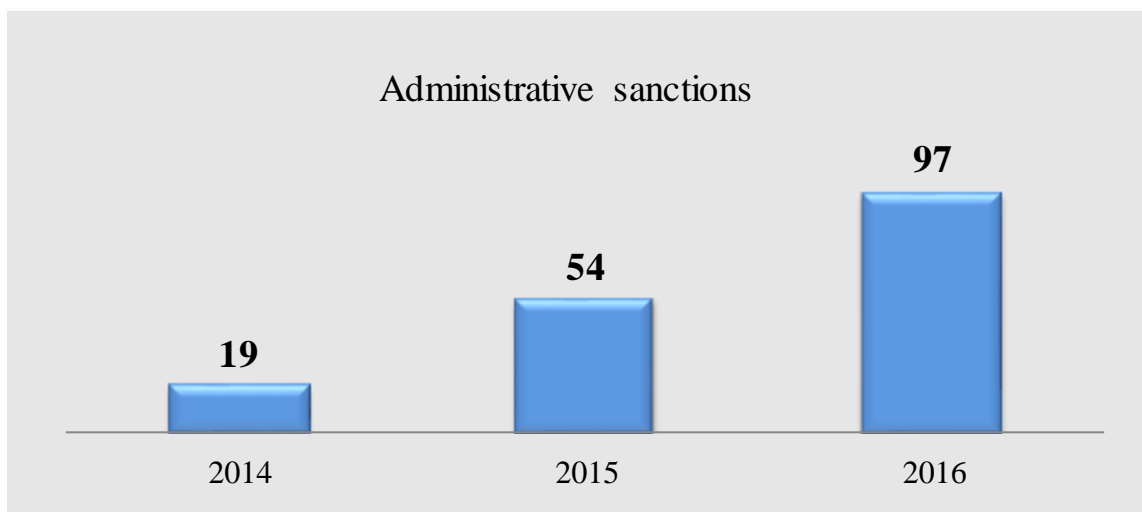
1. Taking measures for destructing the sensitive data for pupils having these data;
2. Taking measures for performing the obligation of informing the data subjects, with all the educational institutions;
3. Taking measures for giving effect to the obligation of making the updating of the notification, for the entire educational institutions in the pre-university education;
4. Taking measures for providing with a special regulation for the protection of the personal data;
5. Taking measures for giving effect to the Declarations of Confidentiality for all the educational institutions employees accessing the personal data in the course of assuming their task with these institutions;
6. In checking the possibility for being provided with the official address for the electronic post for employees and, if not possible, provision of each department of the educational institutions with official address;
7. In revising the possibility of drafting a normative act, on the provision of the citizens with maturity certificates or copies thereof.



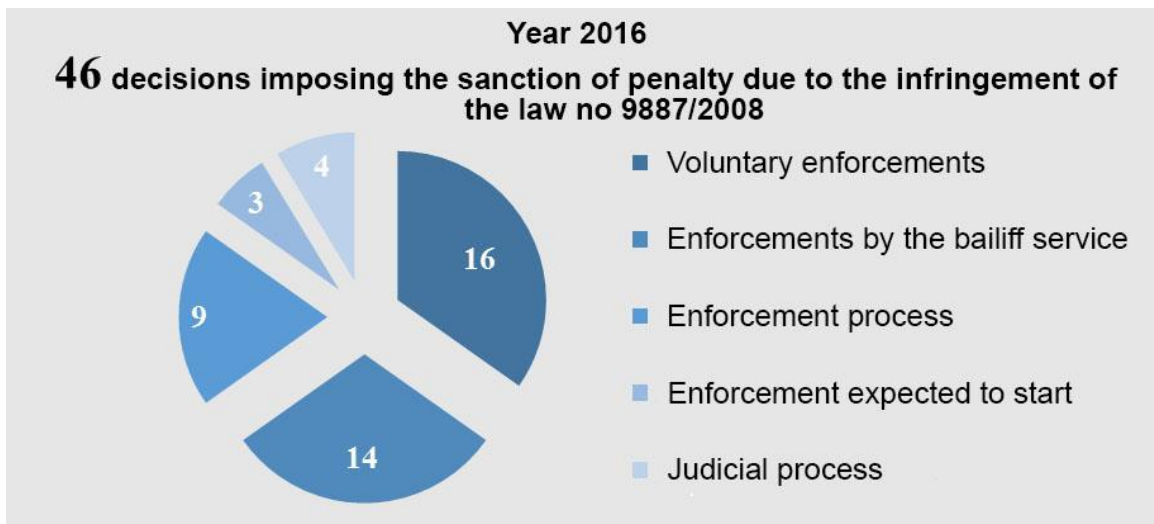
2.7 Administrative sanctions

According to the legal provisions and procedures, the Commissioner Office has, following the assumption of the administrative enquiry with the various private and public controllers, *ex officio* or based on complaints from the data subjects, imposed sanctions in fines. This is in case where the infringements were serious or recurrent or in the event of failure to meet the recommendations and orders of the Commissioner, prior to the sanctioning decision being taken.

Upon the completion of the enquiry procedures, the Commissioner Office has issued **46** decisions which correspond to **97** administrative sanctions. **24** decisions containing **46** sanctions are addressed to the public controllers, while **22** decisions with **51** sanctions are addressed to the private controllers.



As reflected in the above graph for 2016, the number of sanctions is almost double.



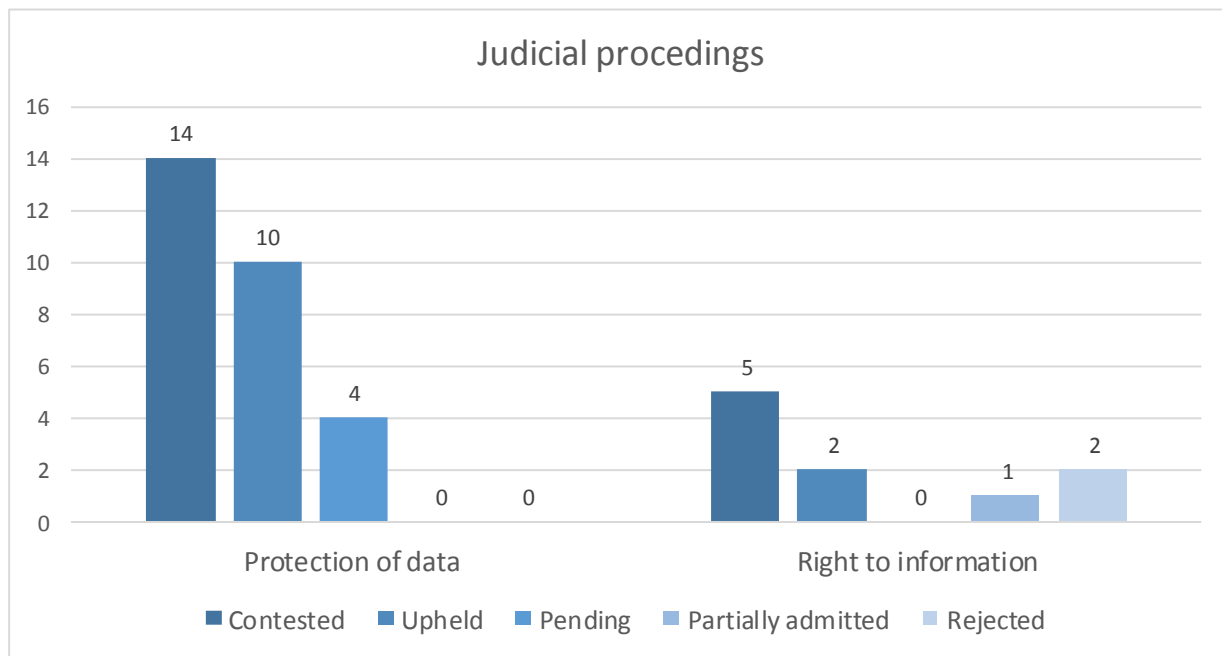
2.8 Judicial proceedings

Regarding decisions of the Commissioner and their implementation, based on the number of the decisions upheld by the courts and the decisions implemented voluntarily, a positive dynamics is found out:

- 14 decisions have been contested;
- adjudicated and upheld are 11 decisions;
- Pending in judicial proceedings are 4 decisions;
- Voluntarily enforced are 16 decisions;
- Enforced by the enforcement service are 14 decisions;
- Enforced by the enforcement service are also 5 decisions from 2015;
- Pending in enforcement proceedings are 9 decisions from 2016 and 6 decisions from 2015.

36 decisions have been rendered in the field of the right to information. In concrete terms, regarding their implementation:

- 2 decisions have been rendered imposing a fine and belonging to 3 sanctions;
- 5 decisions have been contested;
- Upheld are 2 decisions;
- Partially upheld is 1 decision;
- Rejected are 2 decisions;
- Enforced is 1 decision imposing a fine and taken over from 2015



Currently pending in adjudication proceedings before the Appeal Administrative Court are 8 decisions belonging to two fields of the activity of the Office.

2.9 Development of legal framework

In some of the normative acts, which were approved in the course of this year, being consulted with the Office of the Commissioner, there has been foreseen the contribution of the latter for issuing the by-law acts affecting the field of personal data protection.

1. **Instruction** no 44/2016 of the Commissioner “On the conditions, criteria of processing and time for keeping the personal data in accordance with the law no 60/2016”, an obligation being provided for in the law “On whistle blowers”;
2. Joint **Instruction** no 515, dated 27/09/2016, of the Minister of Interior and Commissioner “On processing the personal data by the Border Guards”, implementing the Law no 71/2016 “On border control”.

Implementing Article 8, 221 and 31/ç of the law no 9887/2008 “On protection of personal data”, as amended, there have been drafted and approved by-law acts, decisions and instructions pertaining to separate sectors, such as:

1. **Decision no 7**, dated 09.02.2016 “On some amendments to the Decision no 3, dated 20/11/2012 “On determining the states with sufficient level for the protection of the personal data”.

2. **Decision no 8/2016** of the Commissioner “On determining the states with sufficient level for the protection of the personal data”.
3. **Instruction no 43**, dated 09.02.2016 “On some addenda and amendments to the Instruction no 21, dated 24/2012 “On determining the rules for Maintaining the Security of the Personal Data being Processed by the Major Controllers”.
4. **Instruction no 45, dated 31.10.2016** “On an amendment to the Instruction no 3/2010 “On processing the personal data in the system of video-surveillance in buildings and other premises”.

There have been approved documents assisting the controllers as follows:

1. **Instruction** “On determining the controllers being obligated to notify the Commissioner Office on the processing of personal data, wherefore they are responsible, for the first time or upon the situation of the processing notification being required to change”.
2. **Instruction** “On processing the sensitive data and obtaining the authorisations”.

Legal initiatives launched by the Commissioner Office

Upon the initiative of the Commissioner Office, the Ministry of Justice conducted the procedure for proposing an amendment to the Law no 9288/2004 “On the ratification of the Convention “On the Protection of Individuals regarding the Automatic Processing Personal Data”. The law has currently been approved in Parliament.

Upon the initiative of the Commissioner Office and in cooperation with the Ministry of Justice and the Ministry of Foreign Affairs, the process for acceding to the Convention no 205/2009 of the Council of Europe “On access to official documents” is under way.

Providing feedback on legal, bylaw drafts and projects

Feedback has been provided for **11** draft-laws, **4** draft-decisions, **4** draft cooperation agreements, **1** project, as well as 70 legal opinions have been provided regarding the requests which have been filed by private and public controllers.

Whereof we can mention:

Draft-law “On the whistle-blowers”, sent to the Assembly of Albania.

Draft-law “On border control” sent from the Ministry of Interior.

Draft-law “On some addenda and amendments to the Law no 9918, dated 19/05/2008 “On electronic communications in the Republic of Albania”, as amended, sent by the Ministry of Interior.

Draft-law “On Social Care Services in the Republic of Albania”, sent by the Ministry of Social Welfare and Youth.

On the implementation of the law no 138/2015 “On guaranteeing the integrity of the persons being elected, appointed or assuming public functions”, sent by the Central Elections Commission.

Draft-law “On some addenda and amendments to the Law no 10129/2009 “On Civil Registry” sent from the Ministry of Interior.

Draft-law “On the protection of minorities in the Republic of Albania”, sent by the Ministry of Foreign Affairs.

Draft-law “On some addenda and amendments to the Law no 10128, dated 11.05.2009 “On electronic commerce”, as amended, sent by the Ministry of Economic Development, Tourism, Trade and Entrepreneurship.

Draft-law “On some addenda and amendments to the Law no 9947, dated 07.07.2008 “On intellectual property”, as amended, sent by the Ministry of Economic Development, Tourism, Trade and Entrepreneurship.

Draft-law “On Social Care Services in the Republic of Albania”, sent by the Ministry of Social Welfare and Youth.

Draft-decision “On establishing and administering the electronic register of concession/public private partnership, sent by the Ministry of Economic Development, Tourism, Trade and Entrepreneurship.

Draft-decision “On the approval of the regulation of the Council of Ministers”, sent by the Council of Ministers.

Draft-decision “On the approval of the rules for the notification of the obligation of self-declaration of the address by the Albanian citizens living outside the territory of the Republic of Albania, procedure of filling out and handing over the form of self-declaration and associating documents, for their administration by the responsible authorities for additional funds to the Ministry of Interior and Ministry of Foreign Affairs for 2016”, sent by the Ministry of Interior.

Draft-agreement between the Council of Ministers of the Republic of Albania and government of Georgia “On the cooperation in combating crime”, sent by the Ministry of Interior.

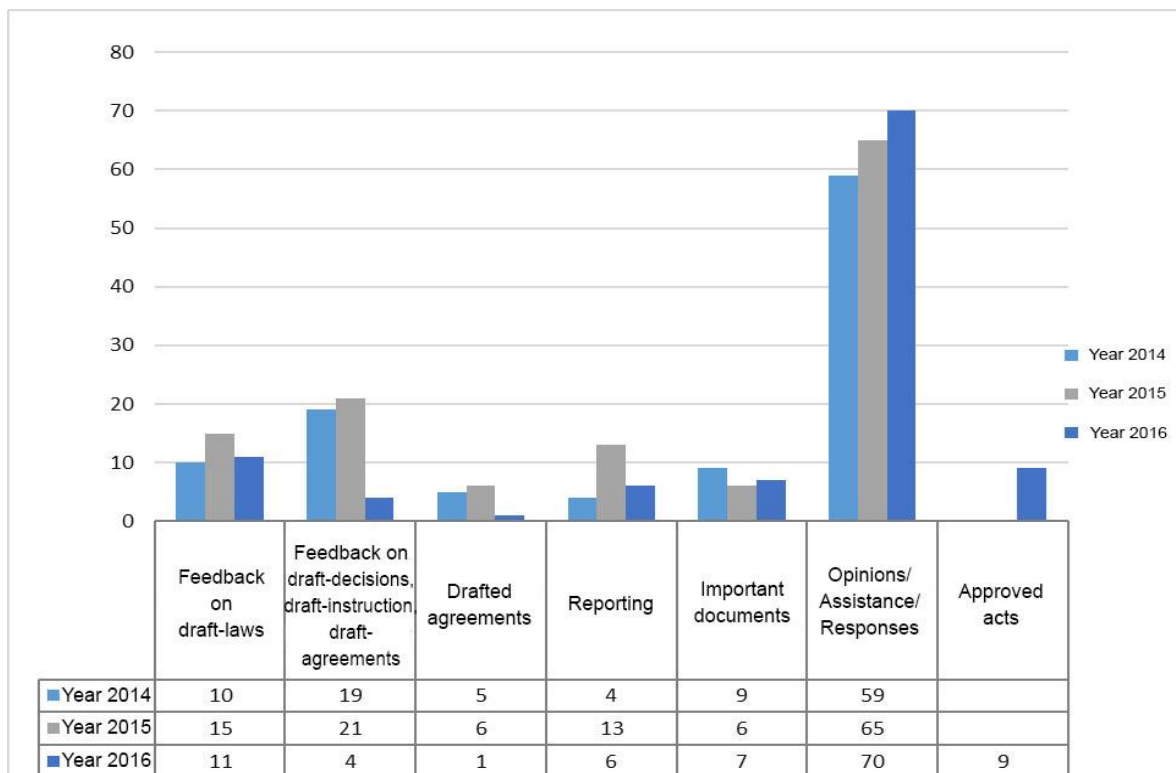
Draft-agreement “On the dissemination of the personal data of candidates for students with HEIs for the academic year 2016 - 2017 by the National Agency of Examinations to the Inter-University Centre of the Services and Telematics Network”;

Concessionary Project for the implementation of the chip-containing number plates (RFID), sent by the Ministry of Transport and Infrastructure.

Legal opinions have been provided for important documents which have come from various institutions.

- ✚ The document on “*Publication of the data in the “Electronic register of Concession/Private Public Partnership”*”, sent by the Agency Processing Concessions.
- ✚ The document on “*Processing the personal data of a certain category of entities by the Parliamentary Investigative Committee*”, sent from the Council of Ministers.
- ✚ The document on “*Publication in media of the personal data by TIMS system*”.
- ✚ The document on “*Processing the personal data in TIMS system for persons emerging to be convicted and being amnestied*”.
- ✚ *The Document of Politics on Cyberspace Security 2015 - 2017*, sent by the National Agency for the Computer Security (ALCIRT).
- ✚ The confidentiality declaration and the agreements signed by MAS and the “Education Testing Service Global BV”, sent by the National Agency of Exams.
- ✚ The document on electronic service e-tax used by the Tax General Directorate.

At the same time, assistance has been provided for other public and private controllers regarding the special regulations for the protection of personal data, regarding the processing of personal data through the CCTV system, for the criminal record certificates, notifications and obligations under the law for the protection of personal data, use of ‘cookies’ on the internet, regarding the publication in media of the personal data, on the deletion of the data being published in various online portals, etc.



2.10 Monitoring the Official Journal

The purpose of this process is identifying the approved acts which affect the field of protection of personal data and whether they have been consulted with the Commissioner Office prior to their approval. The Annex enlists the entire approved legal and by-law acts, which we think that they had to have consulted the opinion of the Commissioner Office (Article 31/1/a).

2.11 Activities on the protection of personal data

2.11.1 Awareness activities

On 28 January 2016, the European Day of the Personal Data Protection, a ceremony was held for awarding the competition prizes “Protect your privacy while surfing in Internet”. This activity was the initiative of the Commissioner Office in cooperation with the Ministry of Education and Sports. Attending this activity were 21 9-year schools from 17 towns of the country, the students of which introduced above 500 works of both categories. The best works were collected into a separate publication which was distributed to the educational institutions.

During 2016, the Commissioner Office conducted an awareness campaign “Privacy and safety of the personal data while being used in social networks by the age-group 15-18 years old”, which was expanded over the entire territory in 36 meetings at the secondary schools of Tirana, Durrës, Vlorë, Fier, Gjirokastrë, Berat, Korçë, Elbasan, Lezhë, Shkodër, Kukës, Lushnjë, Pogradec, Tepelenë, Përmet and Sarandë and it was completed in December of the same year. Upon the completion of this campaign, the survey “Privacy and Security of Personal Data in the course of the use of social networks” was published. To the effect of making this age group aware, the Commissioner Office published three separate leaflets for the protection of privacy. Two video footages were displayed in these meetings which were accomplished by the Commissioner Office to the effect of having privacy respected by pupils, as well as instructive video footages for the teachers, how they can protect the personal data.

At the same time, informative meetings were organised with the students and the academic staff of the Universities “Ismail Qemali” in Vlorë, “Eqerem Çabej” in Gjirokastrë, “Fan Noli” in Korçë and at the Economic Faculty in Saranda, on the legal aspects of the protection of personal data and privacy, practical cases and the rule of our institution in processing the complaints of the citizens.

2.11.2 Training at the continuous Training Program at the School of Magistrates

In the context of the Continuous Training Program, the School of Magistrates has, with the contribution of the Commissioner Office, conducted 2 seminars with the topic “Protection of personal data in the judiciary”. Dealt with were the topics of the personal data protection in the judicial system, specifically their anonymity, process of administrative enquiry and from the perspective of the new Code of Administrative Procedures, practices of European Court of Human Rights and the novelties following the entry into effect of the new Regulation of the

Protection of Personal Data in the European Union, reforming and expanding the field of protection of the personal data.

2.11.3 Training with the prosecutors in the context of IPA/2014

In the context of IPA/2014, with the support of GIZ, a training was organised in Tirana and Saranda by EURAJUST and the Network of Prosecutors of Western Balkans with prosecutors across the country in the field of personal data protection. The Commissioner Office made a presentation in this training regarding the rules to be abided by and implemented on processing and protecting the personal data in this sector.

2.11.4 Awareness activities with controllers

The Commissioner Office conducted a training with the State Police with the participation of the spokespersons of the State Police Department at regional level. Concrete problems and cases were dealt with in the course of this activity from the field of protection of privacy and that of the right to information.

2.12 Google Street View in Albania

Since April 2016, Google Company has effected the 360-grade photographing for the streets of the main towns, as well as of the tourist and historic zones of the country, thus offering the Google Street View even in Albania. Google Company has, to this effect, cooperated with the Commissioner Office that the activity of the processing of data by way of this application be effected in compliance with the legislation for the protection of personal data and for observing the rights of Albanian citizens in the context of the protection of privacy.

2.13 Magazine “Information and Privacy”

The Commissioner Office has, in the course of 2016, started with the periodic 6-month publication of the magazine “Information and Privacy”. There are reflected in a summary the main activities of the institution as well as the recent news in the field of the right to information and protection of personal data. The magazine aims at inciting the awareness of the citizens for assuming their constitutional rights in practice.

2.14 Cooperation

Cooperation agreements

In December 2016, the Commissioner and the Rector of Tirana University signed up to a cooperation agreement between two institutions. One of the most important points of this agreement is the foundation of the Winter School “Information and Privacy”. Its activity aims at dealing more comprehensively with the knowledge and problems from the field of privacy and the right to information. The school aims at preparing and continuous updating the students with the novelties in both these directions.

Participation and contributions

The Commissioner Office has been active at the activities of the institutions and civil society not only through attendance but also with presentations. In the activity organised by the association “Together for Life” upon the completion of the project “Challenges for the persons sick with cancer in the Albanian health situation”, the Commissioner Office made a presentation of the work “Processing the health/sensitive data, Practice of the Republic of Albania”. At the same time, the office has been present at the presentation of the report of the Council of Europe “Protection of personal data in Albanian courts”, organisations of “Partners Albania” in some districts of the country, with the representatives of business, civil society and media for being informed about and implementing the law no 60/2016 “On whistle-blowing and protection of whistle-blowers”, as well as in the Conference “Improvement of the legal framework and policies “Draft-law on the protection of national minorities in the Republic of Albania”.

2.15 European Integration

In the context of the European Integration, the contribution of the Commissioner Office in this important process consists in:

- ✓ In the context of the VIII Meeting of the Sub-Committee for the Issues of Justice, Freedom and Security and for the VIIth Meeting of the Stabilisation and Association Committee (MSA).
- ✓ On the second contribution of the Republic of Albania for the Report of the European Commission for Albania for 2016, regarding the Chapter “Political Criterion” and Chapter 23 “Judiciary and Fundamental Rights”.
- ✓ At the EU Delegation in the framework of the recommendations stated in the Progress Report 2015 for Albania (today State Report), as well as on the general developments of the Commissioner Office, contrasted with the previous reporting period.
- ✓ In the 19th Annual Report 2015, at the Working Group Secretariat of Article 29 (Article 29 of the Directive 95/46 EC of European Parliament and of Council), regarding the most important developments of the Commissioner Office, as well as with some practical cases (case laws).
- ✓ On the activities conducted for 2015 - 2016 at the Consultative Committee of the Convention for the Protection of Individuals against the Automatic Processing of Personal Data (ETC 108) of the Council of Europe.
- ✓ At the Secretariat of the International Work Group for the Protection of the Telecommunication Data (Berlin Group), on the most important developments for 2015 of the Commissioner Office.

2.16 International Cooperation

Certification of Albania as a country with sufficient level of protection for the personal data

The Commissioner Office initiated during the 104th Plenary Meeting of the Work Group of Article 29 the negotiations with representative of the Data Protection Unit, DG JUST at CE, for initiating the procedures for applying on behalf of the Republic of Albania for benefiting the status of the Country with Sufficient Level of the Protection of the Data. To this effect, on 21 June 2016, a bilateral meeting was organised between the representatives of the Commissioner Office with representatives of the Unit for Data Protection of DG JUST in Brussels, where it was discussed on the application modalities. This was done jointly with the Ministry of Foreign Affairs, while this being an application where the Commission Office attached a comprehensive and detailed report of the legal framework and the situation for the protection of data in the Republic of Albania.

Contribution of the Commissioner Office in international activities

The International Conference of the Authorities for the Protection of Data and Privacy (ICDPPC) conducted its 38th edition under the motto “New challenges of privacy”, while discussing on the privacy of data, access of executive institutions to the personal data, role of technology etc. The Conference approved the following documents:

1. Resolution for the approval of an international legal framework for the Education on Privacy;
2. Resolution on the development of new indicators on Data Protection Regulation;
3. Resolution on the protection of human rights;
4. Resolution on the international cooperation for implementing the privacy laws.

The Commissioner Office submitted, in the capacity of the European Conference of the authorities for the Protection of Personal Data, the organisation of the 27th edition of the Case Handling Workshop, which was organised in 2015 in Tirana. A Handbook drafted by the Commissioner Office was introduced in this presentation, which was esteemed and published in the official website of European Commission (CIRCabc). The Conference approved the following documents:

1. Resolution on the new cooperation frameworks;
2. Resolution on the cross-border circulation of the personal data.

Involvement in GPEN

26 Authorities of Data Protection, including the Commissioner Office, joined this year the GPEN Privacy Sweep initiative, (GPEN - Global Privacy Enforcement Network). The purpose of this initiative was the verification of the practices of the private and public controllers in the field of

the information and communication technology, regarding the way how they communicate to the users their practices for the protection of privacy. Under the focus this year were the technologies IoT (Internet of Things), wearable devices (fitness trackers), VOD (video on demand), smart TV, smart meters and the respective applications in smart phones.

The Commissioner Office contributed to this initiative through the organisation of verifications of the websites and various applications, such as “Digital Police Station”, etc., and the outcome of these verifications were reported to GPEN coordinators.

In the plenary meetings of the **Work Group of Article 29**, being the advisory body of the European Commission in the field of the personal data protection, the Commissioner Office is represented in the capacity of the observer. The 104th Plenary Meeting and the Extraordinary Meeting “On the joint stance for the Privacy Shield and the decision on the Sufficiency of the Level of the Data Protection of USA” focused on the preparations for the entry into force of the General Regulation of the EU Data Protection and the decision of the Commission on the sufficiency of the level of data Protection in the United States.

33rd meeting of the Consultation Committee (T-PD) of the Convention “On the protection of individuals against the automatic processing of personal data” (Convention 108 of CE), in addition to the continuation of the work regarding the various documents expected to be approved during 2017, the agenda of the meeting focused on the modernisation of the Convention 108 of CE.

The Commissioner Office acceded to the Ad Hoc Committee CAHDATA of the Council of Europe and it was represented in its first plenary meeting after its first mandate, as well as in the International Conference of CE for the promotion of the modernised Convention 108 in Strasbourg. The purpose of this Ad Hoc body and of this meeting was to examine the proposals and amendments in the context of the modernisation of Convention 108.

Cooperation with the |Counterpart Authorities

The Commissioner Office has cooperated with the counterpart authorities in exchanging information, implementing agreements or also in the framework of the implementation of the projects, mainly with the regional countries. It is worthwhile to mention the cooperation with the Macedonian Authority of Data Protection regarding the joint regional project, *DeleteMe*, this being an initiative where the citizens may find the necessary technical information to deregister and delete the accounts and personal data from the social networks and the most renowned online services.

Support from TAIEX instrument

Being fully financed by the TAIEX Instrument, there was organised in Tirana the “Seminar on Media and Compliance with the Principles of the Data Protection”, with the participation of some renowned international experts in the field of the protection of personal data and Media. This initiative was launched as a result of the tasks set out in the Progress Report 2015 of EU for Albania, in the context of the problems surrounding the infringement of the right to protection of

personal data by media, as well as in the strategy 2014 – 2017 of the Commissioner Office for making the stakeholders of the media field in Albania aware of the observation of international and European standards for the protection of personal data and privacy.

Enhancing capacities

Representatives of the Commissioner Office for the Right to Information and Protection of Personal Data completed the program Tailor-made Training (TMT) which was sponsored by “The Netherlands Fellowship Programmes” (University exchange Project) of the agency EP-Nuffic, part of the Ministry of Foreign Affairs of the Dutch Kingdom and it was conducted by the University Vrije Amsterdam. There were made contributions by academics and researchers, representatives of the Dutch Authority for the Protection of Personal Data, lawyers, and activists of non-governmental organisations. The integral knowledge of the new General Regulation of the Protection of the Data of the European Union, entering into effect in May 2018 and the improvements contrasting with the Directive 95/46, were imparted. This training is a step towards the further consolidation of the administrative capacities of the Office of Commissioner.

Employees of the staff of the Commissioner Office have been trained in the capacity of the trainers in the field of the fundamental human rights and freedoms. This training was preceded by the participation at the Round Table “*Fundamental human rights and freedoms for the public administration*”, organised by ASPA with the support of OSCE as part of the project “Continuous training on the human rights for the officials of the Public Administration”.

3. PUBLIC NOTIFICATION AND CONSULTATION

The public sensitivity and commitment continues to be low which is expressed in the low number of complaints regarding the implementation of the law no 146/2014 “On public notification and consultation”.

2 complaints have been processed, where the complainants have alleged the non-consultation of the public regarding the draft-acts. A complaint referred to the approval of the draft-law “On amnesty” and the other to the draft-law “On copyright”.

4. BUDGET MANAGEMENT

4.1 Management of human resources

- **Following up and managing the practices on the human resources management**

In the context of the human rights management, the civil service legislation has been followed up and implemented, from the recruitment procedure to the performance evaluations for each employee.

In the course of this year, the organisational structure of the Commissioner Office did not undergo changes even though the needs for enhancing the capacities were evident during the drafting the PBA budget requests. The absence of the capacities is an obstacle for attaining the objectives for guaranteeing two main constitutional rights, falling under the scope of the activity of the Office.

The obligation for filling out the Self-Declaration by each employee of the Commissioner Office has been met, while implementing the law no 138/2015 “On guaranteeing the integrity of the persons being elected, appointed or assuming public functions”, and the Decision of the Assembly no 17/2016 has been effected.

4.2 Financial management

Out of the overall budget funds being planned for 2016, the Commissioner Office expanded the budget amount of 203,289 (in thousand ALL). The budget has been effected in its total at the extent of 99.3% as opposed to the annual plan. The allocated budget has was not sufficient in the item ‘commodities and other services’, even though in the course of filing the PBA budget requests, its increase was requested.

In the following graph, any category of expenses is displayed as opposed to the budget total.

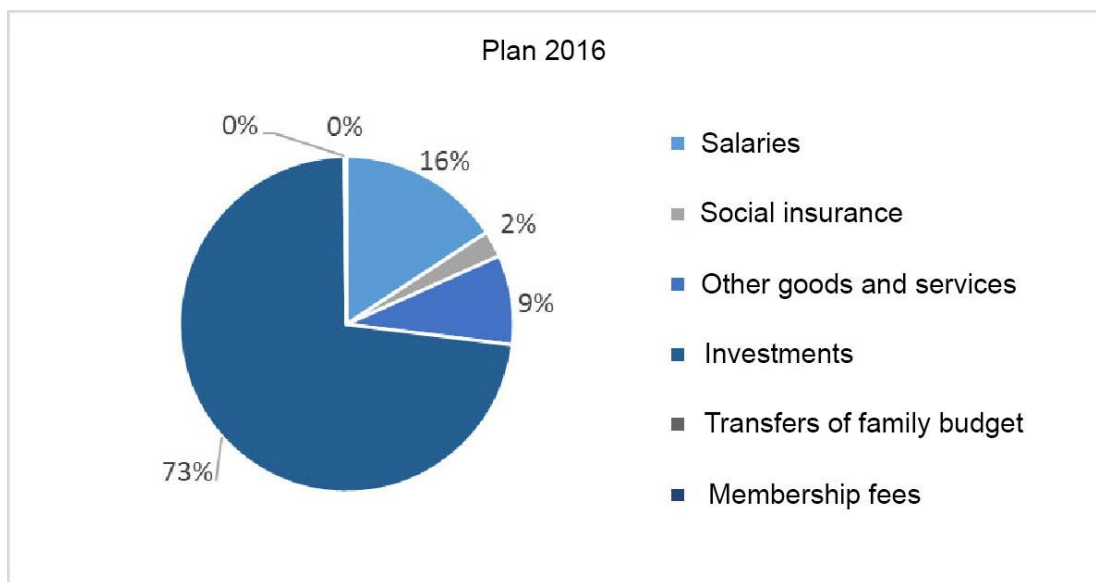
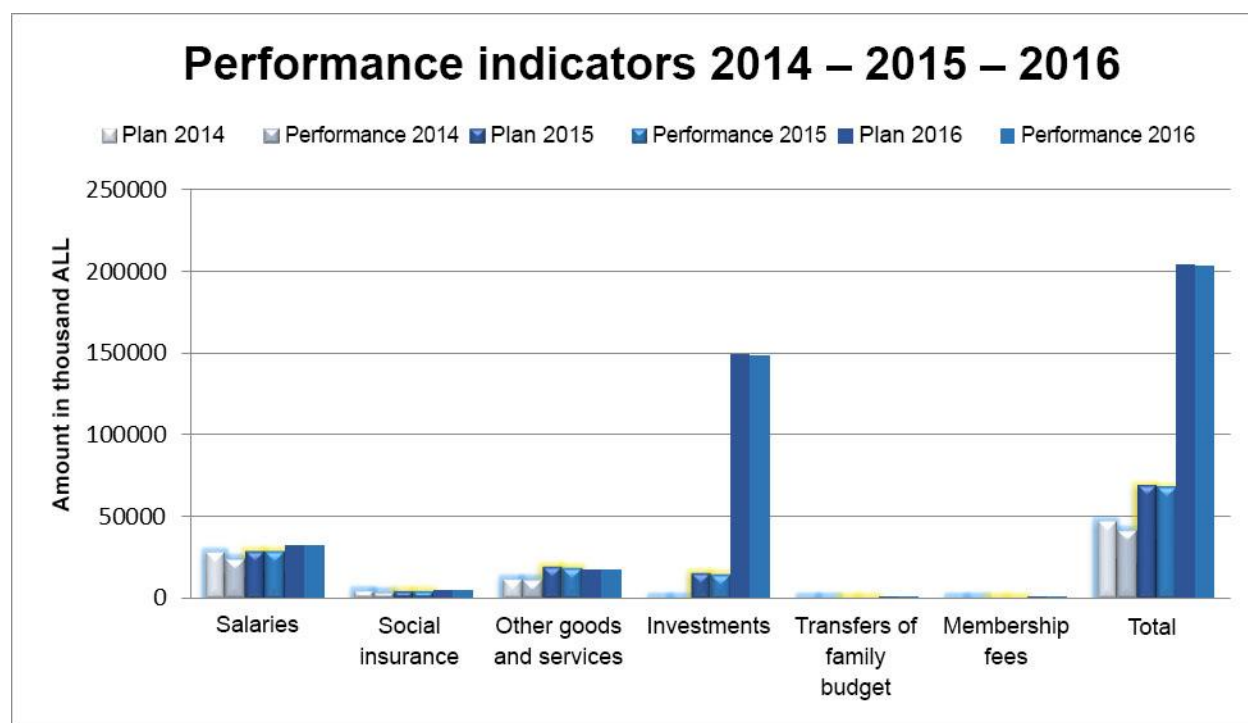


TABLE OF ALLOCATING THE BUDGET AND REALISATION

No	YEAR DENOMINATION	2016 000 / ALL			
		PLAN	% opposed to the total	12- Monthly Fact	% of realisation as opposed to the annual plan
1	Salary	32300	15.8%	31,979	99%
2	Social insurance	5200	2.5 %	5075	97.6%
3	Other commodities and services	17660	8.65%	17340	98.2%
4	Investments	149000	72.8%	148,401	99.6%
5	Transfers to family budgets	410	0.2%	410	100%
6	Membership fee	100	0.05%	85	85%
	Total	204,670	100%	203,290	99.3 %

✓ The following data are indicators of the budget realisation in the three calendar years.



Revenues out of sanctions/fines

- For 2016, the sanctions being imposed are at the amount of 5,340 (in thousand ALL).
- This year the collected amount is 3,148 (in thousand ALL).
- There have been collected even 450 (in thousand ALL) which were not collected out of the amount of 2020 (in thousand ALL) inherited from 2015.

The remaining value to be collected (including 2015) is at the amount of 3,762 (in thousand ALL).

5. PROBLEMATIC ISSUES

There still remains problematic:

- The reaction of the public authorities to the drafting and publishing of the transparency programs, appointing the coordinators, setting up and updating the register of requests and answers.
- Failure to process the requests within the timing set out by law.
- Quality and updating the transparency programs for those institutions which have drafted them.
- Failure to send the legal and bylaw draft-acts which affect the field of protection of personal data for feedback.
- Enhancing the human and budget resources parallel to the boosted powers of the Commissioner Office.

6. VISION FOR THE FUTURE

Monitoring and overseeing the Law no 119/2014 “On the Right to Information” in many respects.

- ✓ Enhancing transparency and processing the complaints in time.
- ✓ Enhancing the number of administrative controls and surveys.
- ✓ Intensifying the control over the activity of the public administration regarding the guarantee for the rights of citizens and access to information.
- ✓ Following the implementation of cross-sector strategies in the context of the right to information, regarding the measurable indicators.

Analysis of the problems and eventual improvement of the law no 119/2014.

Monitoring and overseeing the implementation of the Law no 9887/2008 “On the protection of personal data”, in many respects.

- ✓ Dealing with the complaints in time.
 - ✓ Intensifying the controls with controllers pertaining to the educational sector and social care sector.
 - ✓ Qualitative treatment of the practices for the international transfer of the personal data.
 - ✓ Verification of the implementation of the Recommendations imposed on the controllers.
 - ✓ Developing the legal framework focusing on the approval of the bylaw acts in the sector of health care, air transport, CCTV use, certification of controllers, etc.
 - ✓ Enhancing the expertise for providing the legal opinions on legal and bylaw draft-acts.
 - ✓ Eventual improvement to the law no 9887/2008 in compliance with the European reform;
 - ✓ Following up with priority the process of certification of Albania, as a country with sufficient level of personal data protection and the process of acceding to the Convention no 205/2009 of the Council of Europe “On access to official documents”.
-
- ✚ Proceeding with the conduct of awareness campaigns in both fields of activities with the public and private institutions and the civil society;
 - ✚ Continuing with the cooperation with international organisations and utilisation of various instruments for enhancing the institutional capacities;
 - ✚ Continuing with the application with MIE and other organisations for benefiting projects;
 - ✚ Investing with the development of the information and logistic infrastructure for improving the controllers database, development of database of the public Authorities and establishment of the National Register of requests and answers of the Public Authorities;
 - ✚ Improving the indicators of the institutional performance.

THANK YOU!

ANNEX No 1

➤ **Laws which have not been submitted for feedback**

1. The law no 38/2016 dated 14.04.2016 “On some addenda and amendments to the Law no 138/2015 “On guaranteeing the integrity of the persons being elected, appointed or assuming public functions”;
2. The law no 45/2016 “On voluntarism”;
3. The law no 84/2016 dated 30.8.2016 “On temporary re-evaluation of judges and prosecutors in the Republic of Albania”;
4. The law no 95/2016, dated 6.10.2016, “On the organisation and functioning of institutions to combat corruption and organised crime”;
5. The law no 96/2016 dated 6.10.2016 “On the status of judges and prosecutors in the Republic of Albania”;
6. The law no 97/2016 dated 6.10.2016 “On the organisation and functioning in the Prosecution Office in the Republic of Albania”;
7. The law no 98/2016 dated 6.10.2016 “On the organisation of judiciary in the Republic of Albania”;

➤ **CMDs which have not been submitted for feedback**

1. CMD no 8, dated 11/01/2016 “On the special protection of the employees of the Intelligence Agency and Security of Protection for the individual involved in secret operations”;
2. CMD no 64, dated 27/01/2016 “On programming the encouragement of employment of young people having obtained the status of the orphan”;
3. CMD no 191, dated 09/03/2016 “On creating the state database for the employment services system”;
4. CMD no 67, dated 01/06/2016 “On the approval of the regulation for the minimum security requirements in premises where the banking and financial activities and transport of monetary values is occurring”; (Official Journal no 103/2016);
5. CMD no 441, dated 15/06/2016 “On the approval of the form and contents for the stay permit for foreigners”; (Official Journal no 114/2016);
6. CMD no 442, dated 15/06/2016 “On the approval of the form and contents for travel document for the persons without citizenship and the laissez-passer for foreigners”;
7. CMD no 639, dated 07/09/2016 “On determining the rules, procedures and types of medical examination tests, which shall be carried out depending on the job of the employee, and the way of functioning of the medical service a work”;
8. CMD no 710, dated 12/10/2016, on the approval of the Regulation “On the requirements and criteria for assuming the activity of the tourist operator”;
- 9.

➤ **Instructions which have not been submitted for feedback**

1. Instruction of the Minister of Social Healthcare and Youth no 38/4, dated 15.02.2016, “On the procedures for implementing the Law no 146/2015, dated 17.12.2015, “On job-seekers”;
2. Instruction of the Minister of Education and Sports no 8, dated 25.05.2016, “On the conduct of national exams of the basic education for the school year 2015-2016”;
3. Instruction of the Minister of Education and Sports and Minister of Social Healthcare and Youth no 16, dated 3.8.2016, “On the school year 2016–2017 in the pre-university educational system”;
4. Instruction of the Minister of Education and Sports no 17, dated 3.8.2016, “On the procedures and criteria for the recognition and equivalencing in the Republic of Albania of diplomas, certificates, scientific ranks and academic titles, issued by the foreign institutions of higher education and other authorised institutions abroad”;
5. Instruction of the Minister of Education and Sports no 18, dated 11.8.2016 “On the procedures of application and registration of the candidates from the Republic of Kosovo, candidates of Albanian origin from Macedonia, Montenegro, Preshevo, Medvegje and Bujanovc, as well as candidates with the status of being blind, paraplegic or tetraplegic disabled, orphan, as well as Roma and Egyptians, in the curricula of the first cycle of studies, in the curricula of the studies of professional character, as well as in the integrated programs of the second cycle studies, in full time, in higher education institutions, for the academic year 2016–2017”;
6. Instruction of the Minister of Education and Sports no 22, dated 6.9.2016 “On some addenda and amendments to the Instruction no 13, dated 22.7.2016, “On the procedures of application and registration in the curricula of the first cycle of studies, in the curricula of the studies of professional character, as well as in the integrated programs of the second cycle studies, in full time, in higher education institutions, for the academic year 2016–2017”;
7. Instruction of the Minister of Education and Sports no 24, dated 7.10.2016 “On some addenda and amendments to the Instruction no 13, dated 22.7.2016, “On the procedures of application and registration in the curricula of the first cycle of studies, in the curricula of the studies of professional character, as well as in the integrated programs of the second cycle studies, in full time, in higher education institutions, for the academic year 2016–2017”, as amended.



7 draft- laws that have not been submitted for opinion by the Commissioner already published and approved in the Official Journal.

15 by laws (draft decisions and draft instructions) that have not been submitted by the Commissioner already published and approved in the Official Journal.