



*Komisioneri për Mbrojtjen
e të Dhënave Personale*

**ANNUAL REPORT
2013
CPDP**

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Message of the Commissioner for Personal Data Protection Ms Floa Çabej



In this fifth anniversary of establishment of the Personal Data Protection Authority, a few more words in this Annual Report would not be excessive.

As the years pass, the courts and the Commissioner Authority itself have come to widen and enhance the notion about personal information which includes many elements, from the most usual like names, addresses, etc, to the most unusual like telephone tapping records and accompany information recorded by GPS.

In the democratic information societies, the protection of the right to determine use of personal data stems from very basic constitutional provisions. People cannot be left unprotected in such a wide environment as the internet with its many forms and growth opportunities. **The general principles of personal data protection are transversal with the entire functional areas which are involved in the internet communication and dataflow. Personal data protection is not an easy task, but rather a long way forward towards the establishment of a modern set of human rights.**

As the privacy protection is not an obstacle for the free dataflow and technological progress, we hope to encourage all people who are involved in our priority issues to think more about privacy. The Albanian people are enjoying the benefits of internet more and more and therefore it is indispensable to raise the general public awareness regarding the protection of computer systems and processed data.

Safety and personal data protection are among the principal components of privacy. In this regard, the designers of new technologies, for instance, can adopt significant privacy enhancements in their products.

We want to assist people in such a way so that they understand better the immense value of their personal data and become more aware when the privacy of such data is jeopardized. When people

will have the right knowledge and tools, they will be able to take protective measures themselves against violations of their privacy rights, thus undertaking an active role in the control of their information flow.

The establishment of a protected privacy environment is nowadays the best expression of democracy.

Our work has been inspiring in many respects, also due to the simple fact that, in a democratic society, the championing of human rights in general and the protection of personal data and privacy in particular is in the best public interest, and therefore is a challenge of crucial importance for all institutions, public and non-public alike. I have to underline that, during the last year, as well as along the past five years in general, we have made a lot of progress towards the achievement of EU countries standards as regards protection of personal data, taking advantage of the European expertise in drafting bylaws and providing legal opinions for draft-laws and different crosscutting legal acts in the wider framework of the Albanian legislation. We were proud to be evaluated by the European Projects Academy in Brussels as the second best completed project of EU – IPA/2009 Program.

The Commissioner Authority has undertaken wide public campaigns to raise awareness of the obligations of personal data controllers to report to the CPDP regarding the protection of privacy rights. Rigorous investigations have been carried on complaint or *ex officio* basis for a large number of public or private controllers. Although a lot of foundation work has been done to strengthen the institution, much more remains to be done as new challenges which jeopardize the people's private life appear every day. The greatest challenge in my daily work as Commissioner, in which I put my best efforts, is to make all Albanian people aware that they enjoy the right to have their private lives respected, that their personal data are to be protected and that everyone must file complaints at the Commissioner if such rights are violated.

Thank You!



I. POLICIES AND DEVELOPMENTS REGARDING PERSONAL DATA PROTECTION DURING 2013.

During 2013 the Commissioner Authority has been fully engaged in raising awareness of different entities regarding compliance with Law no. 9887, dated 10.03.2008 “For personal data protection”, as amended. The Commissioner Authority has organized several seminars with representatives of educational institutions in various Districts of Albania aiming to raise awareness of educational staffs and institution managers regarding rights and obligations stemming from the implementation of the personal data protection law.

The Commissioner Authority has been particularly active through meetings with youngsters, to raise awareness of this age group, and has organized informative activities regarding potential damages caused by disclosure of personal data on the internet, as well as about the basic right to protect private lives. CPDP has also intensified media relations by participating in various TV talk-shows, giving interviews and issuing press statements.

As part of the awareness campaign regarding the obligation to report to CPDP, the Authority has continued the process of notifications to inform the controlling entities about their legal reporting duties. Several seminars have also been organized in this regard in various districts of Albania. A significant number of controlling entities have been assisted to correctly submit their reports through telephone communication and informative meetings. The completed report forms have been subsequently uploaded in the Authority system.

Pursuant to the competencies attributed by law, the CPDP has drafted and approved various bylaws in different areas, several internal administrative acts and other important documents aimed to assist the controlling entities in their work of personal data processing, etc. 39 directives have been approved in total. The primary aims of these directives include the rigorous implementation of the law, legal processing of personal data, application of security measures for data protection in public or private sectors, etc. Moreover, 6 Decisions have been approved, besides several legal recommendations. Manuals and specific Guides have been drafted and approved as well. The “Five years of CPDP” history booklet has been elaborated and published, together with a very important document which will serve as a road map for the future including the institutional strategy, future objectives, steps to be undertaken, etc. The CPDP has worked intensively to elaborate legal recommendations about draft laws and bylaws submitted for opinion by other institutions. Nevertheless, the total number of such recommendations during 2013 remains rather low and such situation requires for bolder encouragement of controlling entities to submit to CPDP for professional opinion any legal act which interferes in any way with personal data issues. Besides opinions and legal assistance, the Authority has submitted progress reports under the

framework of the National Implementation Plan of the Stabilization and Association Agreement (2012-2015).

Cooperation Agreements have been signed with public and private controllers, with a special emphasis on inter-institutional cooperation aiming protection of human rights and liberties in general and legal processing of personal data in particular.

The CPDP during 2013 has been especially engaged to efficiently facilitate submission of complaints files, followed by verification through administrative investigations and proper decisions pursuant the law. Furthermore, the Authority has carried **213 ex officio** controls and administrative inspections in various public and private controllers.

During 2013 the CPDP continued to work with the EU-funded project under IPA 2009, which coincided with the project extension period. Under this framework, training modules were prepared for the “training for trainers” sessions, including the in-depth training of 34 civil servants appointed by public controllers. The latter training participants were certified as personal data processors as part of the project completion.

The Authority has extended cooperation with foreign homologous authorities to exchange best practices. The CPDP has been especially involved with T-PD, an international consultative committee where the Authority is full member with voting rights.

In planning and implementing the financial budget, the Authority was focused on the most indispensable exigencies stemming from the obligations stipulated by the organic law. Special emphasis was put on the modern principles of public funds management, as well as on the necessity to act efficiently, effectively and transparently.

The above topics are further detailed in the following chapters of the annual report, in sub-topics and figures.



II. PUBLIC AWARENESS AND PROGRESS IN THE REGISTRATION OF CONTROLLERS.

II.I 28 January 2013 - “The European Day of Personal Data Protection”.

In the occasion of the European Day of Personal Data Protection, on 28 January 2013 the Commissioner has organized, like every year, several activities to commemorate this day and to raise public awareness about the right of personal data protection.

The following activities were organized on this special day:

- The Citizens Open Day, an activity where interested people were invited to learn more about personal data protection;
- The signing of the cooperation agreement with the Rectorate of the University of Tirana;
- The “Protect Privacy” photography contest organized with pupils of “Edith Durham” elementary school.

All activities organized by the Commissioner for Personal Data Protection on the occasion of the 28-th Day of January 2013 were reported to the Council of Europe as specified in a pre-determined format. This information was to be uploaded in the Council of Europe official website in a special link with commemorations of the European Day in all member countries.

[Pictures of 28 January 2013](#)



II.II Public Awareness Activities regarding personal data protection rights.

■ Seminars/Activities.

During 2013, the **Authority of the Commissioner for personal Data Protection** has organized **several seminars with representatives of educational institutions in different Districts of Albania**, with the aim to raise awareness of the pedagogical staffs and school managers about rights and obligations stemming from implementation of the Law on Personal Data Protection. These seminars were organized with the Education Departments in Berat, Lezhë, Përmet and Tiranë Districts.

On 21 and 22 February and on 4, 5, 18, and 19 March 2013, various seminars were organized at the premises of the Tirana Region Prefecture with the aim to raise awareness of the representatives of local government units of Tirana District about legal processing of personal data, and their obligation, in accordance with article 21 of Law “On Personal Data Protection”, to report to the CPDP.

In order to build capacities for the Authority staff itself, and to keep up with the fast developments of information technology and the necessity to increase professional knowledge, on 29-th of April the Commissioner Authority organized a Web Conference with representatives of Facebook social network in Ireland, a company seat which covers Albania. The Web Conference was moderated by two Facebook company managers and attended by the entire Commissioner staff.

On 07 June, representatives of the central public administration and other agencies concluded the two-months training organized and financed by the EU Project “Support to the Commissioner for Personal Data Protection regarding training of contact persons of data protection in the Albanian public administration”. The certificates award ceremony was organized at the CPDP premises on this occasion.

■ The youth.

Following numerous meetings with the youth, on 15-th of February Ms. Çabej welcomed at the premises of the Commissioner for Personal Data Protection Office a group of students from the Master in Political Science Program of the University of Tirana. This meeting was required by the group of students themselves, who had the occasion to widen their knowledge about personal data protection.

On 26-th of April, the **Commissioner for Personal Data Protection in cooperation with the Faculty of Law and assisted by the EU Project “Support to the Commissioner for Personal Data Protection (CPDP) regarding training of contact persons of data protection in the Albanian public administration”** organized the Conference titled “**New Dimensions of the Privacy Law**”, which was attended by some **240 students** of the Faculty Law. The Conference

was addressed by Ms. Flora Çabej (Pogaçe), Commissioner for Personal Data Protection, Mr. Altin Shegani, Dean of the Faculty Law of Tirana University, Mr. Andras Jori – European expert and former Hungarian Commissioner for Personal Data Protection, Ms. Dorota Skolimowska, Team Leader of the EU Project in Albania, Mr. Stefan Sysko – European expert of information technology, and Ms. Evisa Kambellari, lecturer at the Faculty Law of Tirana University. Participation Certificates were distributed to attending students. **On 23 May, representatives of the Commissioner Authority in cooperation with the Directorate of “Dora d’Istria” elementary school in Tirana organized a meeting** with school pupils aiming to raise their awareness about the necessity to protect personal data. Questionnaire forms were given to pupils in order to gather data about use of social networks by this age group. The collected data were later uploaded in the Commissioner official website. It resulted that **95.8%** of the interviewed pupils had profiles on social networks while **only 4.2%** had not. **54%** had more than 200 virtual friends, while 30% of them had met with virtual friends whom they did not know before.

During the same month, representatives of the Commissioner organized meetings with teachers and pupils of the “Nonda Bulka” elementary school in Përmet in order to raise awareness about protection of private life.

The Commissioner for Personal Data Protection organized an open activity with pupils of the “Faik Konica” elementary school in Tirana on the occasion of the twentieth day of November, the Universal Children’s Day. Aiming to raise awareness of this age group, the youngsters were informed about potential damages caused by misuse of personal data on the internet, as well as about their right to have the private lives protected. **12 graduate students of the Master of Science in Law course attended internships at the Commissioner Authority, as provided in the cooperation agreement signed earlier this year with the Rectorate of the University.**

[Pictures of activities with youngsters.](#)



Since the law provides for cooperation with the controlling entities, the Authority has aimed to encourage this cooperation by all legal means and under different frameworks, such as the cooperation agreements. The latter have been active and important in raising awareness of a sensitive group (students) about personal data protection. In this regard, several meetings with students were organized by the Commissioner Office.

■ Media Communication.

During 2013 the Commissioner for Personal Data Protection has intensified media communication and attended various TV talk-shows, interviews and press statements. In this regard the Commissioner:

- **Has attended various TV talk shows**, at Top Channel TV, Albanian Screen TV, UTV and SCAN TV;
- **Has given interviews**, mainly aired in news programs, about latest inspections or regarding sensitive issues of personal data protection;
- **Has issued a press statement** regarding publication of personal data of corruption denouncers (citizens) at the Ministry of Justice official website.
- **A special news story was broadcasted at Top News TV from Brussels. This news story was about the prize awarded to the Commissioner for Personal Data Protection by the European Projects Association for the second best IPA 2012 project.**

The Commissioner Authority has made several recommendations to various Albanian daily newspapers and other printed or electronic media related to protection of personal data and respect of people's private lives, such as:

- Recommendation to remove personal data of a young mother from the news editions of Albanian media,
- Recommendation regarding publication of personal data of citizen F.P.
- Recommendation not to publish personal data of minors who are victims of crime, in order to avoid further victimization, and minors who are accused of involvement in criminal deeds for as long as the right of presumption of innocence applies.

■ Other.

Thanks to cooperation with Facebook Ireland, two fake accounts were deleted following complaints from two Albanian citizens who approached the Commissioner Office for assistance in having such accounts deleted as soon as possible.

The Commissioner for Personal Data Protection, in order to come as close as possible to the youth and users of social networks, has created an **official page of the Authority on Facebook**

during 2013. The latest information on personal data protection is regularly uploaded on the Facebook page.

The Commissioner Authority has established during the last December a working group to design and launch the new internet website so as to come closer to the general public through online communication.

Viewership of the official website has experienced significant growth compared to last year. Such increase data are shown in the tables of Section VI.

The IT Department of the Commissioner Authority has conducted two internal workshops to ensure for most secure management of electronic information. All the CPDP staff has been trained on the "Electronic System of Internal Information Management" (document and protocol management, search of declarations) and "Practical Security Measures for Systems and Data".

II.III Publications.

■ History Booklet "5 YEARS of CPDP"

The history booklet of the Commissioner Office activity 2008-2013 has been published. This booklet introduces readers with the historical foundations of the Authority establishment, the initial difficulties and the steps taken for the institutional organization and functioning, the commitments to perform the duties assigned by law, and the challenges awaiting the Commissioner Office in the coming years.

The institutional budgetary performance is shown on the booklet. The budgetary expenses have been executed based on the principles of efficiency and effectiveness. As presented in the booklet, starting from the first year of economic and financial activity the budgetary performance curve has been on the increase.

The history booklet also introduces readers with the intense work done for the drafting and approval of some of the initial and very important acts related to rigorous enforcement of the law, such as the elaboration and adoption of the Notification Form and the establishment of the online public registry. The entire legal framework approved by the Commissioner in these 5 years is also shown, including the elaboration of the most important documents.

Oversight and administrative investigation are extensively covered in the publication as one of the principal competencies of the Commissioner. The booklet presents the deep commitment of the Authority in every stage of administrative investigations which has resulted in positive outcomes directly influencing minimization of risks related to privacy violation and personal data collection

and processing. Inspection cases are shown per category, individual complaints or ex officio investigation.

The various cooperation agreements with other national or international institutions to exchange mutual experiences of best practices and implementation of the respective legislations have been shown in chronological order.

The EU-funded project under IPA 2009 Program has been especially covered in the booklet. The Project "Strengthening of the Personal Data Commissioner Office in Albania, in accordance with the European Union standards" has assisted the CPDP in almost three years of achieved results. Participation in international conferences and membership in international organizations are also shown as results of 5 years work.

Written information is also illustrated with many pictures, thus rendering this publication comprehensive and interesting for all readers. The history booklet has been a special enrichment to our institutional library.

■ "Law and Privacy" Magazine

The Authority of the Commissioner for Personal Data Protection has established and published during 2013 its legal periodical magazine "Law and Privacy". The publication of the magazine is regulated by a special regulation and managed by a board which considers and evaluates articles to be published and closely monitors all related activities. This magazine is published with the aim to enrich the legal literature with theoretical and practical knowledge which will help citizens, students, teachers, civil servants, persons in charge of personal data processing and protection, as well as all stakeholders in the field of personal data protection. The magazine is aimed to be a source of law information, contemporary debates and insights on international authorities of personal data protection, international cooperation, and latest information updates from the field under a comparative overview. It is also meant to provide information on the Commissioner Authority activities.

The first issue of the "Law and Privacy" Magazine, which was distributed to all most important national and international institutions in the country, includes, among others, an editorial by the Commissioner, articles on amendments to the Law on Personal Data Protection and novelties brought by such changes, information on development of communication technology and privacy protection, interviews from prominent international experts of personal data protection, case studies from the Authority inspections, and pictures from recent activities of the Commissioner for Personal Data Protection.

The second issue of the Magazine was published last December. Besides an editorial from the Commissioner, this issue includes articles on information rights, on limits to collection and processing of personal data, on cloud computing, on the notification process in the best public

interest, on inspection case studies, as well as pictures from the Commissioner Office activities during July-December 2013.



■ Other.

- A flyer titled "Protect your data when using Smartphone or Tablet" has been produced and distributed during the last year. This flyer has also been published on the official Facebook page of the Authority to raise awareness of internet service users about risks of privacy violations related to use of Smartphones and Tablets.
- The information on the 10 issues of personal data protection on Facebook has been translated and published in the official website. This document has been prepared by *Facebook Ireland* Data Protection Authority Casework Team.

II.IV Notification Forms and progress in the registration of the controlling entities.

■ Policy and Strategy regarding controllers' registration.

The CPDP during January-December 2013 continued its work pursuant to the legal obligation as stipulated by article 21 of Law no. 9887, dated 10.03.2008 "For Protection of Personal Data", as amended. According to this article, all controlling entities which process personal data are obliged to notify the Commissioner Authority.

Under this framework, the Commissioner has extended the process of sending awareness notifications to controlling entities, either through awareness letters where these entities are requested to comply with the legal obligation to notify, or through seminars organized in various Albanian Districts for such purpose.

Further to the Cooperation Agreement no. 5048 prot. and no. 100 prot., dated 29.04.2010 between the CPDP and the National Registration Center (NRC – the Commercial Registry), the Commissioner Office has maintained work contacts with the NRC IT expert in order to obtain comprehensive lists of controlling entities newly registered at the Commercial Registry. By the end of February 2013 the CPDP received the list of subjects registered at the NRC during January 2012 – January 2013. In September the Commissioner was forwarded a further updated list of subjects registered during 2013. The awareness campaign continued based on entities data obtained from these lists.

The Commissioner Office has collaborated with the contact person / person in charge of the National Healthcare Insurance Institute (NHII) to obtain a comprehensive list of email addresses of "Pharmacies" as controlling entities. 773 awareness letters were sent to these controlling entities by electronic mail, to inform them about the personal data protection law and their obligation to submit notifications to the Commissioner Authority.

This awareness campaign did not yield the expected results, as the controlling entities did only partially respond to the Commissioner letter thereby fulfilling the notification obligation through the Notification Form. This was due to inaccuracies in the email list but also because a number of controlling entities failed to comply with the legal obligation albeit they were notified. The latter were added to the long list of entities which could be sanctioned by imposing an administrative fine. Nevertheless, the Commissioner through its Investigation-Inspection Department decided to impose a 48-hours deadline through direct inspections in more than 30 cases. Such direct controls were followed by fulfillment of the notification obligation by almost all entities, except for one case when the Authority imposed an administrative fine subsequent to the failure of the controlling entity to notify within deadline.

Pursuant to the wider awareness campaign related to the obligation to notify the Authority, the CPDP sent **awareness letters to all District Courts**, followed by immediate reaction and full compliance by the latter.

The Commissioner Authority put special emphasis on offering technical assistance to controlling entities in order to fill in as accurately as possible the notification forms. This assistance was delivered through telephone communication, electronic mail, and meetings with representatives of the controlling entities at the Commissioner Office.

The controlling entities which were given assistance have shown a higher level of accuracy in the declared data.

The extension of technical assistance to controlling entities to ensure compliance with the notification obligation has been thoroughly included at the General Awareness Strategy of the Commissioner Authority. A special PowerPoint presentation titled “*The Legal Obligation of the controlling entities to notify and the Notification Form*” has been delivered in all seminars organized by the CPDP itself, or by the Public Administration Training Institute (as renamed later to ASPA / Albanian School of Public Administration).

Under this framework, during February-March 2013 the Commissioner has participated in a *tour of seminars organized at the premises of Tirana Regional Council Prefecture* with representatives of local government units, as well as in seminars organized by ASPA with persons in charge from public controlling entities.

All participants in these activities were delivered various informative materials such as leaflets and brochures, with the purpose to describe the activity of the Authority of the Commissioner for Personal Data Protection, to assist the controlling entities in **fulfilling the obligation to notify** the Commissioner Authority, and to raise awareness regarding the right of protection of personal data and privacy.

Several activities were organized with educational institutions under the framework of the Cooperation Agreement no. 396 prot., dated 24.01.2011, between the Ministry of Education and Science and the Commissioner Authority.

The CPDP cooperated closely with the Education Departments of Berat, Lezhë and Përmet, as well as with the Education Department of Tirana Regional Council, to organize the seminars as follows:

A seminar with representatives of local educational institutions was organized in *April* at the premises of the Regional Education Department of Berat. 80 controlling entities – public and private “*schools*” – participated in this seminar.

A seminar with representatives of local educational institutions of Lezhë was organized in *May* at the premises of the “*Besëlidhja*” school. 80 controlling entities – public and private “*schools*” – participated in this seminar.

During the same month, another seminar with representatives of local educational institutions and local government units of Përmet was organized at the premises of the “*Nonda Bulka*” elementary school. 40 public and private controlling entities participated in this seminar.

A seminar with representatives of local educational institutions was organized in *June* at the premises of the Regional Education Department of Tirana Region. 80 controlling entities – public and private “*schools*” – participated in this seminar.

The purpose of these activities was to introduce personal data controllers with Law no. 9887 "On Protection of Personal Data", as amended, to inform them about the "**Obligation to Notify**" the Commissioner Authority, as well as to raise awareness of the controlling entities regarding the right of protection of personal data and privacy.

All participants in these activities were given proper assistance for filling the Notification Form and were delivered various informative materials such as leaflets and brochures, with the purpose to describe the activity of the Authority of the Commissioner for Personal Data Protection and to raise the subjects' awareness regarding exercise of their rights related to personal data and privacy.

As constructive debates were encouraged during such workshops, various issues or complaints were raised by different entities, as representatives of controllers but rather as personal data subjects themselves. These issues were forwarded to the respective departments of the Commissioner Authority.

The Notification Form was the final and very important product of these seminars. The entities representatives were trained to properly understand the requirements and were assisted to fill in the form as correctly as possible so as to give all the necessary information in the framework of this legal obligation.

In the framework of this cooperation, the *Education Departments and Offices* were delivered our model of draft-regulation "*For protection, processing, storage and security of personal data*", which these educational institutions can adapt to the needs of their activities.

Significant efforts have been made to establish cooperation between the National Employment Service (NES) and the CPDP, in order to sensitize the controlling entities of the employment sector, as the National Employment Service is the national institution responsible for the implementation of the national employment policies and its activity is extended through 36 offices across the Republic of Albania. Furthermore, this institution is a key partner of the business sector.

In this context, the NES could provide its entities lists together with courier and electronic mail addresses so as to facilitate communication. This registry would help the Commissioner Authority as an effective outreach tool in the continuous campaign of public awareness raise. The response from the National Employment Service has been positive, thus the Commissioner Authority is expecting to execute the Cooperation Agreement soon.

■ Notifications Management and Registration of the Controlling Entities.

The increase in the number of notifications has been one of the main goals of the Commissioner Authority, besides the efficient management of the declarations process. This increase is closely linked and runs parallel to the process of sensitizing the public and private controlling entities. Despite efforts to take full advantage of the Authority resources and capacities, the process of notifications for data processing continued with a non-satisfactory pace. This is partly because in the past years the Authority had more available resources to conduct a wider campaign of awareness raising, also based on the cooperation agreement with the NRC. It should also be noted that 2013 was an electoral year. Moreover, the work performance of the Director and one of the specialists of the Registration Department has not been satisfactory, precipitating up to negligence of duty. Respective disciplinary measures were taken for the above mentioned employees.

The number of official letters forwarded to controlling entities with the aim to raise awareness has not been satisfactory, despite maximal exhaustion of available resources. The lists of newly registered subjects provided by NRC contain a lower number of entries and, furthermore, many addresses are not correct which results in many letters returned by the post office, although the Authority staff makes a preliminary selection. Under such conditions, new alternative ways to raise awareness and to increase the number of notifications were explored. Several seminars were organized in many districts of the country with the cooperation of the Education Departments. For this reason, the public sector entities account for 50% of the entire number of notifications.

During January-December 2013, the CPDP has sent **2011** official letters of awareness (including **773** letters sent by email) to public and private controlling entities, officially requesting the entities to comply with the notification obligation pursuant to the Articles 21-26 of the Law. The lists of subjects registered at the National Registration Center (NRC) and the lists provided by the National Healthcare Insurance Institute with email addresses of “*pharmacies*” as controlling entities were the major resources of contact data. The general number of awareness official letters has reached **17265**.

The strategy and the policy of the Authority are to help and assist controlling entities to submit their notifications. In this regard, a significant number of entities’ representatives were welcomed at the Authority Office for clarification and assistance, besides the usual telephone communication.

Based on Article 23 of the Law, the Commissioner staff has forwarded requests for additional information to any controlling entity which has submitted incomplete or unclear notifications. Such requests were also forwarded to verify lawfulness of data processing by the declaring subject and to review applications to the Commissioner Authorization for sensitive data processing or for international transfer of personal data.

Normal procedures include the system upload of all notifications completed manually and submitted to the Commissioner Authority. The CPDP received **582** notifications during 2013, bringing the total number of notifications to **4086**.

Further to the completion of the upload process, the Commissioner staff has continued to register the notifications of entities which declare compliance of personal data processing with the stipulations of articles 5 and 6 of the Law. These notifications are published online at the Open Public Registry. The number of controlling entities registered during this period was **667, including the notifications submitted by the end of 2012**, bringing the total number of registered subjects to **4043**.

■ Illustration and information about cases which constitute violation of privacy and personal data.

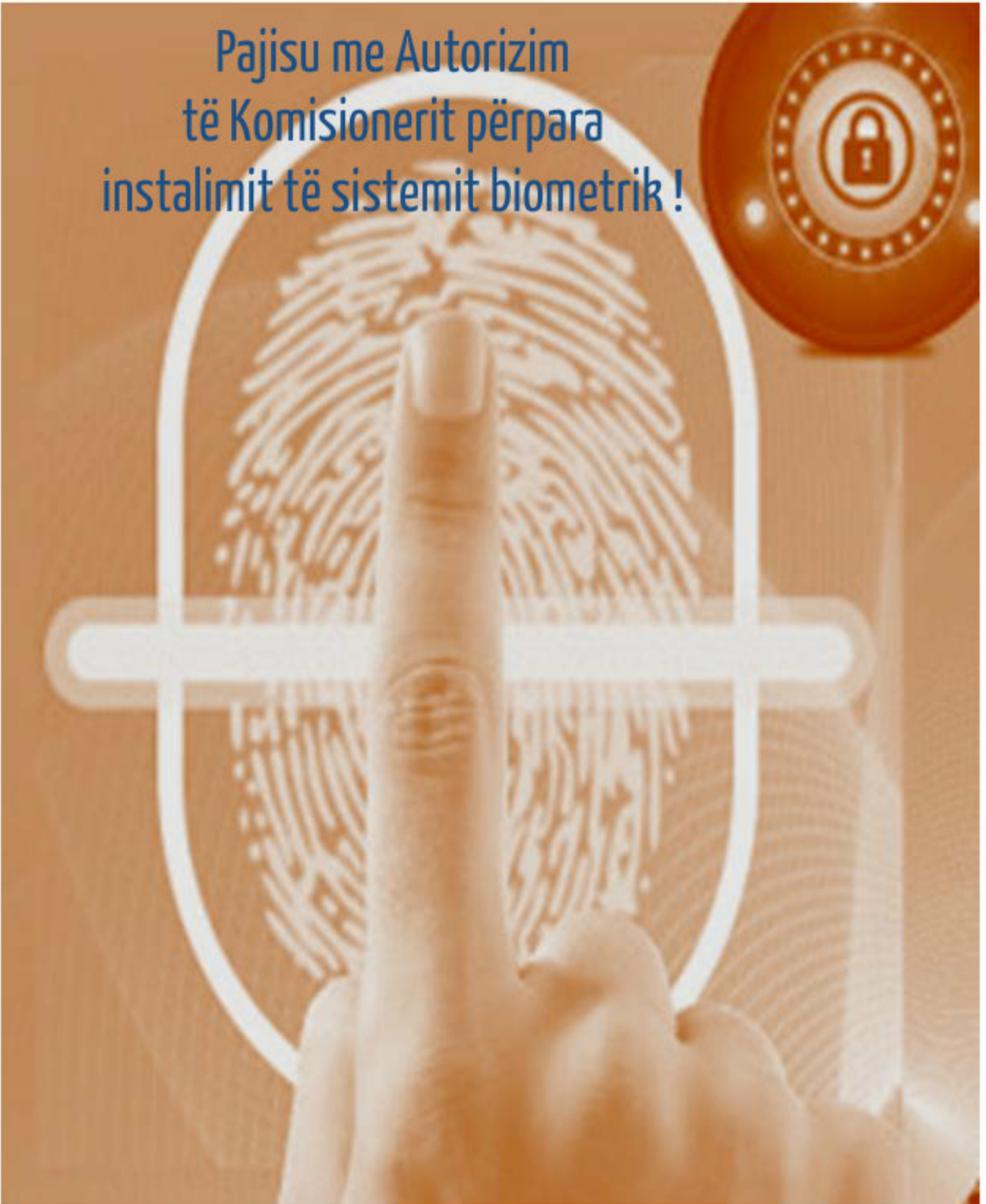
Pursuant to the general legal provisions and based on submitted reports from controlling entities, the Department of Investigation-Inspection has been informed about data processing which could pose risks for violating the general principles of privacy.

Several administrative proceedings have been initiated after reviewing the notification forms in order to verify the real circumstances of data processing at the controlling entities. These cases were generally identified as unclear or incomplete. Such proceedings also aimed to verify the lawfulness of international data transfers, usually leading to completion of the submitted information from the controlling subjects and to initiation of procedures for the application to receive authorization from the Commissioner Office for international data transfers to countries without adequate level of data protection. The updates, additions and authorization awards have been reflected in the Electronic Register of Controlling Entities.

The submitted information has been updated for all controlling subjects under inspection proceedings. The same was applied also in cases when the Department of Investigation had specified concrete tasks and deadlines to entities regarding completion or correction of Notification Forms.

In general, the CPDP has reviewed submitted forms, requests for updated information, additional information reported from controlling subjects, amended declarations, responses to awareness letters, and other information. This process has been managed efficiently.

Pajisu me Autorizim
të Komisionerit përpara
instalimit të sistemit biometrik !



III. PRESENTATION OF LEGAL FRAMEWORK

III.I Drafting and approval of bylaws

■ Decisions.

Decision no. 6, dated 05.08.2013, “For the stipulation of detailed rules of personal data security” has been approved and published in the Official Gazette. Pursuant to the amendments of Law no. 9887, dated 10.03.2008 “On Personal Data Protection”, approved with Law no. 48/2012, and further to approval of two special directives which determine in detail the security measures to be undertaken by the small and large controlling entities, it has been deemed as necessary to repeal Decision no. 1, dated 04.03.2010. “For the stipulation of detailed rules of personal data security” and replace it with Decision no. 6.

■ Directives.

Directive no. 33, dated 21.01.2013, “For some additions and amendments to Directive no. 21, dated 24.09.2012 “For the stipulation of security rules of personal data processed by large controllers”” has been approved.

Directive no. 21, dated 24.09.2012, aims to stipulate the technical and personnel organizational measures of personal data protection for large controlling or data processing entities, as well as rules of cooperation with the Commissioner Authority. It should be noted that this directive makes it mandatory to create and maintain the SMSI of personal data protection for all data processing subjects. Large data processing entities under this act shall designate the person in charge who will be responsible for internal supervision and for issues related to the fulfillment of personal data protection obligations. As for the amendments, they consist in the clarification of terms used in Directive no. 21, dated 24.09.2012.

Directive no.34, dated 21.01.2013, “For some additions and amendments to Directive no. 22, dated 24.09.2012, “For the stipulation of security rules of personal data processed by small controllers”” has been approved.

Directive no. 22, dated 24.09.2012,(as well as Directive no.21) stipulates the technical and personnel organizational measures of personal data protection for small controlling or data processing entities, as well as rules of cooperation with the Commissioner Authority.

The Directive determines the responsibilities of controllers in achieving security of personal data by protecting them from accidental or unlawful damage or destruction, accidental loss, alteration, unauthorized access or access to unauthorized persons, and against any other form of unauthorized processing. The Directive provides guidance on the consideration of maintaining minimum

standards including: risk analysis; physical and environmental security; logical security of ICT equipment of personal data processing, and personnel security.

The amendments have not brought substantial changes of the Directive, besides some additions and clarifications of foreign terminology to make it easier to understand.

Directive no.35, dated 07.05.2013, “On processing of personal data for election campaign purposes” has been approved.

During the course of the election campaign candidates collect and use personal data of individuals (voters). Too often, candidates and / or authorized third parties engage in election campaigning and lobbying by various means such as fax messages, SMS or E-mails. The Commissioner Authority has received several complaints from voters regarding telephone messages or emails they receive from election candidates. This phenomenon highlighted the necessity of drafting and approving a special Directive to provide for legal discipline in this regard.

The approved Directive stipulates rules of personal data processing by electoral candidates during election campaigning.

The scope of the Directive is not extended to leaflets, posters or any other material that is distributed for election campaign purposes and does not contain voters’ personal data. The submission of notification is the principal designated obligation according to this Directive. All election candidates must notify the Commissioner Authority on personal data protection if the candidates themselves or any third parties authorized and on behalf of them process personal data for the purposes of the election campaign using electronic devices/applications such as computers, emails, phones, fax, SMS, etc, or even when personal data collection is performed manually. According to the Directive, the winning candidate will continue to be registered in the Electronic Register of Controlling Subjects for as long as he/she enjoys the mandate. Candidates who lose elections are deregistered.

Among other things, important to mention is the case when the election candidate uses processed personal data for the purposes of direct marketing. In such case the candidate should receive the prior written consent of the voter. To make an example, in case when the candidate interacts with his/her constituents through phone messages, email, courier mail, etc, he/she should first have the consent of voters.

According to the Directive, voters have the right to withdraw their consent of direct marketing communication at any time.

Directive no.36, dated 05.07.2013, “On rules of personal data processing in Official Statistics” has been approved. This Directive determines certain rights and obligations of controlling entities which collect and process statistical data under the framework of Law no. 9180, dated 05.02.2004

“On Official Statistics”. The need for the adoption of this Directive has arisen as a result of recent developments and frequent impact of personal data processing in areas of statistical activity in the Republic of Albania.

Directive no. 37, dated 10.07.2013, “On personal data protection during processing of fingerprints by public institutions” has been approved. The purpose of this Directive is to establish binding rules for public institutions related to the collection and processing of fingerprints for verification of employees’ work attendance (entry or exit from the institution premises). According to provisions of this Directive, the chairperson of the institution that is applying such a system which includes processing of employees’ fingerprints must justify this decision by determining the purpose of fingerprint use. The chairperson is also responsible for drafting and adopting rules which define security measures for fingerprints processing, time that is needed for data storage, methods of data destruction, etc. The Directive has also established the obligation to submit notification to the Commissioner for Personal Data Protection Office and to receive prior authorization from the Commissioner Authority.

Directive no. 38, dated 05.08.2013, “On acts of the Albanian Child Adoption Committee before processing of personal data” has been approved. Pursuant to the amendments of Law no. 9887, dated 10.03.2008, “For personal data protection”, the Directive no. 8, dated 31.08.2010, “On acts of the Albanian Child Adoption Committee, as controlling entity, before processing of personal data” has been repealed and replaced with the new Directive.

Directive no. 39, dated 05.08.2013, “On processing of public records personal data” has been approved. The purpose of this Directive is to establish the mandatory rules for public institutions regarding collection, processing and publication of personal data registered in public records.

The information contained in public records is often collected on a mandatory basis and made public in accordance with specific laws and for specific purposes.

However, the information registered in these public records may have other potential uses for other purposes that are neither related and nor justified by the principles of mandatory collection and disclosure as provided by the law. This brought the necessity of drafting and approving rules of privacy protection in this regard.

Drafting and approval of the above mentioned Directive was also a necessity stemming from the work practices of the Commissioner Authority and the problems encountered in this regard. Various inspections carried out in different controlling entities by the Commissioner Office have highlighted the necessity of personal data and information privacy protection, especially in terms of adequacy and timeframe of personal data records which are open to the public through a public registry.

The Commissioner Office has been working on and is about to complete the draft-amendment of **Directive no. 1**, dated 19.02.2010, "On permission of certain categories of personal data international transfers in countries without adequate level of personal data protection".

The monitoring of controlling entities regarding personal data transfer and the competence to grant transfer authorizations are among the main duties of the Commissioner Authority. Under such conditions, detailed provisions must be approved regarding personal data protection because of risks of personal data exposure during transfers. This is especially true for transfers to countries with inadequate levels of data protection. For this reason, and also to bring the domestic law in line with the up-to-date international legislation, detailed rules will be provided for the purpose of correct law implementation by personal data subjects and controlling entities in cases of international data transfers.

■ Case Studies for the approved Directives

Concrete examples of the approved Directives have been used to illustrate different scenarios and to make implementation easier for the controlling entities. Such examples have been taken from the best international practices and from the experience of the Commissioner Authority itself. These examples were also uploaded in the official website next to the respective Directives. These Case Studies are as follows:

- 2 (two) examples for Directive no. 3, dated 05.03.2010, of the Commissioner for Personal Data Protection *"On video surveillance systems in buildings and various other premises"*, as amended.
- 1 (one) example for Directive no. 5, dated 26.10.2010, *"On basic rules regarding personal data protection in the healthcare system"*.
- 1 (one) example for Directive no. 9, dated 15.09.2010, *"On basic rules regarding personal data protection in printed, visual and audiovisual media"*, as amended.
- 1 (one) example for Directive no. 10, dated 06.09.2011, *"On processing of personal data in hotel services"*, as amended.
- 1 (one) example for Directive no. 16, dated 26.12.2011, *"On personal data protection and security measures in direct marketing"*.
- 1 (one) example for Directive no. 20, dated 03.08.2012, *"On personal data processing in the banking sector"*.

- 1 (one) example for Directive no. 22, dated 24.09.2012, "*On stipulation of storage and security rules for personal data processed by small entities*", amended with Directive no. 34, dated 21.01.2013.
- 1 (one) example for Directive no. 24, dated 27.12.2012 of the Commissioner for Personal Data Protection "*On obligations of controlling and processing entities before personal data processing*".
- 1 (one) example for Directive no. 35, dated 07.05.2013 "*On personal data processing for election campaign purposes*".
- 1 (one) example for Directive no. 36, dated 05.07.2013 "*On some rules regarding personal data processing in official statistics*".
- 1 (one) example for Directive no. 37, dated 10.07.2013 "*On personal data protection during fingerprints processing by public institutions*".
- 1 (one) example for Directive no. 39, dated 05.08.2013 "*On personal data processing in public records*".

III.II Strategies, Manuals, Codes and other important documents.

▪ The Strategy 2014-2017.

The CPDP institutional strategy was drafted by a working group and approved by the Commissioner Authority. It includes the 2014-2017 Action Plan of the Commissioner Office activities. The Strategy aims to crystallize the vision of the Commissioner's Authority for the following four years, as based on evidence of progress in a transparent manner through priorities translated into concrete objectives. The Action Plan attached to the Strategy outlines the key commitments and the projected implementation timeframes. Thus, the Commissioner Authority aims to develop the legal framework through amendments stemming from the adoption of the EU Draft-Regulation on personal data processing, from the update of Convention No. 108 "For the protection of individuals with regard to automatic processing of personal data", from the international best practices which are under continuous development, from local best practices resulted during the Commissioner Office monitoring and controls, and from the fast developments of information technology. The strategy aims to foster closer cooperation with the domestic controlling entities in order to enhance the process of fulfilling the legal obligations, and aims to start implementation of more intense public awareness campaigns by using new methodologies. One of the main strategic goals is to organize in Albania two very important events in close cooperation with the international partners, namely an annual Conference of La Francophonie,

where the Commissioner Authority is an association member, and an annual Conference of Central and Eastern Europe. The achievement of such key objectives will raise the national and international profile of the Commissioner Authority by outlining its indicators of institutional building over a few years. The strategy aims to foster closer cooperation with the stakeholders of computer networks information security, as it is nowadays one of the fastest developing areas of the information technology.



- **CCTV User Guide.**

The Video Surveillance Systems (CCTV) User Guide has been elaborated, based on practices of the Personal Data Protection Authorities of France and England. The User Guide aims to provide the public and private controlling entities with useful tips on how to use video-surveillance systems, in the context of guaranteeing personal data security and protection as provided for in the legislation.

- **User Guide for personal data processing in the public administration.**

The “User Guide for personal data processing in the public administration” has been approved. This Guide is addressed to all public administration controlling entities. The Guide introduces civil servants with the principles of data protection that must be respected by the public administration, and gives detailed information on issues that they need to consider carefully before starting collection, processing or transmission of personal data.

- **User Guide on biometric data knowledge (appendix: biometric data in the workplace).**

The “User Guide on biometric data knowledge (appendix: biometric data in the workplace)” has been approved. This Guide explains the relevant rules to be respected regarding the circumstances when controlling entities may process personal biometric data. It gives detailed information on issues that the controlling subjects need to focus on during personal biometric data processing. This Guide is a Standard Document of international best practices.

- **Practical User Guide for the contact persons / persons in charge.**

The “Practical User Guide for the contact persons / persons in charge” has been drafted in cooperation with the EU-funded IPA 2009 Project. This Document has been approved by the Commissioner Authority and then translated and published by the Project Office. The Guide aims to give clear details about the role of contact persons / persons in charge in public institutions and private entities.

- **Amendments in the Manual “On the evaluation of applications for approval of data transfer to foreign countries”.**

By Order no.101, dated 14.06.2013, the Commissioner Authority has approved some amendments of the Manual “On the evaluation of applications for approval of data transfer to foreign countries”. Such updates came further and pursuant to the legal amendments of Law no. 9887, dated 10.03.2008, “For personal data protection”.

- **The Data Exchange Code.**

The Data Exchange Practice Code has been drafted and approved. This Code explains how the Law on personal data protection no. 9887, dated 10.03.2008, as amended, is applicable for the exchange of personal data. It also provides good advice that will be relevant to all controlling entities which exchange personal data. The document was drafted by using inputs of ICO

Standards (the personal data homologous authority in the United Kingdom). The Code is also a standardized and user friendly document.

- **Communication Channel between the Commissioner for Personal Data Protection and Contact Persons.**

By Order no. 144, dated 15.07.2013, the Commissioner Authority has approved the “Communication Channel between the Commissioner for Personal Data Protection and Contact Persons”, including Annex 1 “Request Form, sample by which the Persons in Charge may contact the CPDP”, and Annex 2 “Response Form”. This Document was drafted by the Project Office in cooperation with the CPDP Department of Registration and Department of Procedural, Legal Issues and Foreign Relations. The Communication Channel aims to establish a special and sustainable contact line between the CPDP and the Contact Persons to provide consultancy on issues related to interpretation of the law on data protection which the latter face while performing their duties.

- **Questionnaire.**

The Commissioner Office has drafted the **Questionnaire** for the large and small data processing entities, in the framework of implementation of Directives no. 21 and no. 22 approved by the Commissioner (based on material prepared by experts of the project, and then published). The questionnaire has been uploaded in the webpage with instructions how to fill out, and was also sent electronically. This questionnaire aims not only to acquaint the controlling entities with the obligations provided in the above mentioned Directives (these acts are also published in the Official Gazette) but also to keep them focused on such issues and to continuously raise their awareness.

- **Questionnaire.**

The Commissioner Office has drafted the **Questionnaire** for the data processing entities, in the framework of international transfer of personal data. This questionnaire has also been published with instructions how to fill out. Such documents and questionnaires are forwarded to persons in charge through our communication channel.

- **The “Notification on privacy protection” Document.**

By Order prot. no. 282, dated 23.12.2013, the Commissioner Authority has approved the “Notification on privacy protection” Document as an Appendix to the Authority Regulation “On personal data protection and security”. This document provides information on modalities of personal data processing by the Authority of the Commissioner for Personal Data Protection, on

data gathered from complainants, on other individuals who file different requests for information, on visitors of the CPDP website, etc (this document was also published on the official webpage).

▪ **Manual of Personal Data Protection in the Media.**

The “Manual of Personal Data Protection in the Media” has been approved. This Manual aims to promote fair treatment of the private lives of public figures in particular, and all people in general, in the media, press, electronic media and new mediums (especially blogs). It is a standard international practice and it is complementary to the Directives approved by the Commissioner, to the training sessions organized by the EU-funded Projects which supported the CPDP, etc.

▪ **Legal Summary of the Commissioner for Personal Data Protection.**

The Commissioner Office has updated the “Legal Summary of the Commissioner for Personal Data Protection” with the latest approved amendments of the Penal Code, the Law “On Civil Servants”, the Law “On Civil Registry”, the Law “On electronic communication in the Republic of Albania”, the Law “On Foreigners”, the Law “On declaration and audit of assets, and financial obligations of elected officials and certain public officials”, the Law “On prevention of conflicts of interests in the exercise of public functions”, and other new bylaws approved by the Commissioner Authority. This Document was numbered as II Legal Summary and was published and distributed to many important stakeholders.

▪ **The Confidentiality Statement model.**

The Commissioner Authority has approved some additions and amendments to the "Confidentiality Statement model" which is also published on the official CPDP website. This statement is signed between employers and employees. It specifies the requirements and responsibilities of those who have access to personal information and ensures that all stakeholders understand their obligations of confidentiality.

- ✚ It is important to note that all documents are easily downloadable from the official website of the Authority and at the same time many of them have been also printed for distribution. The Commissioner Office has established a good cooperation with persons in charge in different public institutions. By this communication channel, the Commissioner Authority distributes information, publications, opinions, etc., which aim to effectively support the performance of controllers dealing with personal data. A set of documents and information aimed to highlight the work of the Commissioner Office is submitted to the Parliament of Albania, as part of the periodic monthly reporting (on duties performed) to the Parliament Monitoring Service. Such documents are also part of the Authority library.

- **European Union legal acts.**

Following a request of the Ministry of European Integration, the Commissioner Office has sent a list of the **EU acts** that are considered as prioritized for translation into Albanian during 2013, pursuant to the obligations arising from the Stabilization and Association Agreement and the Decision of the Council of Ministers no. 119, dated 07.03.2007, "On the procedures of translation of European Union legislation into Albanian language and translation of Albanian legislation into one of the languages of the European Union". As a matter of fact, these acts considered as prioritized by the Commissioner Authority have not been translated.

III.III Involvement of the CPDP in the opinions about draft-laws, draft-bylaws and other projects.

Pursuant to the obligations arising from the personal data protection law regarding the involvement of the CPDP in the opinions about draft-laws, draft-bylaws and other projects:

- The Commissioner Authority expressed its opinion on the Draft-Law **“On public notification and consultation”**. The CPDP has expressed disagreement with the provision of one of the law articles, which provided that:

“The Minister responsible for the information society and the Commissioner for Personal Data Protection determine by joint Directive the special conditions and modalities of privacy and personal data protection”.

- The Commissioner Authority expressed its opinion on 2 draft-laws submitted by the Ministry of Justice, as follows:
 1. The Draft-Law **“On the information right”**; and
 2. The Draft-Law **“On some additions and amendments to Law no. 9887, dated 10.03.2008, “On personal data protection”, as amended.**

The Commissioner comments on the Draft-Law “On the information right” consisted only on some corrections of wrong references. As regards the Draft-Law “On some additions and amendments to Law no. 9887, dated 10.03.2008, “On personal data protection”, as amended, the Commissioner Authority proposed that the implementation of both laws, including the Law “On the information right”, should be overseen and monitored by the Commissioner for Personal Data Protection.

- The Commissioner Authority expressed its opinion on the Draft-Law **“For the Parliamentary oversight of Information and Security Services”**, submitted by the Parliament. The Commissioner opinion aimed to include in the draft-law certain provisions regarding protection of personal data and confidentiality.

- The Commissioner Authority expressed its opinion on the Draft-Law “**On Asylum**”, submitted by the Ministry of Interior.
- The Commissioner Authority expressed its opinion on the Draft-Law “**The Code of Administrative Procedures in the Republic of Albania**”, submitted by the Ministry of Justice. The Commissioner comments consisted on terminology unification, on the inclusion of confidentiality provisions, on the right of acknowledgement with the administrative proceeding files, and on the consent of individuals in cases when third parties have access at their personal data during administrative proceedings.
- The Commissioner Authority expressed its opinion on the Draft-Decision "For the criteria and documentation for the entry, stay and treatment of foreigners in the Republic of Albania" submitted by the Ministry of Interior. In general it resulted that the draft complies with the Law on Personal Data Protection, thus the Commissioner Office only proposed a reformulation of the declaration of consent in the annex attached to this draft, namely the "Albanian Visa Application Form", at paragraph 44, so as to clearly define the following:
 - maximum time limit for storage of these data in the system,
 - type of data processing system,
 - Albanian institutions that will make use of such data,
 - purpose of access at the data system by the Albanian institutions.
- **The Commissioner Authority expressed its opinion on the Draft-Decision** “For the establishment of the Unique System of registration, authentication and identification of users who benefit from public services offered through electronic systems”, submitted by the Ministry of Innovation and Technology of Information and Communication. The CPDP agreed with the Draft-Decision because it does not contradict with any of the provisions of Law no. 9887, dated 10.03.2008, "On personal data protection", as amended.
- **The Commissioner Authority expressed its opinion on the Draft-Decision** “On the Cooperation Agreement of law enforcement agencies between the Council of Ministers of the Republic of Albania and the Government of the Republic of Turkey”. In general, the agreement has resulted to be in compliance with the law on personal data protection, thus the Commissioner Authority has only suggested including a paragraph regarding the protection of confidentiality.
- **The Commissioner Authority expressed its opinion on “The Draft-Agreement of Operational and Strategic Cooperation between the Council of Ministers of the Republic of Albania / the Ministry of Interior of the Republic of Albania and the European Police Service, EUROPOL”.**
- **The Commissioner Authority expressed its opinion on the Draft-Decision** "On procedures of exercise of the Central Inspectorate competencies and rules on content and management of

the unique *e-Inspection Portal*". The Draft-Decision was found to be compliant with the legislation on personal data protection, but in order to ensure approximation with the personal data protection bylaws, the Commissioner Authority made some suggestions related to security measures to be taken by this institution regarding all personal data that will be processed.

- **The Commissioner Authority expressed its opinion on the Draft-Decision** “For an amendment to Decision no. 842, dated 06.12.2006, of the Council of Ministers, “For the approval of the list of institutions authorized to electronically verify criminal records, and the approval of the Self-Declaration Form”, as amended””, submitted by the Ministry of Justice.
- **The Commissioner Authority expressed its opinion on the Draft-Decision** "For the content, procedures and administration of personnel files and central personnel registry at the public administration institutions, independent institutions and local government units", submitted by the Public Administration Department. The Commissioner Authority suggestion consisted in the inclusion of provisions concerning compliance with the law on personal data protection, the right of access to personnel files of other institutions as provided for by law, as well as the documentation containing personal data which must be stored for as long as necessary to fulfill the purpose.
- The Commissioner Authority agreed with the Draft-Directive approving the summary which **identifies institutions that can access the civil registry data**, and determines the data allowed to be collected in accordance with the legal scope of activity of these institutions. The drafting and approval of this document is an obligation arising from the provision of paragraph 3, Article 3 of the Law "On Civil Registry". Following signature from the Minister of Interior and the Commissioner for Personal Data Protection, the Document will be published in the Official Gazette. The Ministry of Interior and the CPDP have cooperated from a long time to issue this summary.
- **The Commissioner Authority expressed its opinion on the “Guide for Human Rights of Internet Users”** submitted by the Ministry of Foreign Affairs. This document is generally compliant with the personal data protection law.
- **The Commissioner Authority expressed its opinion on the "Draft Agreement on international exchange / transfer"** submitted by the Financial Supervisory Authority. This transfer will be done by the Financial Supervisory Authority and the Austrian Financial Market Authority. The Commissioner Authority has suggested to clearly defining the transfer purpose, the categories of data to be transferred, and the transfer modalities.
- **The Commissioner Authority responded by expressing its opinion, further to the Ministry of Finance request for legal interpretation and compliance with the U.S. FATCA Law** (Foreign Account Tax Compliance Act). The Commissioner Authority underlined in its opinion, inter alia, the provisions of Article 31, paragraph 1, letter "a" of Law

no. 9887, dated 10.03.2008, "On personal data protection", as amended. According to such provision, if the implementation of the FATCA principles are being considered, either through an intergovernmental agreement or by any other legal means which will result in the adoption of specific laws / bylaws, then these draft-laws/bylaws must be submitted to the Commissioner Office before approval in order to assess the compatibility of such acts with the provisions of the personal data protection law cited above.

✚ As mentioned at the beginning of this section about the legal framework, one of the main responsibilities of the Commissioner Authority is to give opinions on draft-laws, bylaws and regulations as well as other projects (detailed above) concerning issues of personal data protection, as provided for in letter "a" of paragraph 1, Article 31 of Law No. 9887, dated 10.03.2008 "On personal data protection", as amended. **The Commissioner Authority, since its establishment, has used all legal means to raise awareness of central institutions, especially those which initiate legal amendments, to submit the new draft-acts for the CPDP opinion in order to ensure compliance with the national personal data protection legislation.** Given such necessity, the EU-funded Project supporting the Commissioner Office organized various workshops with the legal departments of central institutions, and distributed circulars to all public controlling entities asking them to submit to the CPDP all new legal initiatives when its content is related to personal data. Despite the Commissioner Office expectation that the submitted draft-acts would increase in numbers compared to the previous year, the figures have remained pretty much the same. The CPDP has fulfilled its obligations in this regard, thus the draft-acts submitted for legal opinion remain responsibility of the public controlling entities.

Attached herein below is the correspondence of the CPDP with the Prime Minister Office regarding the request to submit draft-acts for legal opinion.



REPUBLIKA E SHQIPERISË
Komisioneri për Mbrojtjen e të Dhënave Personale
Drejtoria e Çështjeve Procedurale Ligjore dhe Marrëdhënieve me Jasthtë

Nr. 56 Prot Tiranë, më 09/03/2011

Lënda: Dërgohet propozim për një shtesë në Vendimin e Këshillit të Ministrave Nr.584, datë 28.08.2003 "Për miratimin e Rregullores së Këshillit të Ministrave".

Drejtuar: **Z.Gjergj LEZHJA**
Sekretar i Përgjithshëm i Këshillit të Ministrave

Për dijenit: Ministrisë së Ekonomisë, Tregtisë dhe Enerjetikës

TIRANË

I nderuar Z.Lezhja,

Në zbatim të ushtrimit të kompetencave ligjore që KMDP ka lidhur me dhënie e mendimeve për akte ligjore e nënligjore që kanë të bëjnë me të dhënat personale si dhe me qëllim harmonizimin dhe përputhshmërinë e legjislacionit të vendas me Ligjin Nr.9887, datë 10.03.2008 "Për mbrojtjen e të dhënave personale", bashkëlidhur dërgojmë propozimin për një shtesë në Vendimin e Këshillit të Ministrave Nr.584, datë 28.08.2003 "Për miratimin e Rregullores së Këshillit të Ministrave", miratimi i të cilit do të përmbushte realizimin e plotë të njëres prej veprimtarive të rëndësishme të punës sonë.

Duke ju falenderuar për bashkëpunimin,

KOMISIONERI

FLORA ÇABEJ(POGAÇE)

PROPOZIM

PËR NË SHITESË

NË VENDIMIN NR.584, DATË 28.08.2003 "PËR MIRATIMIN E RREGULLORES SË

KËSHILLIT TË MINISTRAVE"

Në Vendimin Nr.584, datë 28.08.2003 "Për miratimin e Rregullores së Këshillit të Ministrave" sugjerojmë që:

Pas pikës 27 (kreu IV "Dhënia e mendimeve për projektaktin") të shtohet një pikë me këtë përmbajtje:

"Nëse projektakti parashikon dispozita që kanë të bëjnë me të dhënat personale, në të cilat përfshihet përpunimi i tyre, mbrojtja, transferimi, përhapja, etj. i dërgohet për mendim Komisionerit për Mbrojtjen e të Dhënave Personale."



REPUBLIKA E SHQIPERISË
Komisioneri për Mbrojtjen e të Dhënave Personale
Drejtoria e Çështjeve Procedurale Ligjore dhe Marrëdhënieve me Jasthtë

Nr. 165 Prot Tiranë, më 07/03/2012

Lënda: Mbi zbatimin e nenit 31/1/a të ligjit për mbrojtjen e të dhënave personale

Drejtuar: **KËSHILLIT TË MINISTRAVE**
Z. Gjergj LEZHJA
SEKRETAR I PËRGJITHSHËM

TIRANË

I nderuar Z. Lezhja

Në vijim të bashkëpunimit tonë të vazhdueshëm, takimit të zhvilluar midis përfaqësuesve të autoritetit tonë, Projektit IPA - 2009 (i cili që prej një viti asiston KMDP) dhe përfaqësuesve të Drejtorisë Juridike në Këshillin e Ministrave, që prej vitit 2011 kemi dërguar propozime konkrete me qëllim përfshirjen e tyre në Rregulloren e Këshillit të Ministrave, miratuar me Vendimin Nr.584, datë 28.08.2003 në të cilin kemi parashikuar që edhe autoriteti ynë të listohet në institucionet tek të cilin projektligjet apo aktet nënligjore duhen dërguar për mendim përpara miratimit të tyre.

Këtë ndërmarrje e morëm edhe si rezultat i moszbatimit të plotë të dispozitës përkatëse e konkretisht nenit 31/1/a të ligjit për mbrojtjen e të dhënave personale, në të cilin është parashikuar si përgjegjësi e autoritetit tonë, dhënia e mendimeve për akte ligjore e nënligjore që prekin fuqinë e mbrojtjes së të dhënave personale. Mox zbatimi ka ardhur si rezultat i mos dërgimit të aktave nga institucionet që i kushtojnë ato, megjithë bëjën me dije në qdo takim, organizim workshopesh, etj. mbi detyrimet që kanë e që duhet të përmbushin.

Deris në tani kemi qenë të detyruar të gjejmë e ndjekim çdo lloj mënyre për të arritur objektivin tonë ligjor duke shërbyer veçmendjen më përparë të dërguara pikërisht Shërbimit të Monitorimit pranë Kuvendit të Shqipërisë si organ nga i cili monitorohemi për ecimin e punës sonë, që ky i fundit të dërgojë për mendim ato projekt akte të cilat janë bërë publike nëpërmjet medias së shkruar apo viaive se po shqyrtohen në komisionet përkatëse apo kanë mbështetur për shqyrtim pranë tyre.

Po ashtu nisur nga kurrja që i bëjmë regjistrat fletoreve zyrtare, kemi adresuar mendime ligjore në ato akte që kanë rezultuar të miratuara e botuara por që dukshëm janë parë që prekin fuqinë e mbrojtjes së të dhënave personale dhe që për to është nevojitur dhënia e opinionit ligjor.

Zbatimi i kësaj përgjegjësie siç shihet bëhet i pamundur nëpërmjet kësaj mënyre dhe sigurisht kërkohet zgjidhje sa më të shpejtë të mundur. Po ashtu, ne nuk e shohim të udhës që në çdo prezantim të raportit në Komitetin Drejtues(me përfaqësues të MD, MIE, MITIK dhe MB) të projektit që na asiston evidentohet kjo mangësi e theksuar dhe shprehet interes lidhur me miratimin e rregullores e cila do të ndihmonte punën tonë në këtë drejtim.

Duke marrë shkas nga sa sipër, por edhe nga rasti më i fundit i prezantuar në median e shkruar e viaive për diskutimet që po zhvillohen vullshëm mbi pëligjin "Për shëndetin mendor" në prani edhe të grupeve të interesit, apo edhe ato që do të diskutohen mbi Kodin Penal e atë Civil, për të cilët nuk na është kërkuar mendim, do të kërkonim marrjen në konsideratë të propozimit tonë ligjor në miratimin e Rregullores së Këshillit të Ministrave.

Për një zgjidhje adekuate, Lutemi deri në miratimin e rregullores, mundësi të dërgimit e projektakteve për mendim pranë autoritetit tonë përpara kalimit të tyre për miratim e për këtë ne sigurojmë dhënie e mendimeve në kohë.

Duke ju falenderuar për bashkëpunimin,

KOMISIONERI

FLORA ÇABEJ(POGAÇE)

Nr 165/1 prot
Dt 17/10/12



100 Vjet Pavarësi

REPUBLIKA E SHQIPËRISË
Këshilli i Ministrave

Nr. 3268 prot.

Tiranë, më 16.10 2012

L E N D A : Për bashkërendimin e projektakteve

MINISTRAVE

Për dijeni:

KOMISIONERIT PËR MBROJTJEN E TË DHËNAVE PERSONALE

TIRANË

Të nderuar zotëri,

Përmes kësaj shkrese dëshiroj të theksoj se, në përmbushje të detyrimit të parashikuar në shkronjën "a", të pikës 1, të nenit 31, të ligjit nr.9887, datë 10.3.2008, "Për mbrojtjen e të dhënave personale", të ndryshuar dhe me qëllim përmirësimin e mëtejshëm të praktikës së përgatitjes së projektakteve, të gjitha projektaktet ligjore dhe nënligjore, të propozuara apo miratuara nga Ju, që kanë të bëjnë me të dhënat personale, duhet ti dërgohen për mendim Komisionerit për Mbrojtjen e të dhënave Personale.

Duke ju falenderuar për mirëkuptimin dhe bashkëpunimin!

SEKRETARI I PËRGJITHSHËM

Gjergj LEZHJA

III.IV Practices of personal data international transfer.

- The Credit Agricole Bank Albania Sh.A., has announced through its letter dated 26.12.2012 about the intention to process and internationally transfer customer personal data in the framework of its e-banking service. After reviewing the request, it resulted that the transfers were to be done to one of the EU member states, Slovenia. In such conditions, this controlling entity was informed that it is not necessary to apply for authorization, as provided for in Decision no. 3, dated 20.11.2012, "On the list of countries with an adequate level of personal data protection" and Annex no. 1, attached to this Decision, as approved by the Commissioner for Personal Data Protection and published on the CPDP official website.

The controlling entity was informed that one of the obligations in such cases was to notify customers about transfer of their data to a foreign country.

The controlling entity was also informed that further to such notification the Registration Department of the Commissioner Office would update its declared data at the Controllers Registry.

- In response to an email sent to the official address of the Commissioner Authority, info@kmdp.al, by the Albania-based Eurofast controlling entity, the CPDP provided information about the respective legal framework. This entity requested specific information on the legal framework applicable in the Republic of Albania regarding transfer of personal data to countries with inadequate level of data protection and Standard Contractual Clauses for Personal Data Transfer from Albania to third countries. The entity was provided with all relevant information and the laws and bylaws applicable for such data transfer.
- The review file of controlling entity "**Tema Retail AL**" **sh.p.k** was completed, further to their request to receive the Commissioner Authorization for personal data transfer to countries with inadequate level of data protection, specifically to Turkey. The Commissioner Authority, after reviewing all documentation and referring to the ongoing correspondence with this controlling entity, issued the final decision "On permission of personal data international transfer". Based on this decision, the entity was granted partial authorization for data transfer.
- The Commissioner Office is reviewing the application file of controlling entity **Gekasmetal sh.p.k**. This entity must submit a formal request to the Commissioner Authority and complete an application form for obtaining the Commissioner Authorization for personal data transfer to countries with inadequate level of data protection. The Inspection Department has been already informed on the review file. This Department can further investigate whether the entity has respected the requested deadlines for fulfilling its obligations.

- The Commissioner Office is reviewing the application file of controlling entity **Air BP Albania sh.p.k** which is under the process of submitting the necessary documentation for the Commissioner Authorization for personal data transfer to countries with inadequate level of data protection.

III.V Cooperation with other institutions.

- ✚ This is an important objective of the Commissioner Office to be achieved through cooperation agreements, quality reporting issued on time, opinions, information, and assistance extended to controlling entities so as to standardize and discipline their work for lawful processing of personal data.

■ Cooperation Agreements.

- The Commissioner for Personal Data Protection has signed the Cooperation Agreement with the Rectorate of the University of Tirana. This agreement aims to foster cooperation between the two institutions in order to implement the respective legislation and in particular to ensure lawful processing of personal data of students, faculty staff, and personnel of the Rectorate Office, the Faculty of Law of the University of Tirana and other faculties. Publicity materials were distributed during the event of agreement signature. The gradual implementation of the cooperation agreement is an important indicator of students' awareness as already noted above.
- The Commissioner for Personal Data Protection has signed a Cooperation Agreement with the National Chamber of Private Bailiffs (NCPB). This Agreement aims to expand the cooperation between the two institutions so as to constructively and essentially contribute to the process of law implementation and enforcement by NCPB of fines imposed by CPDP to public and private controlling entities. Under the framework of this cooperation agreement, the Commissioner Authority organized seminars and provided assistance in response to requests from Private Bailiffs for legal opinions or provisions of confidentiality protection in their documents and unified acts. The agreement has resulted beneficiary for the Commissioner Office in terms of execution and collection of fines imposed to controlling entities. The trend of fine collection shows a growth curve compared to the previous year.
- The Commissioner Office drafted the document of the Cooperation Agreement between CPDP and the National Employment Service. The draft was submitted to this Controlling Entity for review and comments. The implementation of this agreement is expected to be beneficial, inter alia, in terms of raising awareness of controlling entities by the National Employment Service. This institution has working relationship with a large number of controlling entities, thus the latter could be encouraged to meet the obligation of submitting the notification to the Commissioner Office, as failure to do so is punishable by the personal data protection law.

- The Commissioner Office drafted the document of the Cooperation Agreement between CPDP and the University of New York Tirana (UNYT). The draft was submitted to UNYT for review and comments. The University agreed on the content of the draft-agreement and the signature date was fixed at 22.01.2014. Raising awareness of the youth group ages is one of the key objectives of the Commissioner Authority, also by targeting private controlling entities such as in this case.
- The Commissioner Office gave its opinion on the Draft-Memorandum of Understanding between the Commissioner Authority and the Audiovisual Media Authority (AMA). This Draft-Memorandum was drafted by AMA.

■ Reporting

- The Commissioner Office has regularly reported to the Ministry of Justice on the CPDP activities, under the framework of the National Plan of Implementation of the Stabilization and Association Agreement (2012-2015), pursuant to Decision of the Council of Ministers no. 486, dated 25.07.2012, "On approval of the National Plan of Implementation of the Stabilization and Association Agreement 2012-2015, and the definition of institutional responsibilities for the approximation into the Albanian legislation of EU legislation acts".
- The Commissioner Office has reported to the Ministry of Foreign Affairs in the framework of the **“National Report on the Universal Periodic Review (UPR) of human rights”**.
- The Commissioner Office has reported to the Ministry of Foreign Affairs in the framework of the **“Report on the Convention on Enforced Disappearances”**, the provisions of this Convention on personal data protection, and the Commissioner Authority practices in this regard. The report included an overview of the compliance of Law no. 9887, dated 10.03.2008, "On personal data protection", as amended, with the international conventions ratified by Albania. The personal data protection law has been drafted and adopted in full compliance with the Convention no. 108 "On the protection of individuals with regard to automatic processing of personal data", and its additional protocol "For the protection of individuals with regard to automatic processing of personal data, regarding supervisory authorities and trans-border data flows". These acts have been ratified by our country, as stipulated in Article 35 of the Constitution of the Republic of Albania which provides that no one may be compelled, except when required by law, to disclose personal information. The personal data protection law is also compliant with Directive no. 95/46/EC, dated 24.10.1995, of the European Parliament and of the Council, as well as the experiences of European countries in this field. The report underlined the explicit criteria regarding processing of personal data in general and personal health data in particular, related to the *"Convention on Enforced Disappearances"*.

- In the framework of periodic reporting to the **Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD)**, the Commissioner Office has reported on drafting and adoption of legal and administrative acts, as well as on the Commissioner Authority legal opinions and institutional cooperation. The report was relevant for the period June 2012 – June 2013.
- The Commissioner Office has reported to the Ministry of European Integration on the Justice, Freedom and Security Subcommittee V Meeting, JFS V, for the period between September 2012 – March 2013, regarding the authority office activity, the progress made in all its sectors, etc.
- The Commissioner Office has reported to the Ministry of Justice on the activity of the Commissioner for Personal Data Protection in the framework of drafting the first contribution of the Republic of Albania for the 2013 Progress Report of the European Commission on Albania.
- The Commissioner Office has regularly reported to the Monitoring Service of the Parliament of Albania regarding the CPDP activities.
- The 2012 Annual Report was drafted and submitted to the Parliament within the specified deadline, as provided for in paragraph 3 of article 31 of the law on personal data protection.

■ Legal Opinions.

- The Commissioner Office gave its legal opinion on the transparency of published data of abusive commercial companies by public institutions. Through this opinion, the Commissioner expressed its stance on finding the appropriate balance of public institutions between the right of public information and the right of personal data protection. This opinion was aired in the newscast of Vizion Plus Television and published in several printed and electronic media. To disseminate it as widely as possible, the opinion was also published in the CPDP official website www.kmdp.al.
- The Commissioner Office gave its legal opinion on the personal data processing via the Internet, for public as well as private controlling entities. The personal data processing has a very broad meaning and includes any activity related to collection of personal data in any form, including those collected through the Internet. The opinion emphasizes the importance of obtaining the consent of individuals when personal data are processed through the Internet, as well as their acknowledgement on the issue, in accordance with the requirements of the personal data protection law. Finally, the opinion draws the attention of public and private

controlling entities to adopt and publish online their privacy policies, where all interested parties should be explained about modalities of processing of collected personal data (the opinion is published in the official website of the Commissioner Authority).

- The Commissioner Office provided legal opinion to the Ministry of Interior on the confidentiality issue as part of the terms of reference and technical specifications for the "Maintenance and further development of the National Civil Registry". The Commissioner Authority agreed with the provisions of personal data confidentiality protection as all suggestions proposed earlier by the CPDP through electronic correspondence were included in the document. The Commissioner Authority reformulated the confidentiality provisions to make them more understandable and ensure full compliance with the personal data protection law.
- In response to a request from the National Healthcare Insurance Institute, the Commissioner Office provided legal opinion on granting the access right to the records of the "Electronic Registry of Refund Prescriptions" to prosecutors of Joint Investigation Units and prosecutors of the Serious Crimes Prosecution Office. The Commissioner Authority agreed to grant access to prosecutors, but that access should be restricted to specific cases under investigation. Furthermore, this access should not be personalized. The prosecutors' personalized access (which the CPDP Office understands as full and permanent access) in this system, when the system is not necessary to the investigative proceedings, is contrary to the principle of personal data protection which relates to data sufficiency.
- The Commissioner Office provided legal opinion in response to a request from the Embassy of the United Kingdom. The Ministry of Interior of Albania and the Embassy of the United Kingdom signed a Memorandum of Understanding for the exchange of data. Under the framework of this Memorandum, the Embassy presented a request to have legal information whether there are exceptions in the Albanian legislation on the obligation to obtain the consent of subjects any time when their data are collected and processed. In response to this request, the Commissioner Authority gave information on cases when it is not obligatory to have the subjects' consent prior to data collection and processing, in accordance with paragraphs "b", "c", "ç", "d" and "dh" of Article 6 of Law no. 9887, dated 10.03.2008, "On personal data protection", as amended.
- The Commissioner Office provided legal opinion on the "Charter for the Protection of Children in the Media" submitted by the National Council of Radio and Television. The Commissioner Authority suggested to add a paragraph to the Charter, with the following content:

"The right of minors for privacy, especially in case of abuse, is always prevalent compared to the right to information. This applies also in cases when the identity data of minors come from official sources or from family sources."

The Commissioner Authority also suggested that the provisions of the Charter should be in accordance with the obligations stipulated in Directive no. 9, dated 15.09.2010, "On basic rules regarding personal data protection in printed, visual and audiovisual media", as amended. This Directive has a special chapter on children protection.

- The Commissioner Office provided legal opinion to the Institution of the Ombudsman, in response to the request for legal interpretation by the Commissioner Authority regarding the extent of activity or institutional expenses details that can be published under the transparency principle, as provided for in Law no. 9887, dated 10.03.2008, "On personal data protection", as amended. The Commissioner Authority provided the opinion on the case, and informed this controlling entity, the Institution of the Ombudsman, on all institutional obligations under the framework of personal data protection principles, and on limitations imposed by law regarding such case that should be respected by controlling entities.
- The Commissioner Office provided legal opinion in reference to the relevant provisions of Directive no. 11, dated 08.09.2011, "On processing of employees data in the private sector", adopted by the Commissioner Authority, upon request from the National Information Society Agency regarding the processing of fingerprints to control entry and exit in public institution or private entities. The assessed cases have been continuously forwarded to the Investigation-Inspection Department for further proceedings.
- Further to other recommendations, manuals, publications, etc., elaborated in accordance with the institutional legal competencies, the Commissioner Authority drafted a sample form document on information and consent of patients regarding relationship of the latter with healthcare institutions. This document was elaborated in line with the European best practices and was submitted for preliminary consideration to the Ministry of Health and the Order of Physicians of Albania.
- The Commissioner Office provided its opinion in response to the request of the Agency for Research, Technology and Innovation to provide information and fill out the questionnaire for statistical purposes. The Commissioner Office, after reviewing the relevant legislation on what is considered as research and development, and based on a detailed analysis on the CPDP work and available budget, concluded that the Commissioner Authority is not involved in research and development and hence it is exempt from the obligation to fill out the questionnaire.
- The Commissioner Office provided legal opinion on the "Regulation on standardization of terms of reference elaboration for draft-acts of Information and Communication Technology in the public administration" submitted by the National Information Society Agency. This draft-regulation was generally found to be compliant with the Law on personal data protection.

- The Commissioner Office provided legal opinion on the Draft-Order of the Director General of State Police "For the timeframe of storage of TIMS system records". This opinion aimed to define the timeframes of personal data storage as recorded in registries, notes and police border notifications, as well as to determine provisions related to confidentiality protection.
- The Commissioner Office provided legal opinion on the Draft-Agreement between "Société Générale Albania" and "M – Pay Albania" regarding compliance of this act with Law no. 9887, dated 10.03.2008, "On personal data protection".
- The Commissioner Office provided legal opinion on the Internal Draft-Regulation for the "Protection, processing, storage and security of personal data in the Municipality of Lushnjë". This opinion aimed to stipulate provisions on personal data international transfers and confidentiality protection.
- The Commissioner Office provided legal opinion on the Internal Draft-Regulation for the "Protection, processing, storage and security of personal data in the General Prosecution Office". This was also an obligation of the Commissioner Office as provided in the Cooperation Agreement signed on 18.05.2012 between the Commissioner Authority and the General Prosecution Office.
- Following a meeting with representatives of the Albanian Investment Development Agency (AIDA) where they asked for assistance in drafting the regulation "On protection, processing, storage and security of personal data", the Commissioner Office provided its support in preparing this draft-act and submitted to AIDA Office the sample regulation document of "Protection, processing, storage and security of personal data" (which is also published on the official CPDP website). The AIDA Office drafted the regulation for the "Protection, processing, storage and security of personal data" and submitted it to the Commissioner Office for opinion. This draft-act was found to be in compliance with the personal data protection law.

■ Official Responses.

Several requests have been answered, as follows:

- The Commissioner Office responded to the National Chamber of Public Notaries following their concern on the requests of Tax Offices to obtain personal data of people who sign rent agreements or other contracts related to real estate properties.
The Commissioner Authority specified that in any case when personal data are requested, the requesting party (the "Tax Office" in this case) must clearly define its purpose and legal

framework which supports such request, in order to be compliant with the Law “On personal data protection”, as amended.

As a conclusion for the aforementioned case, the Commissioner Authority was of the opinion that the requesting party has no concrete legal framework for its request to collect personal data of contracting parties in public notary acts, and therefore it is obligatory to obtain the preliminary written consent of these contracting parties.

- The Commissioner Office responded to the letter submitted by the Ministry of Interior, where the latter requested to complete the process of classification of the *acquis communautaire* and definition of institutional responsibilities for the approximation into the Albanian legislation of the European Union legislation acts, as regards Chapter 24 "Justice, Freedom and Security". In response, the Commissioner Authority explained that the CPDP has fulfilled all its obligations in this regard, but the respective data have not been uploaded in the National System of Legislation Approximation because CPDP has no access to this system. In this context, the same answer was returned to the Ministry of Economy, Trade and Energy.
- The Commissioner Office responded to AMC Company following the request of the latter for information on the procedures to be followed in order to meet the legal obligations, in the framework of the considerations to sell off unpaid receivables from clients and to collect bad debts. In response, the Commissioner Authority informed AMC Company that such case constitutes a new data processing. Therefore, this new processing should not start before submitting the notification to the CPDP Registration Department, as provided for by the Law “On personal data protection”, as amended. The aforementioned case falls under the criteria of Article 6 of the Law on data processing. Further to the update of the notification form, and if applicable, AMC Company must sign a contract for data processing in accordance with the provisions of Directive no. 19, dated 03.08.2012, "On regulation of relations between controlling entities and processing entities in case of delegation of data processing, and sample contract to be used in cases of such delegation", as amended.
- The Commissioner Office responded to Coca Cola Bottling Albania in the framework of additional information regarding the “Loyalty Program” of this company. The Commissioner Authority analyzed the contract through which Coca Cola Bottling Albania sh.p.k. has delegated processing of clients personal data to two other companies (processing entities). As a conclusion, the Commissioner Office asked for contract amendments so as to include important topics for a secure and lawful data processing.
- The Commissioner Authority responded to a request for opinion submitted by the Albanian Banks Association regarding the FATCA Project “Foreign Account Tax Compliance Act”. The Commissioner Authority opinion about FATCA – “Foreign Account Tax Compliance Act” – was published in number 7 of “Banker” (April 2013), a periodical magazine of the Albanian

Banks Association. The CPDP opinion deals with legal arguments in favor and against transfer of clients' personal data as provided for by FATCA Law.

- The Commissioner Authority responded to a request from Société Générale Albania Sha. This controlling entity informed the CPDP Office on the new service offered, the so called M-RAY, attaching also documents like the cooperation agreement, contract copy etc. The Commissioner Office, after getting acquainted with the documentation attached to the request, informed Société Générale Albania Sha that the new data processing should not start before submitting proper notification to the CPDP Office. The Commissioner Authority suggested ensuring appropriate identification of processed data so as to be uniform with other acts. Another suggestion was to remove the term "ethnicity" because it has been abolished as non-compliant with the Constitution by Decision no. 52, dated 01.12.2011.
- The Commissioner Authority addressed a request from the National Licensing Center (NLC). The NLC as controlling public entity asked for an opinion whether the data published in the NLC Registry constitute personal data, and if public institutions and private entities could have free access to this Registry. In response, the Commissioner Office ascertained that the data published in the electronic registry of this controlling entity constitute personal data. The CPDP Office advised the NLC to use the form "Request to obtain documents containing personal data from the National Registry of Licenses". In such case, any public institution or private entity wishing to obtain registry data has to fill out the form in advance. All completed and submitted forms can be reviewed then by the NLC Office.

■ Provision of legal assistance.

- The Commissioner Office provided legal assistance to a controlling entity via electronic mail further to the latter's request for opinion whether it is compliant with the personal data protection law to upload patients' data in an online system accessible by physicians only. In response, the subject was clarified on the obligations and rules provided by law on this issue.
- The Commissioner Office organized a meeting with the legal representative and the IT specialist of the Telemedicine and Electronic Health Project in Albania. The purpose of this meeting was to provide legal assistance under the framework of personal data protection. As the project scope of work includes management of patients' data, the meeting was useful to convey relevant information on procedures to be followed in order to ensure compliance with the personal data protection law.

- The Commissioner Office provided legal assistance to Vodafone Albania Sha, further to their request for information regarding the timeframe of personal data storage in telephone communication records of subscribers (clients).
- Several students of the Law Faculty attended internship courses at the Commissioner Office under the framework of the cooperation agreement with the University of Tirana. The students were properly acquainted with the Commissioner Authority responsibilities, the daily work practices, and the institutional activities. They had ample access to the library literature to obtain useful information or to work for their assignments.
- Cooperation with other public and private institutions.
 - After noticing that certain public controlling entities still referred in their electronic portals to law no. 8517, dated 22.07.1999, "On personal data protection", they were sent notification letters to update the legal reference. These public institutions reacted properly in response to this notification by updating the legal reference.
 - The Commissioner Office evaluated the Health Card Standard and submitted it to the Ministry of Health and the National Center of Quality, Safety and Accreditation (NCQSA). The NCQSA Office applied the CPDP formulation on patients' right of information and patients' consent on processing of personal data which are necessary for the provision of healthcare services.
 - The Commissioner Office submitted to the National Information Society Agency the list of authorized persons and their positions at the CPDP Authority in order to be issued certificates of services provision through electronic signature.

■ Cooperation with ASPA

The Commissioner Authority offered its expertise for the trainings (advanced trainings) organized by the Albanian School of Public Administration (ASPA). The CPDP employees, qualified as trainers, lectured at the training course "Introduction to the personal data processing law" aimed to train Contact Persons / Persons in Charge nominated by public institutions. These training courses are an extension to the curricula developed earlier by the EU-funded IPA/2009 Project "Support to the Commissioner for Personal Data Protection in the Albanian Public Sector" which assisted the Commissioner Office. These trainings are designed to ensure proper internal oversight of personal data protection in public institutions. Besides advanced trainings, the Commissioner trainers have been engaged in basic trainings of civil servants.

■ Participations

- The Commissioner Office representatives participated in the National Conference on "Humane treatment of marginalized groups in confinement places of freedom deprivation – Challenges for the prevention of torture in Albania". The conference was organized by the Albanian Center for Rehabilitation of Trauma and Torture in cooperation with the General Directorate of Prisons and the General Directorate of State Police. The conference was focused on recent developments and difficulties faced by stakeholders for appropriate implementation of standards in the prevention of torture and other forms of mistreatment.
- The Commissioner Office representatives participated at the meeting organized by the Ministry of Social Welfare and Youth which launched the Social Inclusion Program, a joint initiative of the Albanian Government and the United Nations. The program aims to improve governance and social inclusion policies at all levels, by further completing the social services reform.
- The Commissioner Office representatives participated at the Consultative Meeting on draft-bylaws pursuant to Law no.152/2013 "On civil servants", organized on 17 December 2013 at the premises of Tirana International Hotel. The Commissioner Authority opinions on such draft-acts were underlined during this meeting.
- The Commissioner Office representatives participated at the meeting organized with the Deputy President of the National Chamber of Public Notaries, Mr. F.L., who expressed his concerns over two issues of daily public notaries' work related to personal data processing. In cooperation with the National Chamber of Public Notaries, the Commissioner Authority elaborated a paragraph regarding the implementation of the personal data protection law which is deemed necessary to be included at the documents drafted by public notaries.
- The Commissioner Authority organized a meeting with the legal representatives of the Department for Classified Information Security (DCIS) to discuss about the DCIS Internal Regulation on personal data processing and the appointment of the contact person as provided for in Directive no. 21, dated 24.09.2012, "For the stipulation of security rules of personal data processed by large controllers". The Commissioner representatives took advantage of this meeting to further discuss about obligations stemming from the personal data protection law.
- The Commissioner Authority representatives participated at the meetings organized by the Ministry of Justice under the framework of preparations to sign the cooperation agreement with the Eurojust EU Agency.
- The Commissioner Office representatives participated at the Round Table organized by the Institute for Democracy and Mediation "Perceptions of public opinion in Albania: "Human, National and Regional Security", as well as in other events organized by this institute. The

results of the October 2013 IDM-conducted survey, as part of the "Regional Forum on Security" initiative, were presented during this meeting.

- The Commissioner Authority representatives participated at the conference organized by Meridia Consorzio Coop. Sociale, Albania Country Office, in collaboration with Save the Children, titled "Reintegration of Children in Conflict with the Law and Social Responsibility of the Business Community in Albania". This conference addressed issues regarding employment of children in conflict with the law and business community proposals for judicial relief related to this process, and presented the work of Meridia's projects implementation in Albania.

III.VI International Relations.

✚ International relations are very important. Successful international relations are outcomes of dedication, attention, and reciprocal cooperation. The Commissioner Authority involvement in cooperation and participation is outlined below.

■ European Projects Awards IPA 2013.

The Prize Ceremony for the European Projects Awards IPA 2013 was organized in the European Parliament on 7 October 2013, in the framework of the conference "Perspectives of territorial cooperation 2014-2020 –Expectations after Croatia accession". *The Albanian Commissioner for Personal Data Protection was awarded with the second prize in the category of concluded projects.*

After a selection contest between 350 projects exhibited from all over Europe in the competition organized by the European Projects Association, the IPA 2009 Project "Strengthening of the Data Protection Commissioner Office in Albania for Alignment with European Standards" was selected as the Second Prize Winner in the category of Best Concluded Projects.

The purpose of this contest was to reward the projects financed by the European Union which had a greater positive impact for social changes and improvements. Ms. Flora Çabej (Pogace), Albanian Commissioner for Personal Data Protection, attended the ceremony. Ms. Çabej made a brief presentation of the winning project as she accepted the award. She took advantage of this occasion to especially thank the European Projects Association for the awarded prize, the European Union as project donor, and the EU Delegation to Albania in particular for their generous assistance as well as the project managers and all European experts who shared their invaluable experiences with the Albanian Commissioner Authority and contributed to strengthen the personal data protection rights in Albania.

The Commissioner Office published a press statement on this event which was disseminated to the printed and audiovisual media. A report on the event was also published on the website of the Czech homologous authority.



WINNERS in the category CONCLUDED PROJECTS

■ Cooperation with La Francophonie.

The Commissioner for Personal Data Protection Authority participated in the 7-th Conference and 7-th General Assembly of the Francophone Association of Personal Data Protection Authorities (AFAPDP) on 21-22 November 2013 in Marrakesh, Kingdom of Morocco. The Albanian Commissioner Authority is a full voting member of this Association since 2009.

The representative of the Albanian Commissioner for Personal Data Protection Authority attended the 60 minutes atelier titled "Authority Communication Management", and made a presentation on communication methods of the Commissioner Authority, media relations, promotion and awareness tools, and legal framework of external communications in general. Furthermore, the CPDP representative responded to numerous questions of representatives from 25 Francophone countries, exposing the considerable experience of the CPDP Authority in this area and presenting an overview of best practices and innovations that have been adopted by the Albanian

Commissioner Office. The information regarding participation in this conference was published on the official website of the Commissioner Authority.

In the context of establishing cooperation and promoting international relations, the Commissioner Authority sent an informative letter to the **Embassy of France in Albania**. The French Embassy was informed on the CPDP relations with the Francophone world and the latest developments related to the AFAPDP Conference in Marrakesh.

The Commissioner Authority has been in close contacts with the Francophone Association of Personal Data Protection Authorities in order to exchange best practices of personal data protection.

The Commissioner Authority reviewed and submitted its remarks and comments on the Francophone Association Draft-Decision “On procedures of compliance of personal data transfers in the Francophone world with the Binding Corporate Rules”.

The CPDP Office reported to the Francophone Association of Personal Data Protection Authorities on the Commissioner Office activities of 2013. This is a periodical reporting under the framework of the annual Association Conference and General Assembly where the AFAPDP member national authorities present legislative changes, regulatory reforms, publications of important documents and other relevant events. The three most important highlights of the Commissioner Authority work during 2013 were presented in the report, as follows:

- The second prize awarded to the Albanian Commissioner Authority by the European Projects Association (EPA) in September 2013, in the European Projects Prizes contest 2013 in the category “Best Concluded Projects”.
- The first time publication of the Albanian Commissioner for Personal Data Protection magazine and the publication of the CPDP Legal Summary.
- The training and certification of the first Personal Data Protection Officers of the Albanian Public Administration, under the framework of the EU-funded Project “Support to the Albanian Commissioner for Personal Data Protection on training of Personal Data Protection Officers in the Albanian Public Sector”.

■ Cooperation with T-PD.

T-PD sought the opinion of its members on the draft-recommendation on the protection of personal data used for employment purposes. In this context, the Commissioner Office elaborated concrete proposals in English based on acts previously approved by CPDP concerning the employment field.

One of the Commissioner Authority proposals consisted in clarifying the employers’ position regarding sensitive data when they are asked to report to the competent healthcare authorities in

case of professional diseases diagnosis. The Commissioner Office has also proposed provisions on installation of survey cameras in work premises and collection of biometric data.

The Commissioner Authority responded through electronic mail to the T-PD Secretariat to confirm the CPDP agreement on the following issues:

- a) Proposal of Article 22 for the Convention “modernization”.
- b) Award of T-PD Observer Status to the Australian Privacy Foundation.

The Commissioner Office submitted its opinion on the questionnaire prepared by expert Joseph Cannataci regarding the review of Recommendation (97) 5 on protection of medical data. This questionnaire was sent by T-PD with regard to the expert synopsis for "Medical technology and data protection issues".

The Commissioner Authority also submitted its opinion on the draft-update of the fourth EC Recommendation (2006) “Research on biological materials with human origin” sent by T-PD. The CPDP agreed with the T-PD proposals.

■ Cooperation with PHAEDRA Project

Further to the invitation for collaboration with PHAEDRA Project (a two-year project funded by the European Union under its Fundamental Rights and Citizenship Programme), the Commissioner Authority **has reported** on cooperation agreements with counterpart authorities, and has presented an overview of the implementation of Albanian legislation on personal data protection. PHAEDRA project aims to support and improve cooperation and coordination between Privacy Commissioners and Personal Data Protection Authorities all over the world.

■ Involvement in international activities

- The Commissioner for Personal Data Protection attended the 15-th Meeting of Personal Data Protection Authorities in Central and Eastern Europe held in Belgrade (Serbia) from 10 to 12 April 2013. The Meeting addressed three sets of issues, on which the representatives of the personal data protection authorities presented their experiences. These included: data security, employment data processing, and independence / challenges of personal data protection authorities.
- TAIEX in cooperation with the Croatian Personal Data Protection Authority organized the next round meeting which was held in Zagreb (Croatia) on 20-21 June 2013. Representatives of the regional personal data protection national authorities were present in the meeting, including: Serbia, Bosnia-Herzegovina, Montenegro, Ukraine, Croatia, Albania and Macedonia. The purpose of this meeting was to exchange, become acquainted and present the experiences of the various participating authorities representatives regarding developments of technology and impact of

technological developments in personal data protection practices, putting special emphasis on internet development and new challenges arising thereof. The Albanian Commissioner for Personal Data Protection presented its institutional experience regarding internet penetration and the consequences arising from its misuse, also citing measures to be taken in case of violations related to personal data protection principles.

- The Commissioner participated in the 35-th Conference of Personal Data Protection Authorities and Privacy Commissioners which was held in Warsaw, Poland, from 23 to 26 September 2013. The Commissioner for Personal Data Protection has joined the International Conference of the Personal Data Protection Authorities in 2010 during the 32-nd Conference organized in Israel. This conference was an opportunity for the personal data protection authorities to discuss various issues, including concerns related to the use of new technologies and latest applications of mobile telephony. The 35-th International Conference of the Personal Data Protection Commissioners approved several declarations and adopted **eight resolutions** in such areas as "Profiling", "Strategic Management", "Open Doors", "Digital Education" and "Web Tracking". The conference approved the membership of the Authorities of Kosovo, Mauritius and Buenos Aires, and granted observer status to the Authorities of South Korea, Russia, Singapore, Bremen (Germany), Ecuador, and the Canadian and International Industrial Security Directorate.
- The 25-th Workshop on "Treatment of practical cases in the field of personal data protection", held in Sarajevo (Bosnia and Herzegovina) on 2-3 October 2013.

The 25-th Workshop on "Treatment of practical cases in the field of personal data protection", held in Sarajevo (Bosnia and Herzegovina) on 2-3 October 2013, was organized under the framework of experiences exchange between Personal Data Protection Authorities regarding inspections in various areas, specifics, and solutions offered to practical problems encountered.

Representatives from 27 countries participated in this Workshop, as follows: Albania, Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Finland, France, Germany, Gibraltar, Hungary, Ireland, Luxembourg, Macedonia, Malta, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Sweden, and United Kingdom.

The purpose of this event was to exchange experiences in the field of survey and inspection of controlling entities, to become acquainted with specific case studies treated by the Data Protection Authorities (novelties), and to enhance cooperation between counterpart Commissioner Authorities in treatment of cases and joint controls. Four discussion sessions were organized, covering the following topics: "Media, protection of personal data on the Internet – Social Networks, Internet and Children"; "New challenges for data protection in the telephone and information communication – the revolution of modern electronic technologies"; "Video surveillance in the public and private sector"; "Confidentiality of personal data processing in the police sector"; and "International transfer of personal data".

The Albanian Personal Data Protection Authority made its presentation during the Video Surveillance session. The Commissioner Authority outlined the Albanian experience in this field, the encountered particularities during inspections in the public and private sector, the legal framework, the challenges faced during inspections, and the recommendations of the Commissioner Office.

■ Translations

Several important documents on personal data protection were translated. These documents represent numerous legal framework amendments in other countries or decision-making regarding personal data protection. Such documents are of particular value for the Commissioner Authority to assist in drafting laws and bylaws, to provide useful guides during the inspection process, to promote public awareness, and also to enrich the Commissioner Office library. The Commissioner staff is involved in this process to provide professional translations. The most important documents translated in 2013 are as follows:

- The eight resolutions adopted during the 35-th Conference of Personal Data Protection Authorities and Privacy Commissioners held in Warsaw, Poland, from 23 to 26 September 2013.
- The Declaration of the International Conference of Information Commissioners held in Berlin, from 18 to 20 September 2013, on transparency strengthening in national and international level (the aforementioned documents are published on the CPDP official website).
- The Draft Explanatory Report of modernization of Convention 108 (based on proposals of the 29-th T-PD Plenary Session).
- Six articles of the “Privacy Laws and Business” Magazine.
- The Resolution of the AFAPDP Conference in Marrakesh, November 2913, on Government Practices Transparency.
- The Decision of a British District Court regarding a fine imposed to a controlling subject by the British homologous Authority.
- “Decision of the Commission, dated 5 February 2010, on Standard Contractual Clauses for the transfer of personal data to processors established in third countries, under Directive 95/46/EC of the European Parliament and the Council”.
- The Agreement between the European Union and the United States regarding processing and transfer of the Passenger Name Record (PNR) data by the air transport system to the United States Department of Homeland Security (DHS).
- The Decision of the Council of the European Union to sign on behalf of the EU the Agreement between the European Union and the United States regarding processing and transfer of the Passenger Name Record (PNR) data by the air transport system to the United States Department of Homeland Security (DHS).

Several important documents were translated in the framework of cooperation with the **Francophone Association of Personal Data Protection Authorities**, such as:

- Legislation on biometric data (provisions regarding data collection, data processing, etc);
- Survey on consolidation of civil registry folders and electoral lists.

A summary of all translated documents was also prepared. This document is available to all departments of the Commissioner Authority, aiming to enhance work effectiveness and professionalism. The most important documents were also published on the website to raise awareness of site visitors.

Letters of interest were elaborated and submitted to the Data Protection Authorities of Germany and Czech Republic, aiming to organize study visits funded through TAIEX projects. The Ministry of European Integration has been informed and involved in this process.

III.VII EU - IPA/2009 Project.

The Commissioner Authority benefited from the EU-funded Project which was implemented by FIIAPP “Support to the Albanian Commissioner for Personal Data Protection on training of Personal Data Protection contact persons in the Albanian Public Sector”.

The first EU-funded IPA/2009 Project “Strengthening of the Data Protection Commissioner Office in Albania for Alignment with European Standards”, implemented between 8 November 2010 and 8 December 2012 under the Legal Framework Component, offered specialized assistance to the legal staff of the CPDP Office in developing personal data protection regulatory framework. The main purpose of this support was to ensure approximation and alignment of the Albanian personal data protection law with the EU *acquis*. Further Regulations and Directives related to different sectors of data protection were also drafted.

The successful implementation and conclusion of the first EU-funded Project paved the way for further EU assistance. A new Project funded by the EU Commission under the IPA/2009 Program – **“Support to the Albanian Commissioner for Personal Data Protection on training of Personal Data Protection contact persons in the Albanian Public Sector” – started implementation on 7 January 2013.** The purpose of the project was to offer technical assistance to the Commissioner for Personal Data Protection (CPDP) Office in the framework of training the Personal Data Protection contact persons in the Albanian Public Sector, in accordance with CPDP Directive no. 21, dated 24.09.2012, “For the stipulation of security rules of personal data processed by large controllers”, published in the Official Gazette no. 136 of 18 October 2012. The Project timeframe was 6 months and the CPDP Office was the main beneficiary.

The process of training the Commissioner Authority trainers was completed during March 2013. These trainers of the CPDP Office were certified to train the contact persons / persons in charge of

the public administration. This training which lasted three days was organized by European experts. Several Commissioner Authority officers were trained and certified as personal data protection trainers.

Further to the aforementioned, **38 Persons in Charge** from public institutions were trained and certified through special training curricula elaborated by the Project experts and approved by the Commissioner Authority. Other project outputs included the elaboration of the Guidelines for the Persons in Charge; the establishment of the Communication Channel; and various seminars such as the Biometric Data Processing Workshop (On-the-Job Training on Biometric Data) organized with the extraordinary participation of Mr. Jose Lopez Calvo, Spanish Deputy Commissioner for Personal Data Protection.



**KUJDES !
MOS LINI KARTËN LARG SYVE TUAJ !**

IV. COMPLAINTS AND “EX OFFICIO” CONTROL.

IV.I COMPLAINTS FILED AT CPDP OFFICE.

The Commissioner Office during 2013 received a **considerable number** of requests for information and concerns about possible violations. Yet, only **26** of the aforementioned were real **written complaints** from different data subjects. All these complaints were processed by the Commissioner Office, through administrative inspections to verify in-situ the situations described in the complaints, acknowledgement of violations, evidence collection and review, and findings / conclusions / responses to complaining subjects.

The other complaints were reviewed by inspectors and complaining subjects were given proper orientation to exercise their rights, initially at the respective controlling entities and then through proceedings of the Commissioner Authority. In such cases all subjects were offered proper assistance and none of them re-approached the Commissioner Office, which means that controlling entities met their legitimate requests.

The general topics of complaints filed to the Commissioner Office were as follows:

- Accuracy and information on the processed data and obtainment of consent for direct marketing;
- Publication and dissemination of personal data through media and official websites of Judicial Courts;
- Processing of image data through CCTV systems;
- Dissemination of personal data by public institutions;
- Processing of biometric data (*fingerprints*);
- Access to personal data.

While proceeding with all complaints, **special attention was paid to the complaint of Ms. V. H.** Her complaint was related to the dissemination of personal data by Pro-Credit Bank to her employer due to her failure to repay the bank loan. These data were disseminated without her consent and in absence of such provision in the loan contract. The Commissioner Office initiated administrative inspections at Pro-Credit Bank sh.a. and Shkodra Branch of Pro-Credit Bank related to this complaint. After the inspection conducted at Shkodra Branch of Pro-Credit Bank, the inspection team ascertained that further administrative inspections were necessary to conduct at the Headquarters of Pro-Credit Bank in order to reach a satisfactory solution for the case. As informed during the inspection in Shkodër, there is a certain bank hierarchical dependence which determines the actions taken by the different bank agencies.

At the conclusion of the investigations, the Commissioner Authority requested this Controlling Entity by special recommendation to respect the provisions of Law no. 9887, dated 10.03.2008, “On personal data protection”, as amended. The CPDP Office concluded that banks should respect the law provisions regarding information of subjects and obtainment of preliminary consent during their business activities related to collection of delayed loan installments from debtors. As recommended by the Commissioner Authority, Pro-Credit Bank sh.a. as controlling entity should respect during further action, and in any case in general, the provisions of Law no. 9887, dated

10.03.2008, "On personal data protection", as amended, and the provisions of Directive no. 20, dated 03.08.2012, "On personal data processing in the banking sector".

The preliminary proceedings to acknowledge the borrower and to disseminate his/her data or any other information about the loan and its payment delays, which the banks intend to apply before registering the bad debtor in the "Bad Loans Registry", should be explicitly provided in the Internal Regulations, as well as in the loan contracts with borrowers.

The Commissioner Office proceeded with the complaint of citizen V. H. The complainant requested the intervention of the Commissioner Authority to remove from different websites (online forums) an article regarding "the power abuse" in her position as University lecturer. Several controlling entities had published this article, such as: <http://api.shqiperia.com/>; <http://www.kohajone.com/>; <http://www.forumishqiptar.com/>; <http://www.gazeta-shqip.com/>; <http://tiranaweb.activeboard.com/>; and <http://www.studentet.info/>.

Further to review of the entire case, the Commissioner Authority took the necessary measures to ensure protection of the complainant's personal data by the aforementioned controlling entities. As a result, either the published article was deleted or the personal data were removed to respect anonymity.

The administrative inspection at the Obstetrics and Gynecology University Hospital "Queen Geraldine" of Tirana as controlling entity was another special case, initiated further to the complaint of citizen N.M. regarding the use of biometric data (*fingerprints*) to monitor the employees' work presence. After conclusion of the administrative investigation, the Commissioner Authority ordered the controlling entity to: immediately suspend the use of the system established for biometric data processing of "*fingerprints*" to monitor the employees' work presence; clearly inform all employees about the purpose of collection and processing of "*fingerprints*" biometric data; as well as seek opinion of employees and the employees' labor union about the issue.

In terms of security, the controlling entity was requested to: draft a regulation regarding collection, use, procedures, access, system protection measures, security and confidentiality of biometric data processing of "*fingerprints*"; and execute a contract with the company which provides technical maintenance of the biometric data "*fingerprints*" system, including provisions about the employees' personal data protection and obligations regarding personal data confidentiality.

The Commissioner Office proceeded with the complaint of citizen D. D. regarding the "publication of personal data of corruption whistle-blowers at the Ministry of Justice official website". The Ministry of Justice, as controlling entity, was recommended to respect the legal obligations arising from Article 27 of Law no. 9887, dated 10.03.2008, "On Personal Data Protection", as amended. As provided for in this article, the publication in the internet official website of personal data of whistle-blowing / complaining subjects, as well as other third parties, should be done in such a way that they are not identifiable. Moreover, the Ministry of Justice as personal data controlling entity should draft rules on modalities of collection, use, security and confidentiality of personal data collected through the corruption whistle-blowing portal. The Commissioner Authority offered its assistance in drafting such rules, by providing the sample standard which can be published in the website. In terms of data security, the Commissioner Office recommended the Ministry of Justice to take all the appropriate technical and organizational

measures related to use and management of this Portal, and to publish the approved Privacy Policy in the official website.

The Commissioner Office proceeded with the complaint of citizen A. K. regarding failure of several media to remove his personal data, or to make them unidentifiable, from articles published online. The CPDP Office inspected several controlling entities in the media such as newspapers “Koha Jonë”, “Shqip”, “Telegraf”, “Panorama” and other newspapers and online forums. After the inspections conducted at newspapers “Standard”, “Shqip”, and “Panorama”, the latter reacted immediately and removed or turned unidentifiable the personal data in the published articles, in accordance with provisions of Law no. 9887, dated 10.03.2008, “On personal data protection”, as amended, and the Commissioner Authority Directive no. 9, dated 15.09.2010, "On basic rules regarding personal data protection in printed, visual and audiovisual media".

Newspapers “Gazeta Shqiptare” and “Koha Jonë” did not react even after the CPDP administrative inspections, and for such reason, the Commissioner Authority took further administrative measures and issued Orders for these controlling entities to remove or turn unidentifiable the personal data in the online published articles within a deadline of 5 (five) days. After expiration of the deadlines stipulated in the aforementioned Orders, the Commissioner Office verified whether the controlling entities had fulfilled their obligations. It resulted that the newspapers “Koha Jonë” (www.kohajone.com) and “Gazeta Shqiptare” (www.balkanweb.com) again failed to abide by the administrative acts of the Commissioner Authority. Under such conditions, the CPDP Office decided to impose administrative fines to both controlling entities.

The Commissioner Office proceeded with the complaint of Polish citizen D. S., involving “Velur & Spa” company. The CPDP Office initiated an administrative inspection at this controlling entity and, after conclusion of the investigation, issued an Order which forbade further processing of the complainant’s and other clients’ personal data without their preliminary informed consent. This informed consent should have been provided at the “client file” form, in accordance with articles 6/1/a and 18 of Law no. 9887, dated 10.03.2008, “On personal data protection”, as amended. The Commissioner Office also verified in a second stage whether the controlling entity had taken all the necessary measures as provided in the CPDP Authority Order. It resulted that one of the provisions related to the information in the client file form had not been respected. Under such conditions, the Commissioner Authority imposed a fine as administrative sanction.

The Commissioner Office proceeded with the complaint of Ms. A. V., involving controlling entities such as the District Court of Tirana, the Court of Appeal of Tirana, and various electronic media like:

http://www.ikub.al/LAJME_CATEGORY/1009160052/Article-Korrupsioni-termet-tek-Inxhinieria-e-Ndertimit.aspx, www.shqiperia.com, www.infoarkiv.com

Besides contacts with representatives of the electronic media, the Commissioner Office conducted full administrative investigations at the District Court of Tirana and the Court of Appeal of Tirana. The personal data were anonymised further to the CPDP Orders to the aforementioned Courts. At the investigation conclusion, the complainant’s personal data were also anonymised or removed from the electronic media portals, in accordance with her legitimate request.

Further to complaints from citizens P. N. and K. I., and Top Channel Television, the Commissioner Office in cooperation with an expert of the Electronic and Postal Communications Authority conducted administrative inspections at controlling entities “*Albanian Mobile Communications*” sh.a. (AMC) and “*Vodafone Albania*” sh.a., regarding the “*unsolicited use of SMS-s during the election campaign*”. At the conclusion of the inspections, the Commissioner Authority issued a legal opinion which was forwarded to the mobile telephony operators Vodafone, AMC, Plus, and Albtelecom-Eagle, as well as to the Electronic and Postal Communications Authority, asking them to take all necessary technical and organizational measures in order to avoid or minimize the unsolicited use of telephone messages (SMS-s) for electoral purposes. The Commissioner Authority also encouraged the Electronic and Postal Communications Authority to strengthen cooperation between the two institutions in order to protect the Albanian citizens’ privacy during future election campaigns.

The Commissioner Office conducted an administrative inspection further to the complaint of Mr. A. B. regarding the publication of his pictures in the media. At the conclusion of this inspection, the Commissioner Authority issued an Order to the controlling entity “*Online Newspaper www.korcanews.com*” and informed the Albanian Journalists Union. The *Online Newspaper www.korcanews.com* was requested to immediately remove the picture of personal data subject, Mr. A. B., from its published article, in accordance with the provisions of Law no. 9887, dated 10.03.2008, “*On personal data protection*”, as amended, Directive no. 9, dated 15.09.2010, “*On basic rules regarding personal data protection in printed, visual and audiovisual media*”, and Directive no. 31, dated 27.12.2012, “*On conditions and criteria for exemption from certain obligations of personal data processing for journalistic, literary or artistic purposes*”.

The *Online Newspaper www.korcanews.com* as controlling entity was also requested to abide by all provisions and obligations arising from Law no. 9887, dated 10.03.2008, “*On personal data protection*”, as amended, Directive no. 9, dated 15.09.2010, “*On basic rules regarding personal data protection in printed, visual and audiovisual media*”, and Directive no. 31, dated 27.12.2012, “*On conditions and criteria for exemption from certain obligations of personal data processing for journalistic, literary or artistic purposes*”.

- ✚ As noted above, media entities were considerably involved in the Commissioner Office inspections. Orders and recommendations were issued by the Commissioner Authority and fines were imposed as sanctions for failure to comply. Yet, although the Commissioner Authority will continue to exercise its institutional responsibilities and approve Directives, *it is already a necessity to regulate this profession through the establishment of the Order of Journalists.*

This is a standard which has preceded the establishment of personal data protection authorities in developed countries. Once established as a standard, the Order of Journalists would take a proactive role and exercise its competencies, from simple recommendations up to suspensions of the right to practice the profession. Under such conditions, the CPDP Authority would submit its findings, recommendations and administrative sanctions also to

the Order of Journalists and encourage institutional cooperation for reciprocal benefits. In this viewpoint, The Commissioner Authority underlines this necessity and brings it to the kind attention of the Parliament of Albania.

IV.II “EX OFFICIO” CONTROL DURING 2013.

The CPDP Office during 2013 has conducted administrative inspections and controls in 213 different controlling entities. This activity was extended in various Districts of Albania, such as Tirana, Durrës, Vlorë, Fier, Korçë, Dibër, Lezhë, Sarandë, Gjirokastër, etc. The inspections and controls were focused in different important sectors such as: banking system, public and private healthcare system, certain government agencies that provide public services, other public institutions which are involved in massive personal data processing due to their scope of work and law regulations, as well as the media.

In all cases when violations were found, the Commissioner Office has come up with recommendations how to remedy such situations and how to ensure compliance of personal data processing with legal obligations and bylaws approved by the Commissioner Authority. These controls were generally focused on personal data processing of large controlling entities. The inspections scope of work was thematic and aimed to monitor and supervise personal data processing as provided for in specific acts of the Commissioner Authority, and based on particularities of different sectors. **Several public controlling entities were inspected in this framework, such as the Ministry of Justice, Courts, National Healthcare Insurance Institute, General Administration of the Albanian of Customs, Ombudsman, General Department of Metrology, University Hospital Center of Tirana, etc.** These inspections were conducted at the own initiative of the Commissioner Authority and aimed to verify potential violations and eventually come up with recommendations for the large controlling entities on concrete measures for remedy.

Private controlling entities were also subjected to monitoring by the CPDP Office, in order to check compliance of personal data processing with legal obligations regarding obtainment of preliminary informed consent, international transfer of collected personal data, surveys involving collection of personal data, data processing related to direct marketing and promotional messages, as well as publication of personal data in the media, especially pictures and other sensitive personal data.

More than 30 controlling entities were inspected in order to verify whether they had respected the legal obligation to submit notification to the CPDP Office. The Commissioner Authority policy was to give 48 hours to the inspected entity, starting from commencement of the inspection, to submit proper notification and avoid administrative sanctions. This policy proved to be useful as almost all entities submitted notifications and only one of them failed to do so, thus resulting in fine imposition.

In all cases when violations were found, the Commissioner Office has come up with recommendations how to remedy such situations and how to ensure compliance of personal data processing with legal obligations and bylaws approved by the Commissioner Authority. **Grave**

violations were identified in certain controlling entities. In such cases the Commissioner Authority issued immediate Orders to rectify law breaches and imposed 7 (seven) *fin*es as administrative sanctions.

■ Challenges encountered.

- Publication of court decisions which include personal data of involved subjects (not anonymised);
- Lawfulness of personal data processing intended for international transfer;
- Lawfulness of personal data processing related to obtainment of preliminary informed consent by data subjects;
- Elaboration of special regulations which stipulate clear rules for personal data collection and processing;
- Lawfulness of personal data processing related to the “Survey on training necessities for the healthcare personnel”;
- Security measures and timeframe of personal data storage.

IV.III CONTROLS BY AREA.

■ Public Institutions

Public institutions have always been under the focus of the Commissioner Authority. **During 2013 various institutions were selected for inspection, especially those involved in large data processing as mentioned above. Thematic inspections were applied** as deemed to be in the best interests of individuals as data subjects, in order to avoid the highest risks of personal data privacy violations.

In this context it is worth mentioning the case of inspections conducted at the Ministry of Justice regarding administration of the publication of judicial court decisions at the www.gjykata.gov.al portal. The Ministry of Justice was found with several violations of legal obligations provided by Law no. 9887, dated 10.03.2008, "*On Personal Data Protection*", as amended, and Directive No. 15, dated 23.12.2011, "*On Personal Data Processing and Publication in the Judicial System*". Such violations are related to publication at the www.gjykata.gov.al portal of personal data of subjects participating in court proceedings or litigations.

This important controlling entity was requested to undertake some crucial measures to comply with the law principles and bylaws regulations for personal data protection of subjects in the judicial system. Through special Recommendation, the Ministry of Justice was asked to take necessary measures to ensure anonymisation of subjects' personal data that appear in court decisions published at the www.gjykata.gov.al portal. All court decisions that are published at the www.gjykata.gov.al portal after issuance of the Commissioner Authority Recommendation should respect all legal obligations related to personal data protection of subjects who are involved in judicial proceedings.

The Ministry of Justice was also requested to elaborate a strategy of anonymisation of personal data for old decisions which are currently published on the portal, as well as to draft a special regulation “On Protection, processing, storage and security of personal data”, pursuant to the provisions of Law no. 9887, dated 10.03.2008, "On Personal Data Protection", as amended. Specific rules related to protection and confidentiality of personal data should be included at the contract with the company which performs technical services for the maintenance of the "Information System for the Management of Judicial Cases".

The Commissioner Authority has asked the public healthcare institutions to include binding rules for protection of personal data and privacy at the sample contract which is signed with all pharmacies and drugstore warehouses. The CPDP Authority also recommended taking all necessary measures to include personal data protection principles in the guidelines, rules and procedures which regulate the "*Registry of private service providers*".

The Commissioner Authority inspected the "*General Administration of the Albanian Customs*" in Tirana. The inspection object was: "Implementation of Directive no. 3, dated 05.03.2010, of the Commissioner for Personal Data Protection "*On video surveillance systems in buildings and various other premises*". At the conclusion of this inspection, and pursuant to the legal requirements of Directive no. 2, dated 14.02.2013, "*On monitoring, recording and managing the data of camera systems*", the controlling entity was recommended to apply the following measures in all Customs Houses where camera systems are operational: install specific signs to inform personal data subjects about application of the "*Observation-Recording Camera System*"; respect timeframes of record storage; respect the rights of access; protect confidentiality and ensure security of data collected from this system; respect the rights of data subjects whose personal data are processed by the application of this system. The Commissioner Authority also asked to respect all legal procedures regarding management of personal data recorded in the camera system and proper access to this system by law enforcement agencies.

The Commissioner Authority has asked public institutions to publish the “Privacy Policies” (set of rules) on their official websites, in order to inform site visitors on modalities of personal/sensitive data processing, security measures and confidentiality protection, applicable rights of data subjects (in cases of procedures applicable by such public institutions as the National Licensing Center, the Registry of Securing Charges or the Ministry of Justice), and obligations of controlling entities for privacy protection. In this context, in order to monitor new systems applied by some institutions (for instance the case of the Regional Office of Real Estate Properties Registry of Tirana), and pursuant to Article 5, paragraph 1, letter 'c', of Law no. 9887, dated 10.03.2008, "On Personal Data Protection", the Commissioner Authority asked public institutions to clearly determine the categories (ranges) of data accessible by any third party, including personal data subjects themselves, the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest, lawyers, public notaries, etc. The rules on data access should reflect the specific law provisions which regulate the activities of these institutions. The Commissioner Authority opinion on this issue has also been published on the official CPDP website.

■ **Healthcare System.**

The healthcare system was on the focus of the Commissioner Authority also during 2013. The Commissioner Office conducted various inspections in several public and private institutions involved in healthcare services, such as in private clinics, hospital centers, medical laboratories and pharmacies. A multitude of personal data are collected and processed in the healthcare system, including especially sensitive data, therefore the CPDP Office has always been particularly attentive to this system.

The CPDP Office conducted some inspections to verify whether some of the most important healthcare institutions had implemented the requirements of the Commissioner Authority orders and recommendations issued in previous years. In most cases these controlling entities had succeeded in taking the necessary measures to implement the Commissioner recommendations.

Due to problems encountered and violations found, and pursuant to Article 27 of Law no. 9887, dated 10.03.2008, "On Personal Data Protection", as amended, the Commissioner Authority issued a special recommendation to all healthcare institutions, asking them to take measures to protect the physical safety of patients' clinical files (which carry sensitive personal data and confidential information about the patients' health, medical tests, diagnosis, etc). Such files should be stored in secured cabinets or safes in offices and pavilions of healthcare controlling entities and access to these offices and pavilions should be restricted only to authorized staff as stipulated in the respective regulations. The healthcare institutions were also requested to take necessary measures in order to ensure suitable technical conditions for the environments in which servers are located in archive / statistics departments. These premises should have restricted access and constant temperatures through air conditioning.

According to the aforementioned Commissioner recommendation, healthcare institutions should also take measures to ensure periodic backup of all patients' personal data which are processed and recorded in the archive / statistics departments. The system backup should be stored in external hard drives and backup copies should be placed in another safe location outside the server area. Healthcare institutions should take measures to ensure security of the physical environment in the archive / statistics departments. The patients' files must be safeguarded against humidity agents, fire and possible mechanical injury.

Pursuant to the obligations provided by articles 27 and 28 of the personal data protection law and Directive no. 19, dated 03.08.2012, "*On regulation of relations between controlling entities and processing entities in case of delegation of data processing, and sample contract to be used in cases of such delegation*", the Commissioner Authority asked healthcare institutions to insert standard clauses related to security and confidentiality in their contracts with service providers of equipment and computer systems.

In certain instances (as in the case of controlling entity University Hospital Center "Mother Teresa" in Tirana), the healthcare institution was requested to cooperate with the Ministry of Health in order to: elaborate a regulation for the "*Protection, processing, storage, security and confidentiality of personal data*"; draft and approve rules related to the purpose and modalities of personal data collection and processing through CCTV systems; and properly acknowledge personal data subjects by placing information signs in accordance with Commissioner Authority

approved standards, as provided for in Directive no. 3 and 13 of the Commissioner for Personal Data Protection "*On video surveillance systems in buildings and various other premises*".

Under the framework of necessary conditions and measures to guarantee the security of such sensitive personal data, healthcare controlling entities were requested to appoint authorized users of the recording electronic system of Clinic clients. Access to this system should be restricted and controlled through the application of usernames and respective passwords for authorized users. Persons who have access to patient records and data systems should sign a confidentiality statement for the protection of personal data.

In respect of the proportionality principle in personal data collection and processing, the Commissioner Authority ordered controlling entities on several occasions to discontinue collecting and processing such personal data as *pictures* and *fingerprints* because they are unnecessary and such collection exceeds the data processing scope of work. Such data categories that have been collected so far should be deleted or destroyed. The personal data of customers / patients who received tests results or underwent the full cycle of medical services should be destroyed / deleted from physical files and e-mail accounts. Again in this case, keeping such data goes beyond the original scope of work. These personal data can only be processed if the customer has given prior informed consent in writing.

Healthcare controlling entities should also adopt special business practices to inform customers / patients on the scope of work of personal data collection and processing, applied modalities and procedures, access rights, and possibilities to correct wrong or outdated inputs. Consent forms should make possible revocation at any time deemed appropriate by customers / patients, thereby making illegal further processing of personal data.

Further to the aforementioned, customers / patients should be informed on procedures of data transfer, processing modalities, storage timeframes, security and confidentiality measures when data are transferred to countries with inadequate levels of data protection, and obligations of both parties in accordance with agreements. In cases when Albanian healthcare controlling entities enter into agreements with medical labs / service providers in countries with inadequate levels of data protection, then the contract between the parties should include specific provisions on all of the following: transferred data (even when such data are provided in forms), rules on personal and sensitive data transfer modalities, security measures during transfer, modalities of data processing, security and confidentiality measures during processing, timeframes and deadlines of data processing, and data deletion / destruction after termination of the agreement.

"Privacy policies" should be published and available on official websites, aiming to inform site visitors on personal / sensitive data processing modalities, security measures and confidentiality protection, rights of data subjects (customers / patients), and obligations of controlling entities (such as medical labs) for privacy protection. The publication of privacy policies is an important tool in raising public awareness about the importance of privacy protection and rights of data subjects.

The Commissioner Authority has also asked healthcare institutions not to store personal data beyond timeframes which are deemed as necessary for the original scope of work. In this context,

all controlling entities should respect the provisions of Chapter III “Storage of medical data” of Directive no. 23, dated 20.11.2012, “On personal data processing in healthcare services”.

■ **Education.**

Given the importance of the education system, the Commissioner Office conducted a considerable number of controls and inspections during 2013. The inspection purpose in certain cases was to verify whether education controlling entities had taken measures to abide by previous Orders and Recommendations of the Commissioner Authority. In general, the main inspection purpose was to ensure lawfulness of personal data collection and processing as provided for in the personal data protection law and the CPDP Directives. Specific recommendations were issued based on inspection findings.

The Commissioner Authority recommendations consisted in the implementation of provisions of Articles 27 and 28 of Law no. 9887, dated 10.03.2008, "*On Personal Data Protection Data*", as amended. For instance, "*Preka College*" in Korçë, as Pre-University Education non-public controlling entity, was requested to: draft and approve a special regulation on collection, processing, storage, security and confidentiality of personal data; clearly express in writing the specific purpose of personal data collection and processing (for "*students*" as personal data subjects) and include such information in the "*Registration Application Form*" and "*Registration Contract*"; and, properly inform all personal data subjects..

In respect of the proportionality principle in personal data collection and processing, and pursuant to article 5, point 1/c, of Law no. 9887, dated 10.03.2008, "*On Personal Data Protection*", as amended, and Directive no. 3, dated 05.03.2010, of the Commissioner for Personal Data Protection "*On video surveillance systems in buildings and various other premises*", as amended, the Commissioner Authority has ordered educational institutions to immediately discontinue collection and processing of personal data through "*Video-surveillance*" (CCTV) systems installed in lecture classes and other indoor premises. In this context, such data collected so far data through "*Video-surveillance*" (CCTV) systems installed in lecture classes and other indoor premises should be deleted or destroyed. Moreover, controlling entities should also put information signs in visible places to inform personal data subjects on the application of "*Video-surveillance*" (CCTV) systems.

Further to the aforementioned and in order to guarantee the security of collected and processed personal data, the Commissioner Authority asked educational institutions to draft special regulations for the purpose, collection methods, storage and processing of personal data through "*Video-surveillance*" (CCTV) systems. The Commissioner Office offered its expertise and assistance in this regard. "Privacy policies" should be published and available on official websites of educational institutions, aiming to inform site visitors on personal / sensitive data processing modalities, security measures and confidentiality protection, rights of data subjects, and obligations of controlling entities for privacy protection. The publication of privacy policies is an important tool in raising public awareness about the importance of privacy protection and rights of data subjects. The employees of educational institutions, who have access to students' or other

employees' personal data, and/or CCTV system records, should sign a confidentiality statement for the protection of personal data.

■ **Private Entities.**

The Commissioner Authority conducted inspections / controls in various large private controlling entities of different industries, such as Banking System, Marketing Services, Employment Agencies, Tourism Agencies, Foreign Exchange Services, Photo and Camera Services, Physical Security, Telecommunications, Trade and Services, Retail Shops, Real Estate Agencies (2), Hotels (8), Coffee-Bars (4), Insurance Companies, etc. The inspection object usually consisted in the following topics: data security and confidentiality, legitimacy of data processing through CCTV cameras, international data transfer, acknowledgement of data subjects and obtainment of prior informed consent on processing of their data, verification of proper implementation of previous recommendations, as well as fulfillment of the obligation to notify.

The Commissioner Authority orders and recommendations for this category of controlling entities aimed to impel them to draft and approve written regulations for the collection, processing, storage, security and confidentiality of personal data. In this regard, such regulations should also include provisions on video-surveillance and camera recording. Information signs on use of video-surveillance systems and processing of personal data should be put in visible places, according to the standard adopted by the Commissioner for Personal Data Protection.

Customers' data on ID card numbers and residential addresses should be deleted from the computers /systems because such data are redundant and beyond the original scope of work. These data can be processed only if the customer has consented preliminarily in writing. The personal data of customers whose subscription to frequent *recreational centers* has terminated should be deleted from the computers / systems. If not, such data would be redundant and beyond the original scope of work of collection and processing.

The personal data collected and processed in employees' files should be destroyed further to termination of the employment agreement (as provided in point d) of article 5 of the personal data protection law, and Directive no.11, dated 08.09.2011, "On processing of employees' data in the private sector").

Private controlling entities should obtain customers' prior informed consent in writing for personal data collection and processing, especially regarding photographs. Moreover, companies dealing with personal data should also establish business practices to inform their customers on the scope of data collection, processing modalities, access rights, and rights of data correction.

Pursuant to the obligations of articles 27 and 28 of Law no. 9887, dated 10.03.2008, "*On Personal Data Protection*", as amended, and Directive no. 3, dated 05.03.2010, "*On video-surveillance systems in buildings and other premises*", as amended, the persons who have access to customers' or other employees' personal data, and/or CCTV system records, should sign a confidentiality statement for the protection of personal data. The Commissioner Authority also asked companies dealing with personal data to draft and approve internal regulations on collection and processing of data due to their normal course of business. These regulations should include special provisions on

video-surveillance systems records, security measures, obligations of controlling entities and rights of data subjects.

Easily visible informative boards should be placed in camera-surveyed premises (outdoor), to provide information on the video-surveillance systems to data subjects (pursuant to article 18 of the law and according to the sample provided in the above-cited Directive no. 3). The angles of external cameras directed towards streets and sidewalks should be adjusted so as to avoid recording passing pedestrians. Cameras should be focused only on the building's facade and the entrance points of the controlling entity premises (as provided by article 5/1/c of the law). In order to install camera systems in entrances of apartment buildings / premises (in shared premises of apartment houses, hallways, etc), the controlling entities should obtain prior written consent of at least 75% of the building residents, pursuant to point b) of paragraph 5 of Directive no. 3, dated 05.03.2010, " On video surveillance systems in buildings and various other premises", as amended, and articles 5/1/b and 6/1/a of the law.

In general, the Commissioner Office found similar conditions of personal data collection and processing in this large group of private controlling entities which were inspected during 2013. Yet, there are certain specifics for some of the inspected business sectors. In this context, **the Commissioner Authority issued special recommendations to travel / tourism agencies, ordering them to inform as clearly as possible their data subjects (customers) on the scope of work of data collected for "direct marketing" purposes.** This should be done before asking customers to provide email addresses or other personal data for dissemination of promotional messages. The personal data of customers who refuse to receive promotional messages or do not respond to requests for data collection should be immediately deleted from the system which automatically delivers promotional messages.

With regard to personal data collected, stored and processed by private entities which offer services of photography and camera images (photo printing, etc), the Commissioner Authority ordered that all customers' photographs and camera images should be deleted from computers and other devices after providing the requested services, because otherwise such storage would exceed the original scope of work for which they were collected and processed. Personal data (such as photographs and camera images) could be stored only after explicit written consent of data subjects (customers). In the context of personal data security, in any case when controlling entities decide to contract a third party to provide Hardware and Software services related to electronic devices that contain photos, both parties should also sign confidentiality statements defining specific obligations (especially for the third party) and responsibilities in case of privacy violations.

As done in previous years in the context of mobile telephony industry and service providers, and pursuant to articles 5, point 1/d, and 27/4 of Law no. 9887, dated 10.03.2008, "*On Personal Data Protection*", as amended, the Commissioner Authority has ordered the industry companies to delete / destroy electronically recorded personal data and phone communications stored for more than two years.

■ Judiciary.

The Judiciary system has been especially supervised by the Commissioner Authority starting from 2012. Special considerations for such increased attention were the adoption of Directive no. 15, dated 23.12.2011, "On processing and publication of personal data in the judiciary system", and the numerous complaints filed at the Commissioner Office in 2012. The disclosure of personal data of parties involved in judicial proceedings, contrary to provisions of law and the respective Directive, is the main issue of complainants' concern. This issue has been frequently raised also by the representatives of European organizations (recently reviewed in the last progress report of the EU on Albania).

Under these circumstances, the Commissioner Office conducted administrative inspections in various court offices such as the Court of Appeal of Durrës, Court of Appeal of Tirana, District Court of Tirana, District Court of Vlorë, District Court of Fier, and District Court of Korçë. The inspections found data processing violations related to disclosure and online publication of judicial decisions through the "Information System of Judicial Cases Management" (ICMIC). These findings and the fact that the system is administered by the Ministry of Justice led to the next administrative inspection conducted at this Ministry, as described above.

Taking into consideration this preoccupying situation related to personal data and privacy violations in judicial proceedings, the Commissioner Authority issued orders asking the aforementioned court offices to suspend publication of judicial decisions at the www.gjykata.gov.al portal without prior anonymisation of subjects' data. The court offices were also requested to take all the appropriate technical and organizational measures to guarantee personal data security during the entire collection and processing stages as provided in the specific Directive issued for the judiciary.

Despite measures taken in specific cases in response to the Commissioner Authority orders (after the CPDP Office review of complaints filed by various citizens) to anonymise personal data of complaining persons, court decisions including personal data of involved subjects are still being published in violation of the law and Directive provisions. The Commissioner Office further to completion of inspections concluded that: the court offices as controlling entities process and upload personal data in the ICMIS system (*information system of courts for the management of civil and criminal cases*) but are not responsible for the publication of judicial decisions. The publication of court decisions has been requested by the Ministry of Justice (MoJ) under the framework of public information and transparency. The MoJ is also responsible for the publication in the www.gjykata.gov.al Portal. The Commissioner Authority has communicated with the Ministry of Justice, the High Council of Justice, the Council of Ministers and the Ministry of Finance, in order to raise their awareness about this very important problem, and has asked these institutions to be promoters of initiatives and projects which contribute to enforcement of personal data protection legal requirements, given that such requirements are very important for the EU integration efforts of Albania. The Commissioner Authority also requested to support the Ministry of Justice with adequate funds for the implementation of this important task, so as to publish judicial decisions in the www.gjykata.gov.al Portal in accordance with personal data protection

law requirements. This topic was specifically covered also in the EU annual progress report on Albania.

The EU Progress Report on the topic is cited below:

“ALBANIA 2013 PROGRESS REPORT” (2013 Progress Report of the European Commission on Albania, Brussels, on 16.10.2013, Section 4, “Ability to take on the obligations of membership”, Chapter 23 “Judiciary and fundamental rights”, Topic on the “*Judicial System*”, page 47) ... “*Publication of court rulings - which is still not fully ensured - should take into account all aspects relating to the protection of personal data. Relevant recommendations of the Data Protection Commissioner need to be followed up. There has been no progress in updating the electronic database at the Judicial Documentation Centre*”.

IV.IV FINES IMPOSED DURING 2013.

As provided by the Commissioner Authority competencies, **7 fines were imposed** after conclusion of administrative inspections and controls. **Two fines were imposed to journalism and media controlling entities** due to publication of personal data and failure to anonymise or delete such data; **one fine was imposed to a healthcare service controlling entity** due to non-proportional data collection relating to the original scope of work and failure to obtain preliminary informed consent; and **four fines were imposed to large private enterprises** due to failure to properly inform data subjects and especially non-obtainment of prior informed consent for direct marketing purposes, lack of regulations or other acts which aim to guarantee security and confidentiality, international transfers to countries with inadequate level of personal data protection without obtaining data subjects’ prior consent and contrary to law provisions, and failure to comply with the notification obligation.

It should be noted that, although the number of administrative inspections and controls has been increasing, as well as the number of complaints filed at the CPDP Office, imposed fines were lower compared to 2012. The primary reason is that controlling entities were keener to react and take immediate measures to remedy violations. This is also the aim, strategy and policy of the Commissioner Authority. The imposition of fines was unavoidable only in repeated violations or in cases of failure to take measures after recommendations and orders issued by the Commissioner Office.

IV.V ATTENDANCE OF COURT PROCEEDINGS AND EXECUTION OF DECISIONS BY THE BAILIFF OFFICE.

During 2013, the CPDP Office submitted to the Private Bailiff Service for mandatory execution the fines that were imposed during 2011 by the Commissioner Authority to various controlling entities. The execution orders issued during 2012 had not been enforced due to problems with the Public Bailiff Service.

21 (*twenty one*) administrative fines imposed during 2011 were submitted for mandatory execution and are under executing process. 7 (*seven*) fines were imposed during 2013, from which 2 (two) were paid voluntarily by the controlling entities, 2 (two) decisions were proceeded in the court by the sanctioned entities, and 3 (three) decisions were submitted to the court for execution. The complaint deadline for one of the decisions was 31.01.2014 (*Decision no. 7, dated 31.12.2013*).

The CPDP lawyers participated in all hearing sessions of litigation proceedings at the District Court of Tirana, related to the civil case of "Koha Jonë" Newspaper as plaintiff party and the Commissioner for Personal Data Protection as respondent party. The object of the lawsuit is the "Annulment of the administrative act of the Commissioner for Personal Data Protection", by which this controlling entity was sanctioned with imposition of fine. Currently, the case is in the Court of Appeal of Tirana. A hearing and review date is yet to be fixed.

The CPDP lawyers participated in all hearing sessions of litigation proceedings at the District Court of Tirana, related to the civil case of "Gliozheni" Gynecological Clinic as plaintiff party and the Commissioner for Personal Data Protection as respondent party. The object of the lawsuit is the "Annulment of the administrative act of the Commissioner for Personal Data Protection", by which this controlling entity was sanctioned with imposition of fine. Currently, the case is in the Court of Appeal of Tirana. A hearing and review date is yet to be fixed.

The CPDP lawyers attended the litigation proceedings related to the lawsuit of "CEZ Shpërndarje". The latter brought in the court of law the Decision no. 15, dated 13.11.2012, of the Commissioner for Personal Data Protection. This Decision of the Commissioner Authority was upheld by the District Court of Tirana. Currently, the case is in the Court of Appeal of Tirana as the court decision was appealed by CEZ Shpërndarje.



V. INTERNAL ADMINISTRATION

The Commissioner for Personal Data Protection exercises its activities and responsibilities through the daily work of its 29 employees, pursuant to Law no. 119/2012, dated 17.12.2012, "On the annual budget of 2013".

The organizational structure did not change during 2013. It is regulated by Decision of the Parliament no. 225, dated 13.11.2008, "On approval of the organizational structure, personnel and classification of salaries per job positions, of the Commissioner for Personal Data Protection". The only difference with the stipulations of the aforementioned Decision was the abolition of the driver as job position, as provided by the law and subsequent bylaws "On regulation of Transport Service the political functionaries".

Referring to Decision no. 474, dated 16.06.2011, "On stipulation of standards and procedures to be followed during drafting and adoption of institutional organizational structures", as well as other laws or mandatory financial acts, the Commissioner Authority has expressed its opinion regarding amendments of the personnel number, classification of job positions, and organizational structure of the CPDP.

In March 2013, the Commissioner Authority has institutionally submitted for review and approval the amendments on organizational structure and personnel of the Commissioner Office including the attached report.

The Department of Support Services is the supporting structure of the CPDP Office in the achievement of its mission on "*Guarantee and Protection of Personal Data*".

The Department of Support Services has the following mission:

- Providing quality, effective, and transparent services, through a functional, impartial, and professional civil administration, capable and responsible to respond to the challenges and risks of abusive privacy violations, in order to fully guarantee personal data of people;
- Providing high standard professional support services, through effective and efficient use of internal financial resources, for a successful achievement of the CPDP mission and function, always improving the quality of services and adapting to the changes occurring during implementation of strategic plans.

The Department of Support Services is responsible for human resources management in accordance with requirements and provisions of Law no.8549, dated 11.11.1999, "On Status of the Civil Servant". The Department of Support Services made use of all internal and external resources to program and organize capacity building trainings.

V.I PROGRESS IN HUMAN RESOURCES MANAGEMENT AND INTERNAL STAFF MANAGEMENT OF THE AUTHORITY.

The human resources management was focused on:

- Recruitment of higher quality employees;
- Professional and career development;
- Staff motivation.

The Department of Support Services performed its duties with professionalism and complete accountability, as clearly defined in the Internal Regulation (amended), relating to recruitment procedures for staff vacancies and internal turnover pursuant to Law no. 8549, dated 11.11.1999, "On status of the civil servant", Article 10 "Independent institutions". Procedures to fill vacancies include several stages as described below.

■ **Recruitment – Competition.**

Pursuant to Law no. 8549, dated 11.11.1999, "On status of the civil servant", Article 10 "Independent institutions", all legal steps and procedures for personnel recruitment further to vacancy announcements were respected, starting from initial decision, stipulation of general and specific requirements for the position, announcement in higher circulation newspapers, shortlisting of applicants, evaluation of shortlisted candidates, management of the competitive testing system, final evaluations, winner announcement, and official nomination commencing the probation period.

Three competitive recruitment procedures were organized during 2013. Two of them were successfully concluded with winner announcements, as follows:

- The position of Foreign Relations Specialist at the Department of Procedural, Legal Issues and Foreign Relations. This vacancy was announced twice because the first competitive procedure was not concluded successfully due to low scores of candidates below the threshold of acceptance in the civil service (less than 50 points).
- The position of Human Resources Specialist at the Department of Support Services. This vacancy was created due to retirement of the former employee and subsequent discharge from the civil service. At the conclusion of the recruitment procedure and expiration of deadlines, the winner was announced pursuant to the provisions of Decision of Council of Ministers no. 231, dated 11.05.2000, "On admission to the civil service and probation period.
- The position of Director of the Public Relations Department. This vacancy was announced in December 2013 but the procedure was ultimately not successful due to lack of applicants, either from outside the CPDP Office, or within the institution for the promotion or parallel turnover procedure.

The position of Director of the Public Relations Department is still vacant. Starting from May 2013, the duties and tasks of this job position were performed by another employee further to the procedure of transfer (temporary appointment) until completion of the recruitment competitive procedure.

■ Internal Turnover.

Internal turnover transfers aimed to exchange experiences and individual employee skills in order to enhance the work efficiency of the respective Departments.

The procedures were performed in respect of legal requirements and involved the personnel of three departments: Department of Registration, Department of Procedural, Legal Issues and Foreign Relations, and Department of Investigation-Inspection (4 specialists).

■ Temporary contract nominations, appointments and dismissals.

Pursuant to Law no. 7703, dated 11.05.2003, "On Social Insurance in the Republic of Albania", Civil Service legislation, and Labor Code, there were temporary nominations, appointments and dismissals procedures during 2013, as per contracts signed with nominated / appointed persons.

The reasons to initiate such procedures were different, such as: retirement due to planned age, subsequent discharge from the civil service and substitution with the announced winner of the competitive recruitment procedure; temporary nominations for periods of 3, 6 or 9 months due to temporary disability or maternity leave; or temporary appointments resulting from initiation of disciplinary proceedings and potential termination with the extreme measure of dismissal from Civil Service.

■ Work Discipline.

The work performance and the obligation to respect the office working hours (from 08.00 until 16.30) have been strictly monitored. Daily records were kept on work presence and absences or leaves, whether reasoned or not.

The amendments of the Internal Regulation during 2013 emphasized several articles related to work discipline, work hours, deadlines to report leaves / absences, temporary disability and sick leaves, responsible persons for the oversight of discipline issues, and responsibilities, competencies and obligations pursuant to Law no. 10296, dated 08.07.2010, "On Financial Management and Control".

The annual paid leaves of the Commissioner Office staff have been planned and managed as provided by Decision of the Council of Ministers no. 463, dated 16.06.2011, "On some amendments and additions to Decision no. 511, dated 24.10.2002, "On duration of working times and paid leaves in public institutions", as amended, and Directive no. 16, dated 20.07.2011, of the Ministry of Finance on implementation of the aforementioned government decision.

Disciplinary Actions

With regard to discipline, work presence and working hours, planning of regular annual paid leaves, and other obligations, as provided for in the institutional Internal Regulation and the

Personal Data Protection Law, two procedures of "Disciplinary Action" were initiated, as described below:

- Pursuant to article 25, point 2, of Law no. 8549, dated, 11.11.1999 "On Status of the Civil Servant", and point 2 of Decision of the Council of Ministers no. 306, dated, 13.06.2000 "On discipline in the civil service", disciplinary action was initiated against one of the Registration Department specialists, who was notified on the "Disciplinary Action Procedure". At the conclusion the Commissioner Authority issued the Decision of "Dismissal from the Civil Service" and subsequently the Act of "Discharge from the Civil Service".
- The same procedure was followed also for the Director of the Registration Department. After finding of violations and related causes and consequences, disciplinary action was initiated and the procedure was finalized with Decision of "Dismissal from the Civil Service" and the subsequent Act of "Discharge from the Civil Service".

The dismissed employees appealed the Commissioner Authority decisions at the competent court of law. The appeal proceedings for the former registration specialist at the Registration Department are still ongoing, a process which is followed by the persons in charge of pursuing court of law litigations.

The other dismissed employee, the former Director of the Registration Department, appealed the Commissioner Authority decision at the Administrative Court of First Instance. The Court final decision was to repeal the Commissioner acts of dismissal and discharge from civil service of the aforementioned employee, although such acts and the reasoning behind them are completely justified and motivated. Anyhow, the Commissioner Authority took immediate measures to voluntarily execute the court decision by adopting the necessary acts of employee readmission in her former position and by fully respecting all other obligations as set forth in the court proceedings. Subsequently, the CPDP Office officially notified the employee about the court decision and the Commissioner Authority acts of readmission but she refused to take office.

■ Cooperation with other institutions.

- During 2013, the Commissioner Office has been in regular contacts with the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest in order to update the Registry of Employees who bear the obligation to declare private interests and sources of income, so as to reflect changes related to staff turnover. The number of employees who bear the disclosure obligation was increased compared to the previous year. The CPDP Office closely monitored the process, and took measures to respect deadlines of submitting declarations and to notify appointed or dismissed employees.
- The Commissioner Office sent periodical reports on employees, deadlines and obligations arising from the enforcement of the law on declaration of personal interests. The declarations were submitted within deadlines and according to the approved organizational structure.

- The Commissioner Office submitted the report on the 2012 annual institutional work regarding exercise of legal competencies and submission within deadlines of the periodical / yearly declarations of private interests of all public officials who bear disclosure obligations, including the continuous update of the list of aforementioned employees.
- The Responsible Authority was substituted and the relevant institution was subsequently notified.
- Following the human resources strategy, it is worth mentioning the efficient cooperation and continuous contact with training institutions to design and elaborate training programs based on staff requirements, as provided in the Strategy “On Training of the Commissioner for Personal Data Protection Office” as well as in the “2012-2013 Institutional Strategy”.
- Further to drafting and approval of the 2013 Training Plan, part of the CPDP Office staff was trained and certified by the Albanian School of Public Administration (formerly known as the Public Administration Training Institute / now ASPA). The CPDP staff also participated in trainings and meeting organized by other public institutions such as the National Information Society Agency. The information technology staff was trained by the latter institution. In total, there were **7 trained staff and 20 training days**.
The number of staff trained by the aforementioned institutions was lower compared to the previous year. This was due to limited resources of public administration training institutions and the general conditions of 2013.
- In the context of staff training, it should be noted that the Commissioner Office had a fruitful cooperation with FIIAPP, the EU-funded IPA 2009 Project. One of the main project components during January-June 2013 was staff training and elaboration of the curricula of advanced training for contact persons / persons in charge in public and private controlling entities.
The CPDPD staff were trained and certified as trainers of personal data protection. Subsequently, they went on during the second half of 2013 with trainings of contact persons / persons in charge in public controlling entities. These training sessions were organized at ASPA premises.
- In the context of establishing and strengthening cooperation with and among the leading managers of public funds, the Commissioner Authority signed up at the Financial Management and Control Forum, established at the Ministry of Finance. Implementing civil servants are the "target group" of this Forum.

■ Staff Motivation.

- With regard to staff motivation, the Commissioner Office initiated procedures of use, allocation and transfer of the special fund of the Ministry of Finance, pursuant to Decision of the Council of Ministers (DCM) no. 929, dated 17.11.2010, “On the establishment and use of the special fund”, as amended, paragraph 7, "On remuneration upon age retirement and immediate financial assistance in cases of disasters, and transfer of payments to personal accounts”.

- **The individual performances of employees have been evaluated as part of the motivation policy aimed to increase work effectiveness.**

The evaluation of individual performances of civil servants, elaborated by their superiors and confirmed by the Authorizing Official, has been conducted in accordance with Directive no. 2, dated 07.07.2000, "On the system of annual evaluation of individual performances of civil servants", as amended with Directive no. 5, dated 19.12.2007.

Further to conclusion of this process, the evaluation forms have been administered at the personnel files.

20 employees were evaluated with level 1 "Very good"

1 employee was evaluated with level 2 "Good"

2 employees were evaluated with level 4 "Insufficient"

There were no financial remunerations during 2013, pursuant to DCM no. 591, dated 10.07.2013, "On discipline of budgetary expenses for 2013".

- The CPDP Office implemented the government decisions related to salary increase. The financial effects of such decisions for civil servants and supporting employees started from 15 July 2013, as follows:
 1. Implementation of DCM no. 581, dated 17.07.2013, "On amendments to the DCM no. 1114, dated 30.07.2008, "On some issues pursuant to Law no. 7703, dated 11.05.1993, "On Social Insurance in the Republic of Albania", as amended"".
 2. Implementation of DCM no. 598, dated 17.07.2013, "On some additions and amendments to DCM no. 545, dated 11.08.2011, "On approval of the structure and level of salaries of civil servants, Deputy Ministers and employees of cabinets in the Office of the Prime Minister, line ministries, some independent institutions, and institutions under the authority of the Office of the Prime Minister and line ministries", as amended".
 3. Implementation of Directive of the Minister of Finance no. 23, dated 30.07.2013, "On some additions and amendments to Directive no. 5, dated 30.06.2006, "On Personal Income Tax", as amended".
 4. Implementation of DCM no. 610, dated 24.07.2013, "On some additions and amendments to DCM no. 717, dated 26.06.2009, "On salaries of supporting employees in budgetary institutions", as amended".
- The annual paid leaves of the Commissioner Office staff have been planned and managed as provided by DCM no. 463, dated 16.06.2011, "On some amendments and additions to DCM no. 511, dated 24.10.2002, "On duration of working times and paid leaves in public

institutions”, as amended, and Directive no. 16, dated 20.07.2011, of the Ministry of Finance on implementation of the aforementioned government decision.

V.II FINANCIAL MANAGEMENT.

■ Improvement of public funds management through better planning and implementation, higher efficiency and effectiveness, and more appropriate monitoring

The Office of the Commissioner for Personal Data Protection planned and implemented its annual budget based on the necessary institutional needs in compliance with the obligations arising from the personal data protection organic law.

The CPDP Office has established and monitored a system of financial management and control, based on the relevant legislation and compliant with the provisions of Law no. 10296, dated 08.07.2010, “On Financial Management and Control”. This system is built on the principles of effectiveness, transparency, economy and efficiency in public funds management.

This system provides reasonable guarantees to achieve objectives through:

- Operational effectiveness and efficiency;
- Compliance with laws and regulations;
- Accountability in managerial and financial reporting;
- Proper management of assets.

During the process of planning and implementation of the 2013 allocated budget, the CPDP Office complied with the requirements of the Personal Data Protection Organic Law, Law no. 9936, dated 26.06.2008, “On management of the budgetary system in the Republic of Albania”, Law no. 10296, dated 08.07.2010, “On Financial Management and Control” and related Directives, Law no. 9228, dated 29.04.2004, “On Accounting and Financial Statements”, and Law no. 119/2012, dated 17.12.2012, “On 2013 Budget”, as amended, and related Directives.

The CPDP Office has strictly respected the principles of effective financial management, a process which goes through several stages.

■ Planning

- Pursuant to Directive of the Ministry of Finance no. 8, dated 29.03.2012, “On standard procedures of elaboration of the Medium-term Budget Program”, and Directive no. 9, dated 22.02.2013, “On elaboration of the 2014-2016 Medium-term Budget Program”, the Commissioner Office planned, elaborated and submitted to the Ministry of Finance the standard forms of budget requirements of Stage I and Stage II of the 2014-2016 Medium-term Draft-Budget under the framework of the

program on “Planning, management, administration”. These stages were completed by 29 August 2013.

- The Commissioner Authority addressed the Parliamentary Commission of Legal Issues, Public Administration and Human Rights for the objections and remarks on the 2014 Annual Budget planning. The CPDP Office underlined its remarks and additional requirements for the implementation of the economic-financial activities.
Referring to Law no. 185, dated 28.12.2013, “On 2014 Budget”, the allocated funds were increased by 2,000 thousand Albanian LEK (ALL) compared to the 2014 Draft-Budget. These additional funds will be allocated to priority items, according to specific destinations.
- The Commissioner Office planned and allocated funds to various budget items, including the special fund for transfers to family budgets, organization of social and cultural activities, staff retirement or other financial remunerations.
- Monthly detailed plans of 2013 operating expenses and investments were reviewed. Funds were reallocated to the following months in accordance with objectives for activity implementation.
- The Commissioner Office implemented the Normative Act no. 6, dated 04.10.2013, “On some additions and amendments to Law no. 119/2012, dated 05.12.2012 “On 2013 Budget”, by detailing amendments according to the budget classification up to item level.
- The Department of Support Services collaborated with the other CPDP Departments regarding planning of financial needs to support achievement of the organizational mission and operational objectives. This procedure preceded the expenditure planning process, based on objectives and products, and detailed in quantities and values.
- With regard to financial management, the Commissioner Office complied with the legislation under the framework of the evaluation of the existing system of financial management and quality of control systems. This was also presented in the 2012 Annual Report. The self-assessment questionnaire for 2012 was filled out pursuant to Law no. 10296, dated 08.07.2010, “On Financial Management and Control”.
- The breakdown of expenses and cash register plan of 2013, in monthly level and detailed per personnel expenses and other expenses, was based on the allocation percentages provided by the Ministry of Finance, pursuant to Law no. 119/2012, dated 17.12.2102, “On 2013 Budget”, and the Permanent Directive no. 2, dated 06.02.2012, “On standard procedures of budget implementation”.
- A detailed annual report was submitted to the Public Procurement Agency regarding the public procurements and related procedures followed by the CPDP, pursuant to Law no. 9643 “On Public Procurement” and the financial legal provisions in force during 2013.

- Under the framework of the legal obligation stipulated by Law no. 10296, dated 08.07.2010, “On Financial Management and Control”, the Commissioner Office drafted the 2013 Risk Strategy and the corresponding registry. The document was drafted based on the main objectives of each Department and the identified risks which might affect achievement of the objectives. The purpose of the document is to encourage a proactive approach towards risk minimization, either from internal or external factors. The document specifies probabilities of occurrences as well as controls to mitigate potential consequences.

■ Budget Implementation

- During its institutional activity and decision making through coordination between management structures, and pursuant to Law no. 119/2012, dated 17.12.2013, “On 2013 Budget”, and related Directives for implementation, the Commissioner Authority approved procedures, established commissions to oversee the implementation of online procurement standard procedures, and undertook initiatives aiming to mitigate risks, achieve institutional objectives, and implement official decisions. Control activities were embedded in all systems and processes since the latter were established.
- The Commissioner Authority has met the legal requirements and has implemented appropriate control systems in the following areas: internal rules / orders for describing principal operational and financial processes; system of double signature; preservation of assets and separation of duties; documentation of all operations, actions and financial transactions; and other procedures adopted for the institutional activities and decision making.
- The Commissioner Office followed the procurement procedures pursuant to Law no. 9643, dated 20.11.2006, “On Public Procurement”, as amended, and Directive no. 2 “On small procurement procedure”.
- Under the framework of the elaboration of a detailed budget implementation analysis, and pursuant to Directive no. 1/1, dated 19.02.2013, “On implementation of the 2013 Budget”, the Commissioner Authority has met the requirements of monitoring agencies regarding registration procedures of public fund expenditures. The required information related to the general operational expenditures has been submitted within the specified deadlines (on monthly basis).
- The Commissioner Office has exercised continuous controls of documentation before and after budget implementation to assess lawfulness of procedures and justifying documents, to ensure high quality services through effective and efficient use of funds, and to guarantee that suppliers are paid within deadlines as per contractual provisions.
- In total, the CPDP Office performed 15 small procurement procedures through the online system, and 15 quotation procedures through market testing.
- Pursuant to the Directives of the Ministry of Finance, the procurement legislation amendments during 2013 have been reflected in the auditing process relating to small and large procurements.

- Under the framework of CPDP objectives fulfillment for the reporting period, the Commissioner Office approved the general institutional fund, pursuant to Law no. 119/2012, dated 17.12.2012, "On 2013 Budget", as amended, detailed in tabular form and expenditure items. The budget performance compared to the annual plan has been presented.

Referring to the 2013 budget, the CPDP implemented its economic policies aiming at a more effective and efficient management of budget spending by planning contracted expenditures. In this context, several expenses were planned and executed such as toners for printers and photocopiers, service operating expenses (internet, telephone, electronic equipment maintenance), and equipment funds. The budget spending aimed to ensure up-to-date standards for the Commissioner Authority equipment.

Budget allocation table and budget performance during 2013

Transfers, amendments and performance.

000 / Albanian LEK (ALL)

No.	ITEM	PLAN	% versus the total	Annual performance	% of performance versus the semiannual plan
1	Salaries	28.500	68	26.056	91
2	Social Insurance	4.500	11	4.031	90
3	Goods and Services	7.638	18	7.637	100
4	Investments	1.000	2.3	983	98
5	Transfers to family budgets	486	1	486	100
6	Quotes	87	0.2	86	99
	Total	42.211	100	39.281	93

Salaries and Social Insurance (referring to items 1 and 2 of the table)

The fund allocated from the State Budget for salaries and social insurance was 33.000 thousand ALL. This value matched the CPDP request and was sufficient to cover the institutional needs according to the current organizational structure. Yet, as a result of staff vacancies, employee turnover through resignations or disciplinary proceedings, or failure of the recruitment competitive procedures, the budget performance for this item was 91% (salaries and social insurance). This item influenced the overall performance of the allocated budget.

Operating Expenses (referring to item 3 of the above table)

The operating expenses fund (item 602) had a total planned and allocated value of 7638 (thousand ALL) for the reporting period. The budget performance was 7637.6 thousand ALL, or 100% of the annual allocated fund. All expenditure items have been uploaded in the Public Procurement Registry of the Public Procurement Agency.

The procurement registry and its amendments have been implemented in accordance with the approved 2013 Strategy and the institutional objectives of the Commissioner for Personal Data Protection. The registry was detailed per product and financially supported by the Ministry of Finance allocated funds.

Regarding financial performance during 2013, the Commissioner Office identified the most urgent needs and reviewed the objectives and activities of departments, pursuant to Normative Act no. 6, dated 04.10.2013, which conditioned the redistribution of funds in budget lines as required by the CPDP departments.

As provided by the applicable financial legislation, and especially pursuant to Law no. 9477, dated 09.02.2006, "On Accounting and Financial Statements", each financial transaction has been identified and registered in the financial program in chronological order. It is thus possible to elaborate complete financial analysis for each expenditure item in relation to overall costs. The financial program provides accurate presentation of any effective expense or any excess in this regard. It is therefore easier to reallocate funds to other more necessary items in order to fulfill and accomplish strategic objectives and tasks.

All expenditures of office utilities such as electricity, running water, fixed and mobile telephony have been carefully managed and paid within deadlines.

The Commissioner Office took all necessary measures to carefully and efficiently manage public funds allocated to meet requirements for the organization of activities under the strategic action plans (public awareness seminars in various districts of the country), and for smooth performance of administrative inspections in Tirana, other Albanian districts, or outside the territory of the Republic of Albania.

Financial resources were efficiently and effectively managed to promote the representation of the Commissioner Authority in international events and conferences.

Pursuant to the applicable financial legislation, the Commissioner Office took measures for stocktaking current and fixed assets through special commissions established. Specific procedures and directives were approved by the Commissioner Authority as provided by the Ministry of Finance guidelines on asset management.

Other expenses fund (quotes and transfers to family budgets) (referring to items 5 and 6 of the above table, item 605-606).

The 2013 fund of other expenses was planned at 450 thousand ALL. Further to reallocations and budget amendments, this fund was increased to 573 thousand ALL. The total 12-months performance was 573 thousand ALL, or 100% of the allocate fund.

2012-2013 Comparative Analysis in ALL (operating expenses (602-606))

No.	ITEM	2012 PLAN	2012 ACTUAL	Performance in %	2013 PLAN	2013 ACTUAL	Performance in %
1	Goods and Services	9.310	9.097	98 %	7.638	7637	100 %
2	Transfers to family budgets	458	458	100 %	486	486	100 %
	Quotes	86	84	97.6%	87	87	100 %
	Total	9.854	9639	97.8%	8211	8209	100%

The above table clearly shows an increase of budget performance. This is an indication that the Commissioner Authority in its 2013 budget has reviewed the economic / financial policies aiming to improve and increase the effectiveness of public fund expenditures, through better planning of more immediate and indispensable expenses.

▪ General services.

- The Department of Support Services managed all the necessary general services of the institution office, such as those provided by CEZ Company, Ujësjetllës-Kanalizime SH.A., ALBtelecom, and Eagle Mobile. The CPDP Office activity was smooth through quality services and quick repair of failures.
- The Commissioner Office has provided a toll-free telephone number (so called green number) to assist the general public in receiving information and filing complaints to the CPDP Authority, to enhance institutional transparency, and to respond more efficiently to inquiries and complaints. The Department of Support Services monitored the functionality of this number and took care of the obligations arising from the contract with the company that provides the service.
- The various CPDP Departments collaborated to effectively manage the office vehicle according to necessities and planned services. The fuel consumption was periodically monitored.
- The CPDP Office took measures to transfer ownership of the Mercedes Benz vehicle, pursuant to Order of the Minister of Interior no. 377, dated 12.12.2012, "On free of charge vehicle

transfer". After transfer of the vehicle ownership, its book value was re-estimated based on costs and customs declarations. The annual depreciation is calculated on this book value.

- Further to the request for fund allocation and subsequent approval, the Commissioner Office followed the procedures of customs clearance, obtainment of vehicle's license, and payment of annual fees and annual compulsory vehicle insurance (Third Party Liability). The vehicle is already owned by the Commissioner Office and meets the needs of staff travel within and outside Tirana.

Investments (referring to item 4 of the budget allocation and performance table)

The Office of the Commissioner for Personal Data Protection, in accordance with the 2013 registry of public procurement provisions, has procured the following during the 12-months period:

The investments fund (item 231) had an overall value of 1,000 (in thousand ALL) for the reporting period. The performance was 983.422 ALL, or 98 % of the annual allocated fund.

The management of public procurement procedures was one of the main tasks of the Department of Support Services during 2013, pursuant to Law no. 9643, dated 20.11.2006, "On Public Procurement", as amended, and Directive no. 2, dated 28.03.2013, "On small procurements procedure", as amended. Public procurements are managed electronically based on requirements and allocated funds for approved investment projects. The following is a list of investments during 2013:

- The procedures of "**Office furniture procurement**" were completed. The purposes of this investment were as follows: optimal working conditions for the office personnel; appropriate furniture for the archive premises with convenient shelves for storage and future use of archive files; appropriate office furniture (ecological chairs); and office air conditioning. The allocated fund was **457** (thousand ALL), including VAT, while the actual investment was **447** (thousand ALL), or about 98% of the planned fund.
- The purchase of "**Computer equipment**" was completed through the procedure of small procurements – purchase of the most indispensable assets for employees. The fund allocated by the Ministry of Finance for Project M890010 was **480** (thousand ALL), while the actual investment was **474** (thousand ALL), or about 99% of the planned fund. The difference is due to the procurement procedures.
- The procedures of "**Vehicle customs clearance**" were completed through Project M890009. The ownership on the Benz vehicle obtained from the Department of State Reserves was transferred to the CPDP Office through the Capital Transfer Procedure. The fund allocated by the Ministry of Finance was **63** (thousand ALL), while the actual investment was **62** (thousand ALL), or about 98% of the planned fund.

Comparative Analysis of the Investments Budget Item.

No.	ITEM	2012 PLAN	2012 ACTUAL	Performance in %	2013 PLAN	2013 ACTUAL	Performance in %
1	Investments	3000	1972	65 %	1000	983	98 %
	Total	3000	1972	65%	1000	983	98 %

As shown in the above comparative table, the budget performance for the investments item during 2013 was 98%. This performance was similar also in 2012, because the remaining part was saved due to the online tender as public procurement procedure. The resulting difference was returned to the state budget.

■ Monitoring.

- As required by the principles of transparency in public fund management and in compliance with the legal obligation on reporting public spending and publishing in the website, the Commissioner Office published and submitted to the Ministry of Finance the Public Spending Monitoring Reports during the 12-month period, as provided for by Law no. 9936, dated 26.06.2008, "On Management of the Budget System in the Republic of Albania". The reports were submitted periodically (every quarter) within the deadlines and formats approved by the monitoring agencies.
- A detailed annual report was submitted to the Public Procurement Agency regarding the public procurements and related procedures followed by the CPDP, pursuant to Law no. 9643 "On Public Procurement" and the financial legal provisions in force.
- Periodical reports were submitted to the Public Procurement Agency on budget performance and public procurement procedures followed during 2013.
- The Commissioner Office prepared and reconciled the annual accounts and financial statements (including attached annexes) on fixed and current assets and financial position at the end of 2012, pursuant to the applicable laws and directives and within the specified deadline (February 28).
- The amendments to the small procurement auditing procedures have been approved, as provided by the new directives on online procurement and pursuant to the applicable financial legislation.

Budget Analysis 2010-2013

Years	Annual Planned	Amended Budget	Annual Actual	Performance in %
2010	51.000	48.140	43.384	90%

2011	45.900	44.100	41.972	95 %
2012	45.177	43.750	42.468	97 %
2013	44.111	42.211	39.281	93 %

As shown in the above table, the budget performance has increased during the years and this is an indication of fulfillment of the institutional needs. Unlike in previous years, the performance of 2013 shows a decrease compared to 2012. This decrease was 4% while the overall annual 2013 performance was 93%.

As results from the above tables and detailed budget analysis, the lower performance in 2013 is due to the salaries and social insurance item.

■ Institutional income.

The institutional income of the CPDP Office during 2013 came from the following sources:

Fines and penalty interests imposed to controlling entities in cases of law violations. The total sum of this income in 2013 was 949,000 ALL, divided as follows:

- Fine imposed to controlling entity *Team Real Albania – WIKIKI* and voluntarily paid by the latter – **500,000 ALL**
- Fine imposed to controlling entity *Mësonjëtorja* and voluntarily paid by the latter – **30,000 ALL**
- Fine imposed to controlling entity *Medi Care* and executed by the Private Bailiff Office “Qarri” – **48,000 ALL**
- Fine imposed to controlling entity *Posta Shqiptare SH.A.* and executed by the Private Bailiff Office “Qarri” – **48,000 ALL**
- Fine imposed to controlling entity *Hotel Grand* and executed by the Private Bailiff Office “ZIG” – **48,000 ALL**
- Fine imposed to controlling entity “*Vitrina*” and executed by the Private Bailiff Office “ZIG” – **32,000 ALL**
- Fine imposed to controlling entity *Rreze Drite* and executed by the Private Bailiff Office “ZIG” – **48,000 ALL**
- Fine imposed to controlling entity “*Qendra Shëndetësore nr.1*” and executed by the Private Bailiff Office “ZIG” – **24,000 ALL**
- Penalty interests paid by the Private Bailiff Office “ZIG” – **96,000 ALL**
- Fine imposed to controlling entity *XH @ L Konstruksion* and executed by the Private Bailiff Office “STRATI” – **30,000 ALL**
- Fine imposed to controlling entity “*Dhoma e Tregtisë*” and executed by the Private Bailiff Office “STRATI” – **30,000 ALL**
- Fine imposed to controlling entity “*Hotel de Paris*” and executed by the Private Bailiff Office “STRATI” – **15,000 ALL**

An income of **187.287.50 ALL** was created in 2013 but carried forward to 2014, as follows:

- Donation from the Francophonie Association for a sum of 187.287.50 ALL

The income of 2013 totaled 1,136,287.50 ALL. Pursuant to the legal provisions this income will be transferred to:

- 949,000 ALL – 100% paid to the state budget.
- 187,287.50 ALL – carried forward to 2014.

V.III OBJECTIVES FOR THE FUTURE.

■ Enhancement of human, technical and organizational resources.

The Commissioner Authority will continue to invest in building human, technical and organizational capacities in order to achieve future objectives. This will be done through:

- Implementing an effective training policy to enhance performance and build professional capacities of the CPDP staff in various fields of expertise in order to fulfill institutional tasks.
- Promoting the development of short and long term training courses at the Albanian School of Public Administration and other training providers as a strategic tool for capacity building of the CPDP administrative staff.
- Ensuring a fair, transparent and equal system of career development through appointments, progress and performance assessment.
- Continuously monitoring the implementation of civil service policies (for recruitment of non-political, professional, merit-based and well managed civilian staff).
- Strictly implementing amendments to the civil service legislation to reduce subjectivity as much as possible along the process of competition and selection of qualified candidates during the recruitment competitive procedures.

■ Effective management of financial resources.

The more effective management of financial resources will be achieved through:

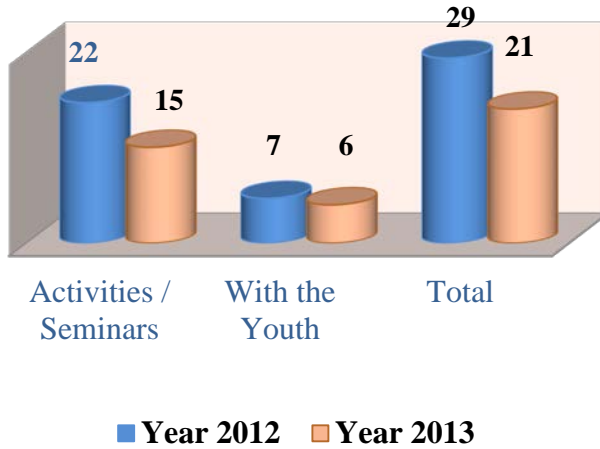
- Strengthening cooperation and involving all managers in the logical link between planning, budgeting, monitoring, and reporting.
- Improving planning and management of public financial resources through the implementation and consolidation of the financial management and control system in accordance with the

approved national and international standards; and ensuring realistic planning and budgeting, effective implementation, improved performance and increased internal control efficiency.

- Enhancing the budgeting and accounting system to ensure effective allocation and precise measurement of the activity costs in order to achieve the objectives.

VI. CONTENT OF TABLES AND CHARTS

COMPARISON OF 2012 AND 2013 ACTIVITIES.



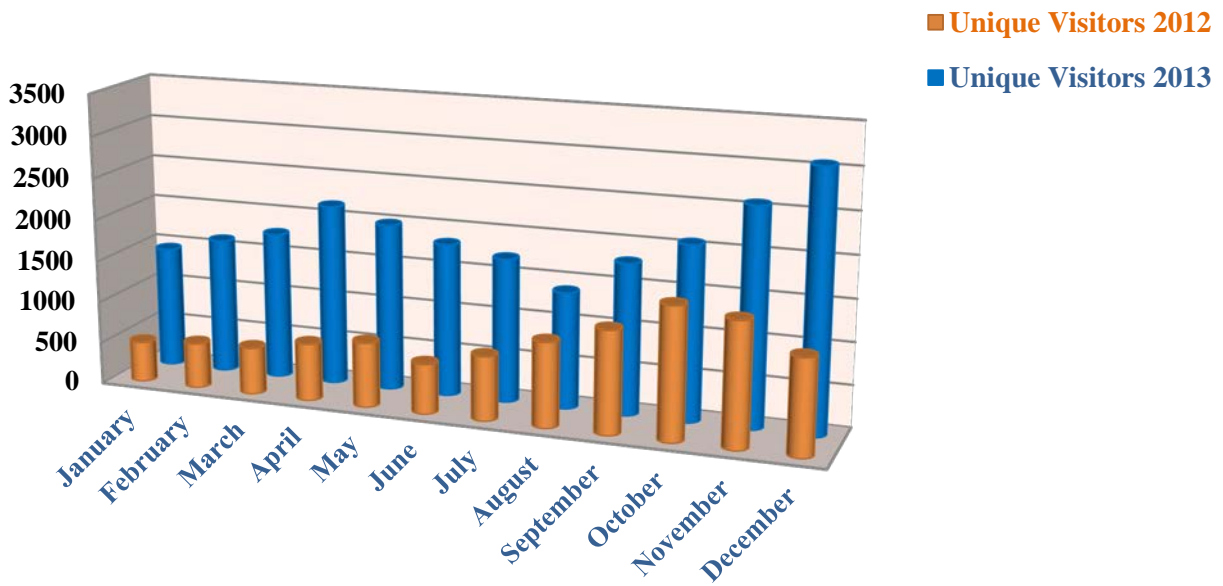
Year →	2012	2013
Activities / Seminars	22	15
With the youth	7	6
Total	29	21

COMPARISON OF CPDP OFFICIAL INTERNET WEBSITE VIEWERSHIP

	Unique Visitors 2012	Unique Visitors 2013
January	489	1457
February	544	1624
March	565	1764
April	689	2162
May	778	1997
June	600	1827
July	770	1718
August	1013	1389
September	1227	1796
October	1577	2077
November	1484	2581
December	1145	3072
Total	10881	23464

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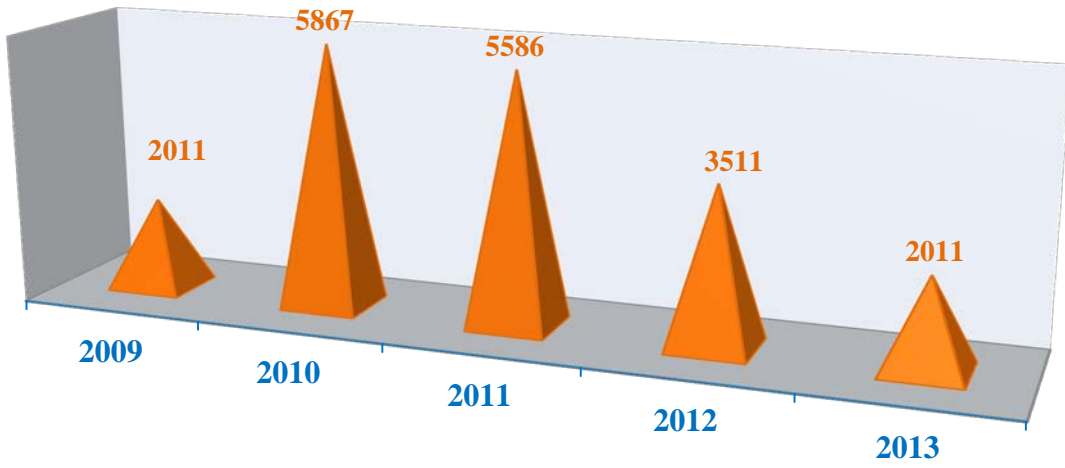
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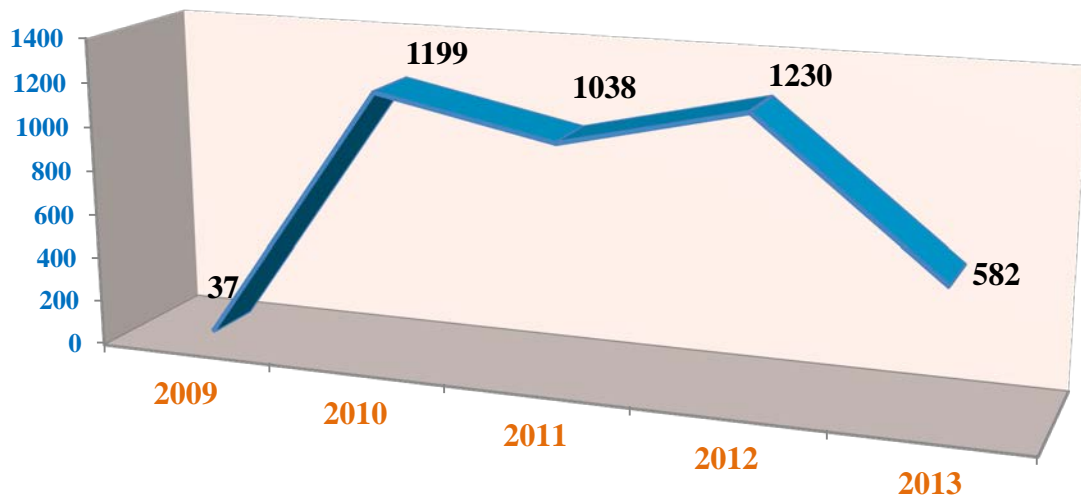
STATISTICAL DATA ON NOTIFICATION / REGISTRATION ACTIVITIES.

	Year 2009	Year 2010	Year 2011	Year 2012	Year 2013	Total of 5 Years
Sensitizations	290	5867	5586	3511	2011	17265
Notifications	37	1199	1038	1230	582	4086
Registrations	30	1012	871	1463	667	4043

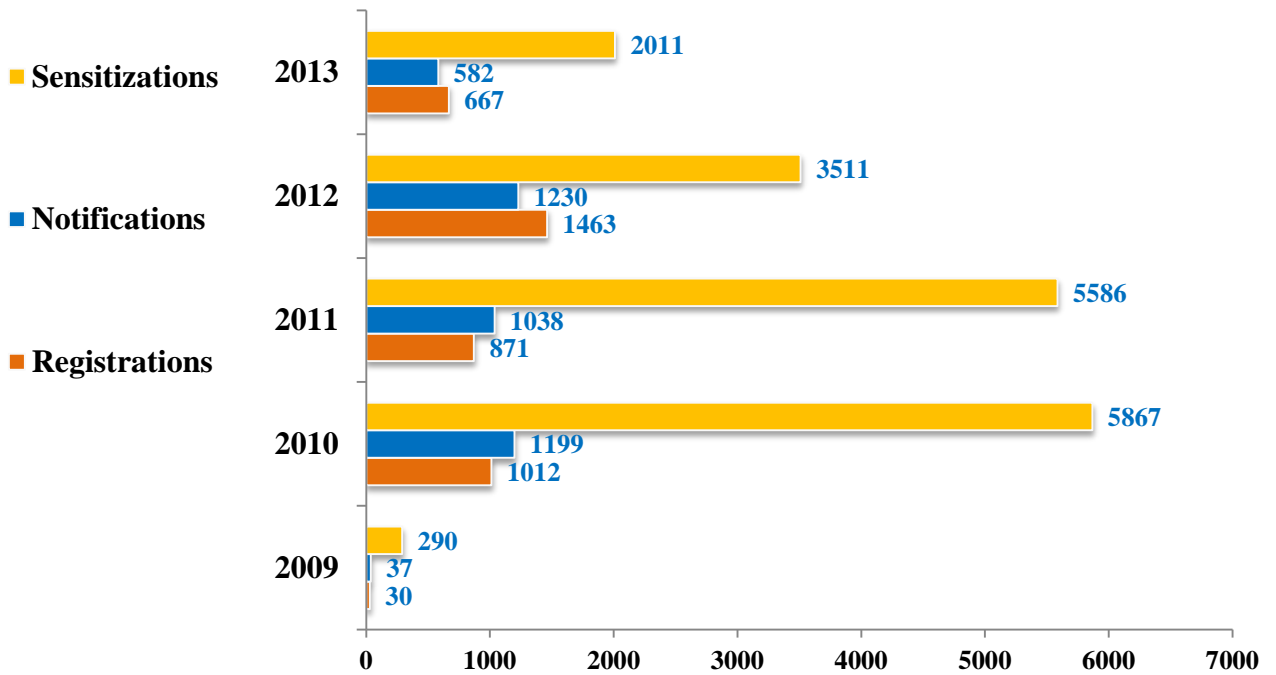
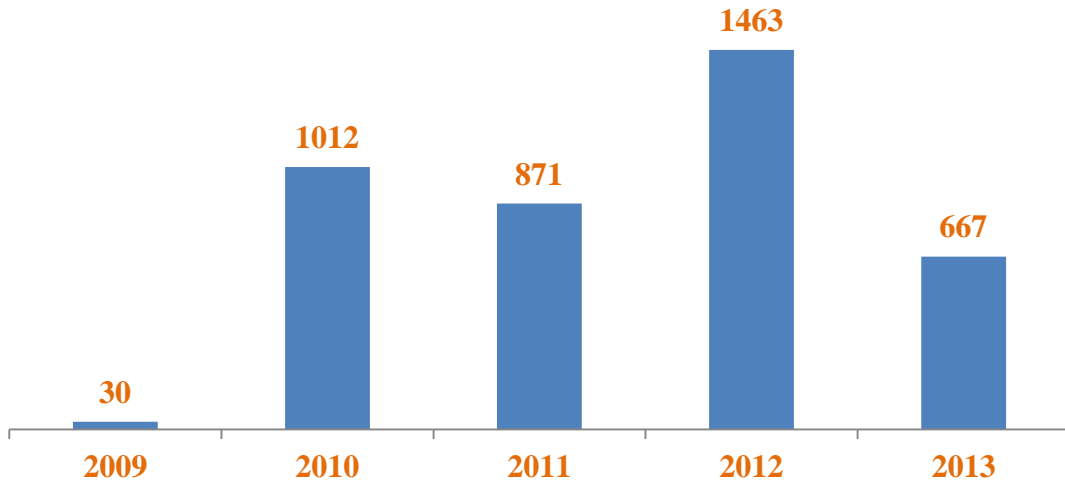
Sensitizations



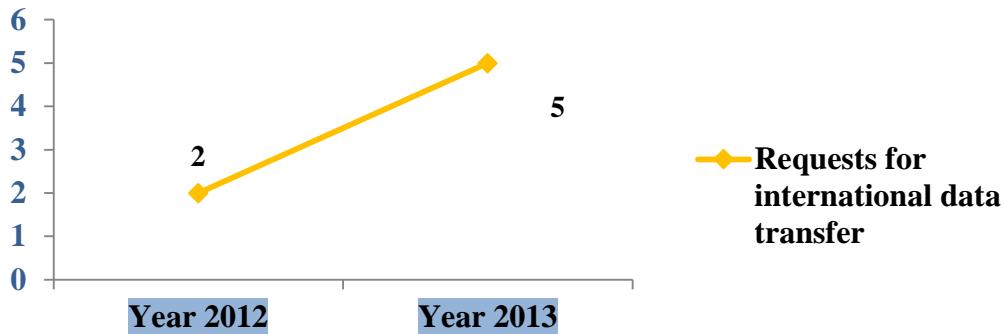
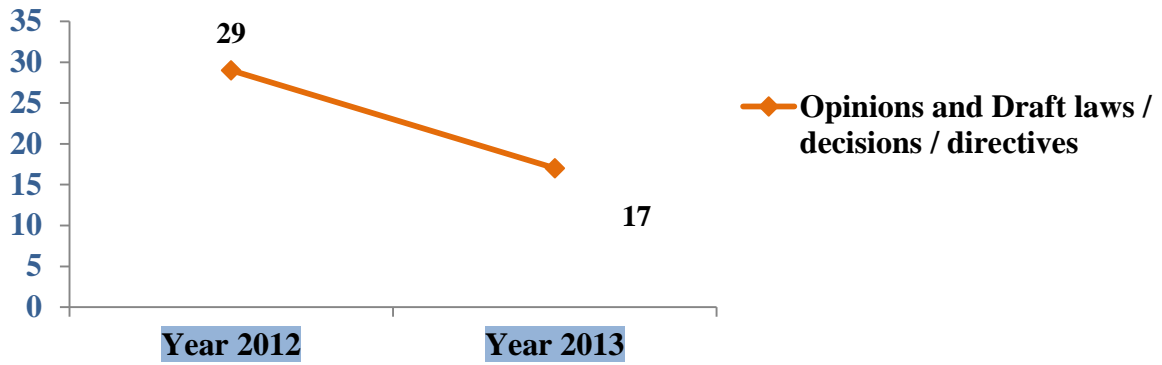
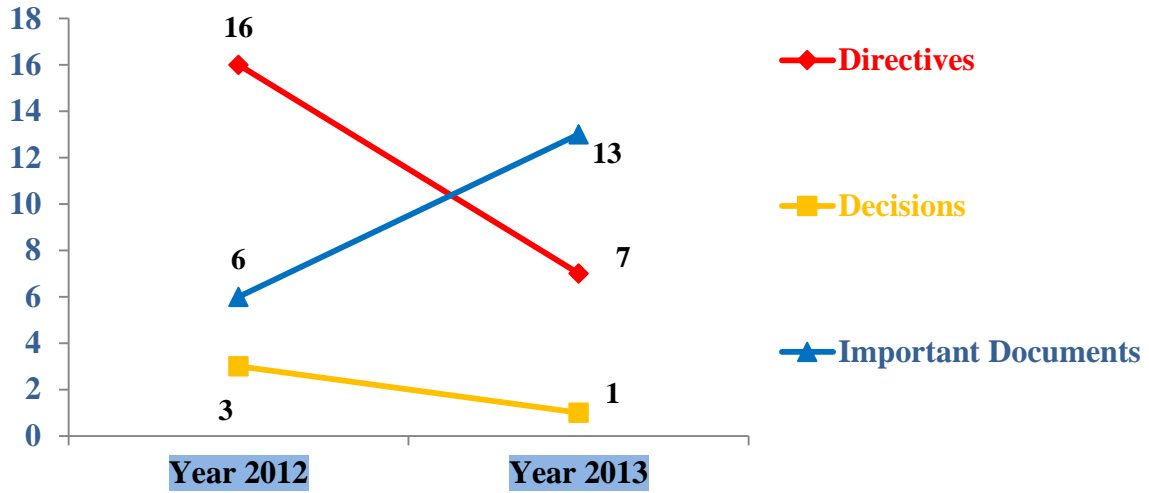
Notifications



Registrations

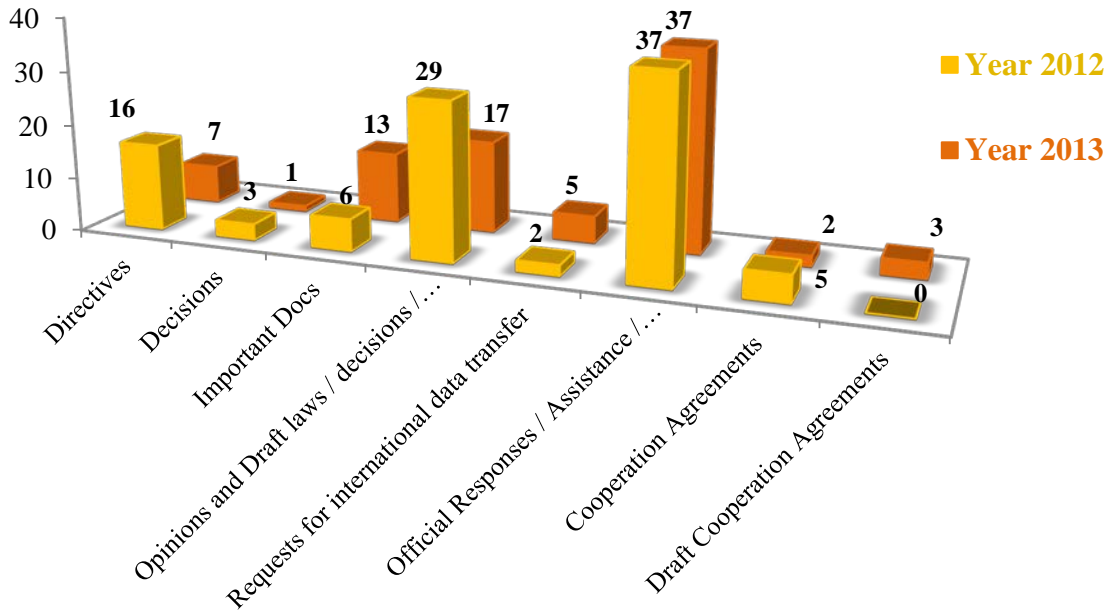
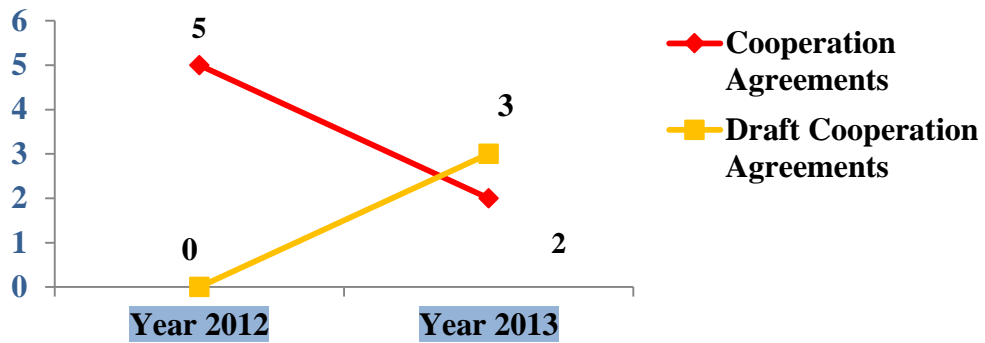
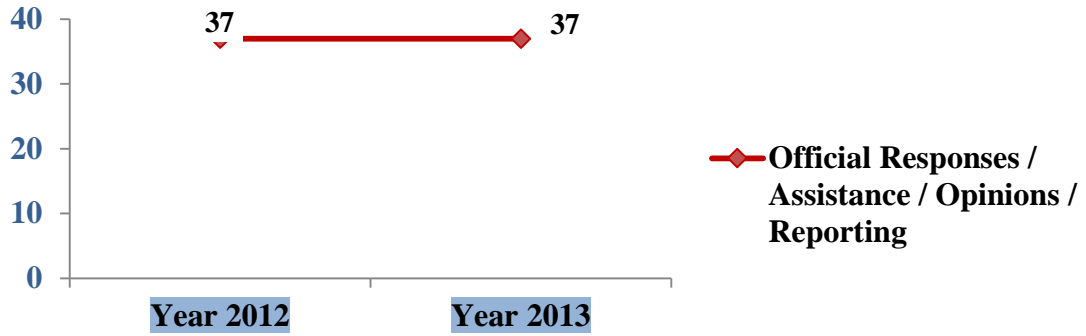


2012-2013 COMPARISON OF LEGAL FRAMEWORK.



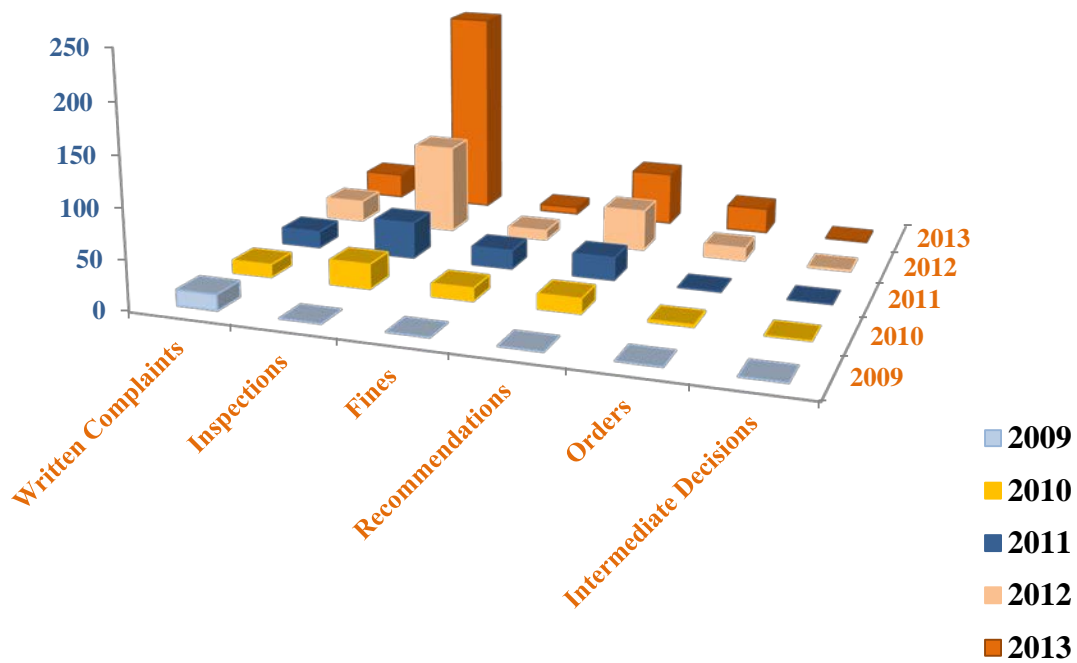
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INVESTIGATION-INSPECTION

YEAR ↓	Written Complaints proceeded by the Investigation-Inspection Dept.	Administrative Controls and Inspections	Administrative Sanctions (Fines)	Recommendations	Orders	Intermediate Decisions
2009	16	-	-	-	-	-
2010	13	25	13	15	2	-
2011	17	37	19	23	-	-
2012	22	91	10	42	13	1
2013	26	213	7	55	26	1



Fines and Penalty Interests

