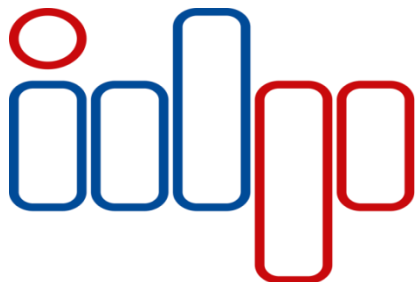


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# Annual Report 2015

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

## Contents

<b>MISSION AND AIM OF THE OFFICE OF COMMISSIONER</b> .....	4
<b>1. RIGHT TO INFORMATION</b> .....	6
<b>1.1 Law no 119/2014 “On the right to information”</b> .....	6
Treatment of complaints .....	6
Administrative investigations .....	6
<b>1.2 Monitoring the Law on the Right to Information</b> .....	8
<b>1.3 Activities on the right to information</b> .....	9
<b>1.4 Implementation and acquisition of projects</b> .....	11
Project with SOROS .....	11
Establishment of online portal .....	11
Project with SIGMA/OECD .....	12
Reform in the public administration and budget financing .....	12
Anticorruption strategy and budget financing .....	12
Twinning Project in the context of anticorruption strategy .....	12
<b>2. PROTECTION OF PERSONAL DATA</b> .....	13
<b>2.1 Processing the complaints</b> .....	13
<b>2.2 Administrative investigation</b> .....	14
<b>2.3 Notification</b> .....	16
<b>2.4 International transfer</b> .....	17
<b>2.5 Recommendations / Orders</b> .....	18
<b>2.6 Unifying standards in separate sectors</b> .....	19
Recommendation in banking sector.....	19
Monitoring the direct marketing / Call Centre sector .....	19
Recommendation for ERE controller.....	20
<b>2.7 Administrative sanctions</b> .....	20
<b>2.8 Judicial proceedings</b> .....	22
<b>2.9 Feedback on the legal and bylaw draft acts</b> .....	23
<b>2.10 Monitoring the Official Journal 2015</b> .....	25
<b>2.11 Awareness</b> .....	25
<b>2.12 Cooperation</b> .....	26
Relations with the Ministry of Justice on anonymising the judicial decisions .....	26
Relations with the Ministry of Interior .....	27

Relations with the judiciary .....	27
Relations with AKEP .....	27
Relations with the Ombudsman .....	27
<b>2.13 Cooperation Agreements</b> .....	27
Cooperation Agreements between the Commissioner for the Right to Information and Protection of Personal Data and the Italian Authority of the Protection of the Personal Data ( <i>Garante per la protezione dei dati personali</i> ) .....	28
Cooperation Agreements between CRIPPD and AMA .....	28
Cooperation Agreements between KRIPPD and HIDACI .....	28
Cooperation Agreements between KRIPPD and NRC and between KRIPPD and NLC .....	29
Publication of Decisions online on the NRC website, etc. ....	29
<b>2.14 Reporting</b> .....	30
<b>2.15 International Cooperation</b> .....	30
17th meeting of CEEDPA.....	30
27th edition of Case Handling Workshop.....	30
Relationship with EUROJUST .....	31
Participation at the European Conference.....	31
Participation at the International Conference .....	32
Office of Commissioner awarded the observer status at GP29 .....	32
Office of Commissioner accedes to the International Working Group Data Protection in Telecommunications (Berlin Group - IWGDPT) .....	32
Involvement in GPEN network.....	33
Procedure for certifying Albania as a country ensuring an adequate level of personal data protection .....	33
TAIEX Instrument support .....	33
<b>3. NOTIFICATION AND PUBLIC CONSULTATION</b> .....	34
<b>4. PUBLIC MANAGEMENT</b> .....	34
4.1 Human Resources Management .....	34
4.2 Financial management .....	34
<b>5. SETS OF ISSUES</b> .....	38
<b>6. CHALLENGES FOR THE YEARS 2016 – 2018</b> .....	39

## **MISSION AND AIM OF THE OFFICE OF COMMISSIONER**

Protecting and safeguarding the two fundamental rights – the right to information and preservation of the privacy – are the mission of the activity of the Office of the Information and Data Protection Commissioner (IDP).

The main aim of the activities of the Office of the Information and Data Protection Commissioner is inducing the compliance of the public and private sector to the protection of personal data, guaranteeing the right to information and transparency of the Public Authorities.

The Office of the Commissioner organises recurrent awareness activities, provides expertise to the effect of adopting the standards for the protection of the personal data and privacy, as well as their adjustment to the fast technological development.

The Commissioner for the Right to Information and Protection of Personal Data shall, in assumption of his powers, conduct administrative investigations and he shall be entitled to access the processing of personal data, thus imposing administrative sanctions in the cases of evident violation of the law “On personal data protection”.

The Office of the Commissioner is committed also in international cooperation, by way of active participation and carrying out activities, sharing of information etc.

The Office of the Information and Data Protection Commissioner was established in 2008, following the approval of the law no 9887, dated 10/03/2008 “On personal data protection”.

In 2014, the Assembly of the Republic of Albania approved the Law no 119/2014 “On the right to information”, thus vesting the authority with a new power and transforming it into the Information and Data Protection Commissioner.

The Office of the Commissioner shall monitor the process of the functioning of the Programs of Transparency of the public authorities, incompliance with the legal provisions. The Commissioner shall examine the complaints in compliance with the right to the access of public information.

Finally, upon the approval of the Law No. 146/2014 “On notification and public information”, the Office of the Commissioner shall examine the complaints regarding the procedures provided for in law, following the approval of the act.

- **The efforts in the course of activity this reporting year focused on:**
  - Monitoring the right on the right to information, processing the complains, conducting administrative reviews, enhancing cooperation as well as demonstrating the interest for acquiring projects in this field;
  - Monitoring and surveying the processing of personal data, processing of complaints, increase of number of administrative review cases, as well as continuous cooperation;
  - Enhancing the administrative capacities through training courses in the country and abroad;
  - Developing the legal framework through making available feedback on the legal, bylaw draft acts and on the projects;
  - Consolidation of the relationship with media and public to establish an all-inclusive culture for information and protection of privacy;
  - Launching concrete cooperative initiatives with the controller Media, as an important actor in observing the protection of personal data;
  - Cooperation with international stakeholders;
  - Awareness of the society in its entirety;
  - Effective management of financial funds.

## 1. RIGHT TO INFORMATION

### 1.1 Law no 119/2014 “On the right to information”

The approval of the law no 119/2014 “On the right to information” on 18 September 2014 aimed ensuring the information purported at ensuring the information for the public regarding the assumption of the rights and freedoms of each individual in practice, as well as creating the public perception regarding the situation of the state and society, inducing integrity, transparency and awareness of the public authorities. This law guarantees, in its aim, concrete rules for the protection and transforming the right to information to a real and easily applicable right into practice.

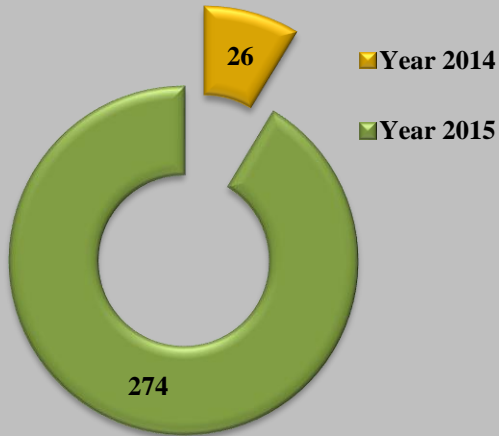
#### Treatment of complaints

Since January until later 2015, **274 complaints** were lodged with the Office of the Commissioner by natural and legal persons regarding the failure of observing and ensuring the right to information, mainly falling under the scope “*Denial of granting information and copies of official documents*” against public authorities. In the majority of the cases, the public authorities turned out to have provided no response to the applicants.

#### Administrative investigations

Out of the total number of complaints, **48 decisions** have been rendered for admitting the scope of compliant, ordering the authorities to make available the requested information and rejection of the complaint, while **2 hearings** have been conducted. The Office of the Commissioner has carried out **107 inspections** with the public authorities aiming at the verification of the requests being lodged. Following the inspections being carried out and sending of requests for submission, **199 complaints** have been settled through mediation, while **5 complaints** being incomplete, **3 complaints** being deposited beyond the time period with **19 complaints** falling outside the scope of law.

**300 complaints regarding the implementation of the law no 119/2014**

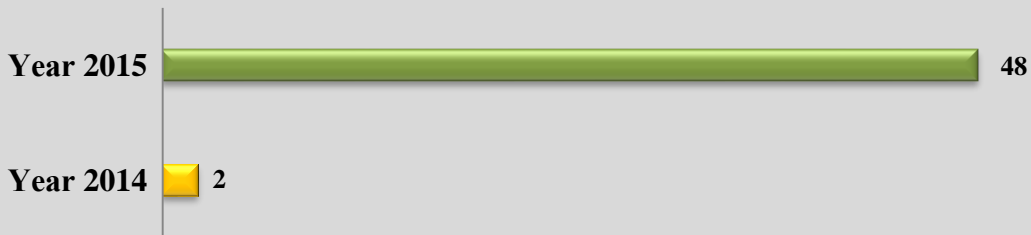


**107 inspections**

Year 2014  
**5 inspections**

Year 2015  
**102 inspections**

**50 decisions regarding failure to observe the law no 119/2014**



Complaints for 2015	
274	
199	Complaints settled through mediation
48	Upon the decision of the Commissioner
19	Beyond the scope of the law no 119/2014
5	Incomplete complaints
3	Complaints beyond the time period

## 1.2 Monitoring the Law on the Right to Information

In the context of applying the monitoring of the law no 119/2014 “On the right to information”

- In compliance with Article 6 and point 2 of Article 8 of the Law no 119/2014, upon the Order of the Commissioner no 14, dated 22/01/2015 “*Model Program of Transparency for the Public Authorities*”, the format standard “*Register of applications and responses*”, as well as other documents recommended as model, this being a package posted in the official website of the IDP and published in the *Official Journal no 6, dated 28 January 2015*, have been approved;
- In compliance with point 1 of Article 4 of the Law no 119/2014 “On the right to information”, the Commissioner has approved the *Transparency Program for IDP*;
- In compliance with point 1 of Article 8 of the Law no 119/2014 “On the right to information”, the Office of the Commissioner has established and made public the register of applications for information and information provided in response to them;
- In compliance with point 1 of Article 10 of the Law no 119/2014 “On the right to information”, the Commissioner has appointed the coordinator for the right to information.

In the context of monitoring the activity of authorities for implementing the law no 119/2014 “On the right to information”, the Commissioner has ordered ex officio the administrative review with 8 public authorities. The Commissioner has imposed an administrative sanction of punitive fine due to the failure to meet the obligations provided for by law.

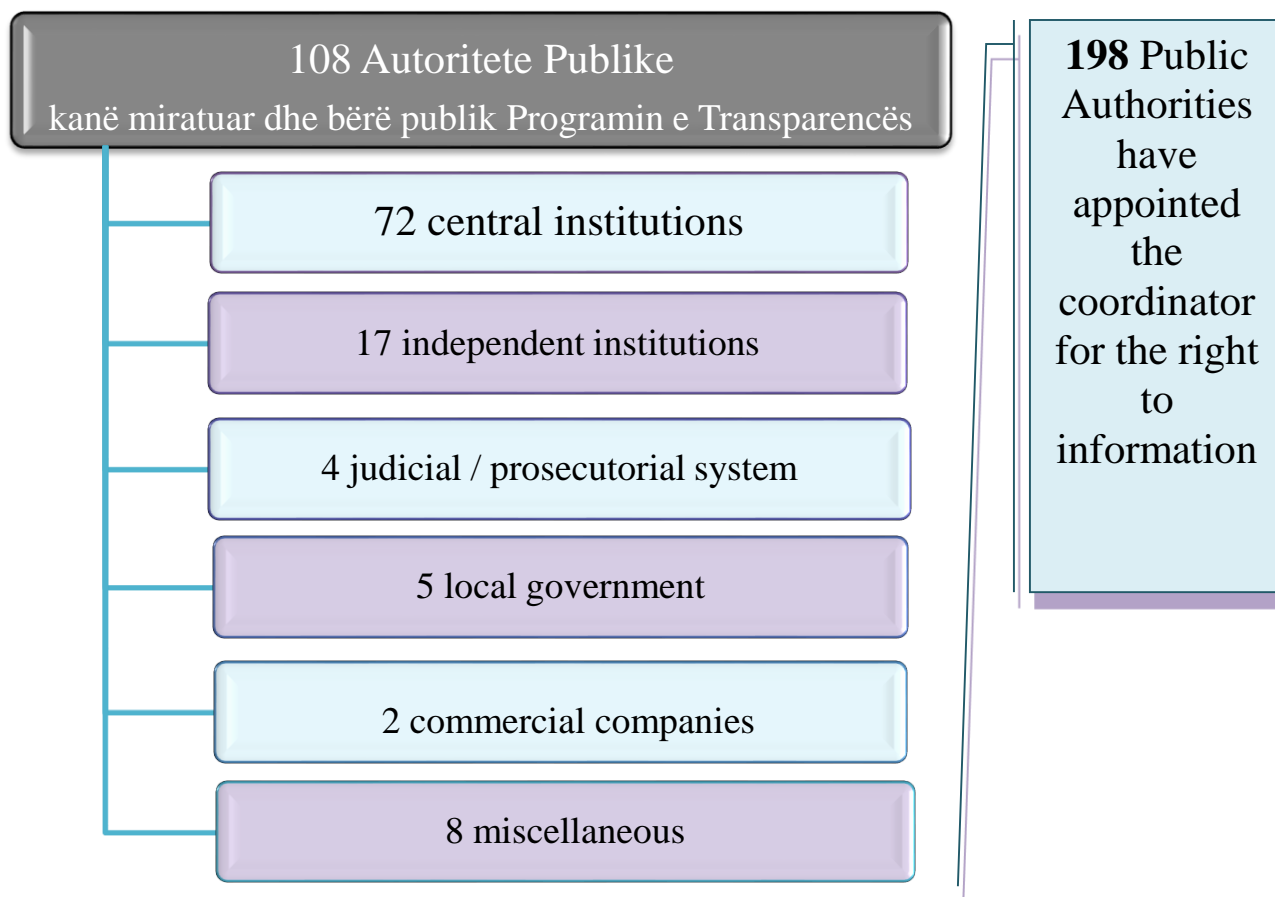
Constant monitoring of the official sites of the public authorities has been conducted in order to identify the publication of the Programs of Transparency, the appointment of the coordinator for the right to information and the publication and updating of the register of applications and responses, thus abiding by the Law no 119/2014 “On the right to information”.

The Public Authorities have appointed **198** coordinators for the right to information.

**108** public authorities in total have approved and made public the Program of Transparency, whereof:

- 72 central institutions;
- 17 independent institutions;
- 4 judicial / prosecutorial system
- 5 local government;
- 2 commercial companies;
- 8 miscellaneous.





The outcome of the continuous monitoring of the transparency program is the Office of Commissioner finding that there are institutions not having drafted the transparency programs. Even the institutions having drafted and approved the transparency program have not done this completely. The registers of the applications and responses have not been updated and there are institutions not having appointed the coordinators of the right to information.

### 1.3 Activities on the right to information

To the effect of dynamic development of this legal framework, the Office of the Information and Data Protection Commissioner has carried out a series of activities connected to the applicability of the law "On the right to information".

- In cooperation with the Foundation Open Society for Albania (SOROS), the training for the coordinators of Public Authorities was conducted. Participating in this training were representatives from **150** public authorities, with a number of them being coordinators of the right to information while the remaining participants were heads of institutions.

- The Office of the Commissioner paid a visit to the counterpart Authority of Montenegro, in the context of intensifying the process of regional cooperation and institutional inter-action in the field of implementing the new law on the right to information with the respective countries.
- The Department for the Right to Information attended the meeting “Balkans Open Government Partnership Dialogue 2015”, organised by the Minister of the State for Innovation and Public Administration, in cooperation with the Institute for Democracy and Mediation. At the same time, representatives of the department attended the meeting with the topic “Identification of challenges and possibilities for the access of vulnerable groups to justice”, organised by the Ministry of Social Welfare and Youth in cooperation with UNDP Albania.
- A training was organised at the Office of the Commissioner with Ms Anamarija Musa, Commissioner for the Right to Information of Croatia, in the capacity of SIGMA expert (Support for Improvement in Governance and Management), OECD structure (Organisation for Economic Co-operation and Development);
- Representatives of the Office of the Commissioner conducted a study visit to the Scottish Authority for the Right to Information to the effect of sharing the experiences in the field of the right to information.
- The Office of the Information and Data Protection Commissioner in cooperation with the Foundation Open Society for Albania – SOROS organised in Korca the regional conference “*The right to information, public authorities, the coordinator and transparency programs*”. The activity aimed at informing and training the representatives of these structures and those of the central institutions at local level about the obligations set out by the Law no 119/2014 “On the right to information”, in the context of re-organising the bodies of the local governance as a consequence of the administrative-territorial reform.
- We were represented at the conference organised in Podgorica by the Agency for Personal Data Protection and Free Access to Information of Montenegro in cooperation with the Regional Office of OSCE with the topic “*The right to information – regional experience and international standards in this country*”.
- The Office of the Information and Data Protection Commissioner in cooperation with the Foundation Open Society for Albania – SOROS organised in Vlora the regional conference “*The right to information, public authorities, the coordinator and transparency programs*”. The activity aimed at informing and training the representatives of these structures and those of the central institutions at local level about the obligations set out by the law no 119/2014 “On the right to information”, in the context of re-organising the bodies of the local governance as a consequence of the administrative-territorial reform.
- In the framework of the joint project with SIGMA – OECD organisation – the second training session was organised at the premises of the Office of the Commissioner with Ms Anamarija Musa, Commissioner for the right to information in Croatia and with the SIGMA expert Juhani Lemnik. Sharing the experience and consolidating the administrative capacities as well as application of the best practices in this field were falling under the scope of this activity.

- The Office of the Commissioner was invited and it submitted a presentation at the panel dedicated to the “Right to Information” at the Annual Conference “Local Government and human rights”, organised by the institution of the Ombudsman.
- The Office of the Information and Data Protection Commissioner in cooperation with the Foundation Open Society for Albania – SOROS organised in Shkoder the regional conference “*The right to information, public authorities, the coordinator and transparency programs*”. The activity aimed at informing and training the representatives of these structures and those of the central institutions at local level about the obligations set out by the Law no 119/2014 “On the right to information”, in the context of re-organising the bodies of the local governance as a consequence of the administrative-territorial reform.
- The Department for the Right to Information has attended the meetings organised by the Ministry of Innovation and Public Administration to report on the developments of the indicator for the reform in the public administration, as well as the inter-sector strategy of the reform in the public administration. Reporting occurred on the national strategy action plan against corruption 2015 – 2017, while the indicator is being compiled, due to become part of the document for the budget financing to be put in place for the anti-corruption strategy.
- To the effect of making the citizens aware on the way of filling out the application for being provided with public information, the Office of the Commissioner has put up an awareness poster, published in the official website [www.idp.al](http://www.idp.al).

## **1.4 Implementation and acquisition of projects**

### **Project with SOROS**

The Office of Commissioner has, in the course of this year, continued with the implementation of the project it has with SOROS Foundation. Training sessions have been conducted at districts, while the commentary on the law “On the right to information” has been compiled.

### **Establishment of online portal**

The Office of the Commissioner has, in cooperation with SOROS Foundation, established the online portal on the right to information, where the coordinators shall be involved, while the opportunity shall be provided to every citizen to deposit online applications and complaints. The implementation of this project goes in line with the Resolution of the Assembly requiring the establishment of the register of coordinators. The portal shall administer the Transparency Programs for the entire public authorities, as well as plenty of awareness materials.

### **Project with SIGMA/OECD**

Cooperation with SIGMA/OECD was initiated this year, thus aiming at boosting capacities of the Office of the Commissioner. Two training activities for the staff were conducted by the Croatian Commissioner, while a material has been compiled for determining the public authorities. In cooperation with SIGMA/OECD, efforts are focused on drafting an indicator due to serve as an instrument for the evaluation of the work of the Public Authorities in connection with the implementation of the law.

### **Reform in the public administration and budget financing**

The right to information has become integral part of the cross-sector strategy for the reform in the public administration, due to the financed by the European Union. The Office of the Commissioner has, in this strategy, an indicator measuring the total number of complaints being lodged and the number of sanctions/number of inspections. This indicator shall serve as an instrument for monitoring the implementation of the law “On the right to information”.

### **Anticorruption strategy and budget financing**

The right to information is also a part of the anticorruption strategy while, in the matrix of monitoring the strategy, the Office of the Commissioner has two measures to report about permanently; i.e., the establishment of the necessary structures for implementing the law “On the right to information” as well as public awareness regarding the law “On the right to information”. The anticorruption strategy shall be supported by the European Union through funding.

### **Twinning Project in the context of anticorruption strategy**

The Office of the Commissioner shall be part of the twinning project between the Minister of State for Local Issues and one of the consortiums to be selected later January. This twinning project shall start to be implemented during 2016 and it shall last 30 months.

## 2. PROTECTION OF PERSONAL DATA

Carrying out the activity in this direction has been considered from the perspective of the increase of the number of inspections and re-inspections with topics from various sectors collecting and processing personal data.

The purpose has been monitoring the implementation of instructions and recommendations being addressed to the public and private controllers following the enquiry-inspection process.

Specific attention has been paid to the cooperation with AKEP regarding monitoring the process of destructing the personal data of citizens by the mobile communication companies, as an obligation emerging for the companies from the law on electronic communications.

Falling under the scope of the activity was also the monitoring of the process of international transfers of data, mainly in strategic sectors as telephone, banks, to the effect of a better protection of the personal data of citizens.

Signing up to a number of cooperation agreements is an indicator of boosting the institutional performance, including its own activity as well as the measures shared with other stakeholders in the context of reciprocity.

### 2.1 Processing the complaints

Around **140** complaints were lodged in the course of 2015. **88** of them emerged to be in compliance with the law “On personal data protection” and they were dealt with by the Office of the Commissioner.

To the effect of a fair and comprehensive settlement of the complaints, administrative inspections were conducted, as appropriate, by the various controllers, while the procedural steps have been observed, such as the continuous contact with the complaining entity and the controllers in the context of collecting the information.

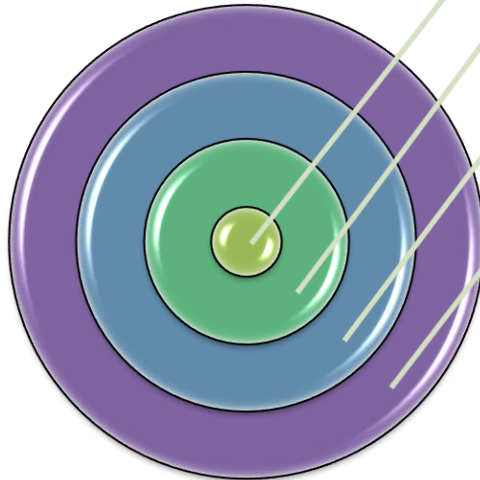
The complaints pertained mainly to:

- Direct marketing, being the highest number of complaints, and mainly on the unsolicited communications, through the phone or electronic post;
- Publication of the personal data in media and official internet websites of the controllers;
- Assuming the right of the entities to access for rectifying/deleting the personal data;
- Publication of personal data while not being anonymised in the judicial decisions, etc.;

Even in the course of this year, a considerable number of complaints were submitted with the Office of the Commissioner through the electronic mail made available to the entities of personal data [info@idp.al](mailto:info@idp.al). This has put in place a fast and direct communication with the entities, thus facilitating the procedure and duration of the settlement of complaints.

During 2015 **140** complaints were filed.

Whereof, **88** turned out to fall under the scope of the law on the protection of personal data and they have been dealt with by the Office of the Commissioner.



Publication of personal data while not being anonymised in the judicial decisions, etc.

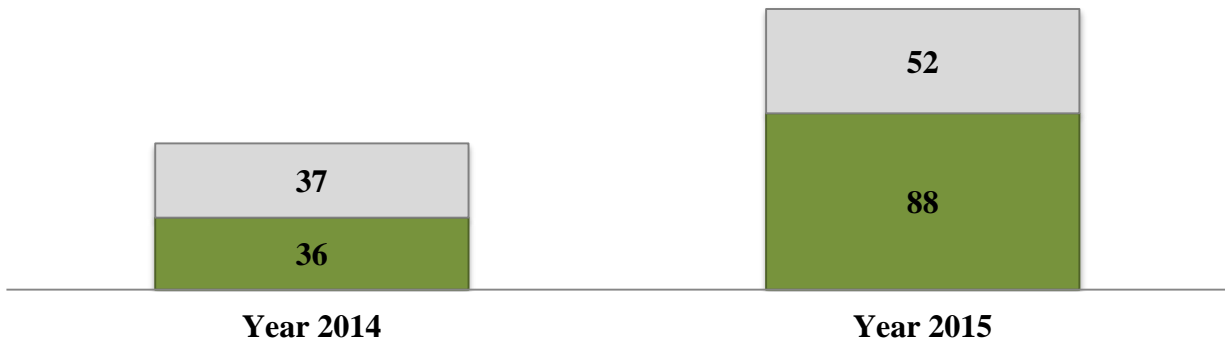
Publication of the personal data in media and official internet websites of the controllers

Assuming the right of the entities to access for rectifying/deleting the personal data;

Direct marketing, being the highest number of complaints, and mainly on the unsolicited communications, through the phone or electronic post;

### Comparison with the previous year

■ Processed complaints    □ Complaints beyond the scope of the Law no 9887



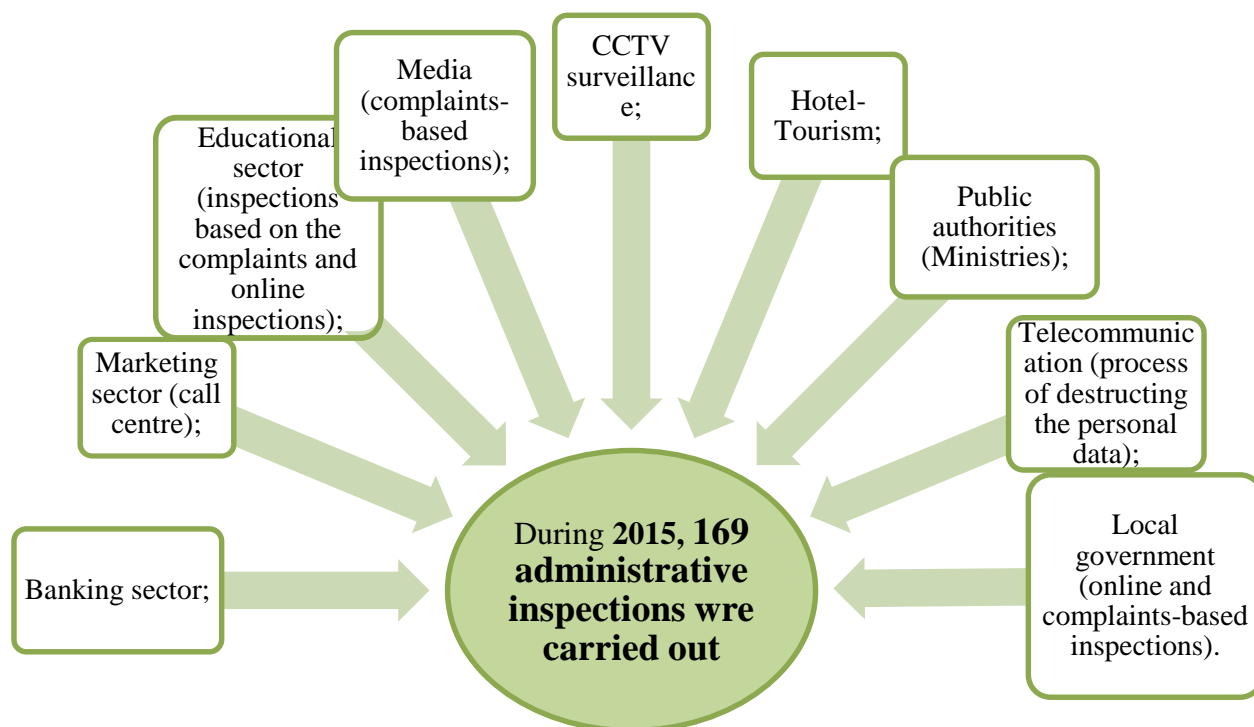
## 2.2 Administrative investigation

The purpose during 2015 was increasing the number of inspections and re-inspections with topics in various sectors. The annual work plan has been drafted to this effect and the bulk of

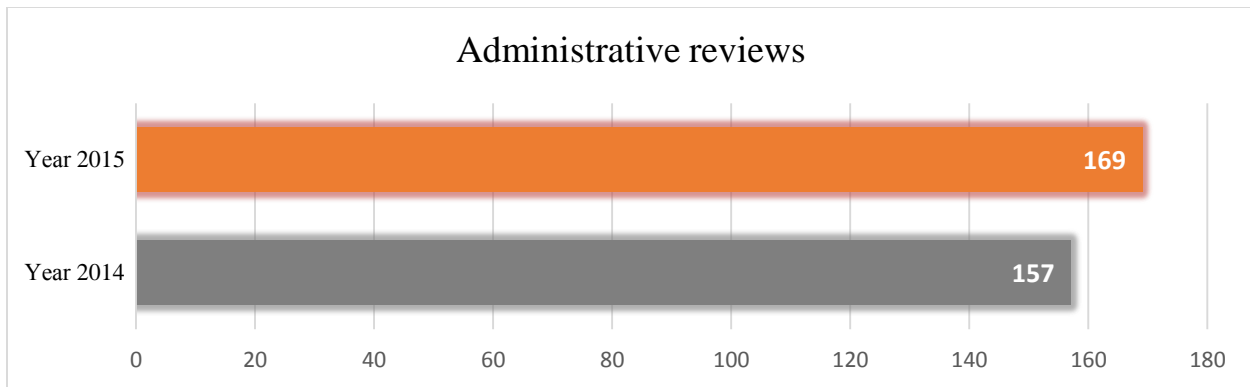
administrative inspections have been provided to be related to certain topics and sectors. The main sectors, where inspections have been conducted, being:

- Banking sector;
- Marketing sector (call centre);
- Educational sector (inspections based on the complaints and online inspections);
- Media (complaints-based inspections);
- CCTV surveillance;
- Hotel-Tourism;
- Public authorities (Ministries);
- Telecommunication (process of destructing the personal data);
- Local government (online and complaints-based inspections).

**169** administrative investigation cases occurred in this context, being ex officio and based on complaints. The administrative investigations have been carried out mainly with the controllers seated in Tirana, however, also in other districts of the country, such as Durrës, Fier, Vlorë, Berat and Shkodër. **48** inspections were conducted online in connection with the local government sector (**29**) and the educational sector (**19**). The local governance units offer a broad spectre of services to the citizens, encompassing the processing of the personal data. These services are offered through the processes surrounding the collection, pooling and communication of personal data. The inspections have been conducted during December, while the information collected subsequently by the Office of the Commissioner is being processed and a final act shall be issued.



The administrative investigations have been carried out mainly with the controllers seated in Tirana, however, also in other districts of the country, such as Durrës, Fier, Vlorë, Berat and Shkodër.



### 2.3 Notification

Implementing the Resolution of the Assembly of the Republic of Albania the latter requiring for 2015 “*Maximum commitment of the Commissioner to the effect of a comprehensive identification of the controlling and processing entities and their registration in the register of the controlling entities*”, the performance of the Office of the Commissioner was evaluated this year regarding the identification of the controlling and processing entities, aiming at the same categories of entities, to the effect of their awareness and full registration.

In this framework, a thorough verification was conducted regarding the situation of companies having as scope of their activity “Call Centre” activity, by way of obtaining the necessary information from the National Centre of Registration for all the controlling entities having declared that they carry out their activity in this field.

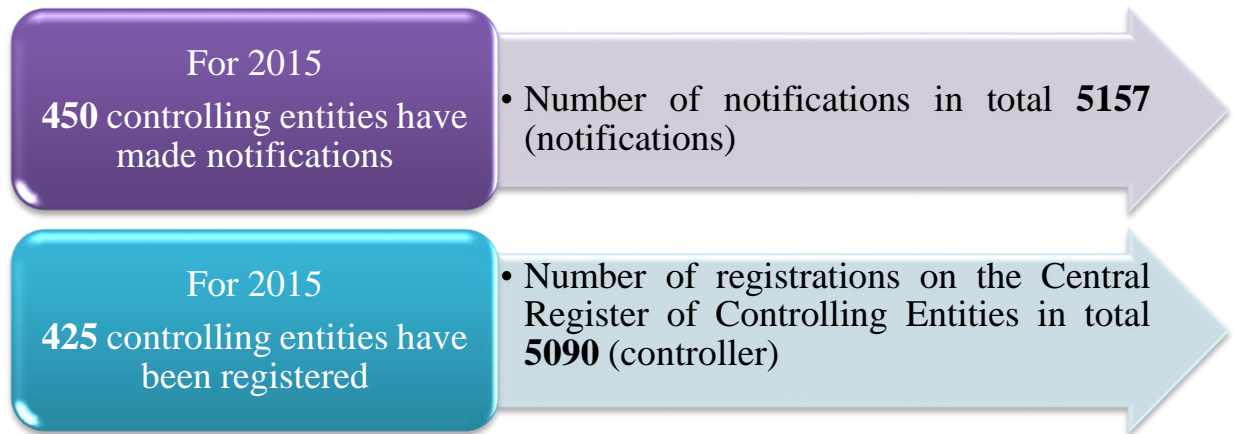
There was in the course of this year, in compliance with the legal obligation to make a notification, an increase of the number of the notifications by the controllers referred to above regarding the phone calls and the meetings at their work premises with their representatives. This was a consequence of the verifications conducted with these entities, being bound to notify the Office of the Commissioner regarding the personal data they process, but also of the awareness created following the decisions imposing the administrative sanction of the punitive fine for some of them, which were subject to the administrative review procedure.

Falling under the scope of our activity regarding the identification and registration of major controllers were also the controlling entities carrying out their activity in the fields of hotels-tourism, commercial centres, as well as controllers processing data through the observation-registration camera systems.

As a consequence of the new awareness and binding legal strategy, which was followed in the course of this period by the Office of Commissioner, there were notified **450** controlling entities who are mainly major controllers processing data of various categories of the entities of data. The total number of the notifications of processing by the controllers in the territory of the Republic of Albania until later 2015 amounted to **5157**.



We have proceeded with the registration and online publication of the notifications appearing to perform the processing of the personal data in compliance with the requirements of Articles 5 and 6 of the Law no 9887, dated 10/03/2008 “On the protection of the personal data”, as amended, on the Open Public Register. The number of the controlling entities registered for this period is **425**, thus bringing the number of the entities registered with the Central Register of the Controlling entities up to **5090**.



## 2.4 International transfer

An increasing number of requests for international transfer being dealt with by the Office of Commissioner is identified as compared to 2014.

Even in compliance with the Resolution of the Assembly, the transfer process has been monitored in all the instances of administrative control conducted in the banking sector during 2015.

At the same time, where ever it has been found out that a transfer is under way to countries with an insufficient level of the protection of data additional information has been required from the controllers by way of indicators in the Notification forms, while the respective transfer practices have been examined.

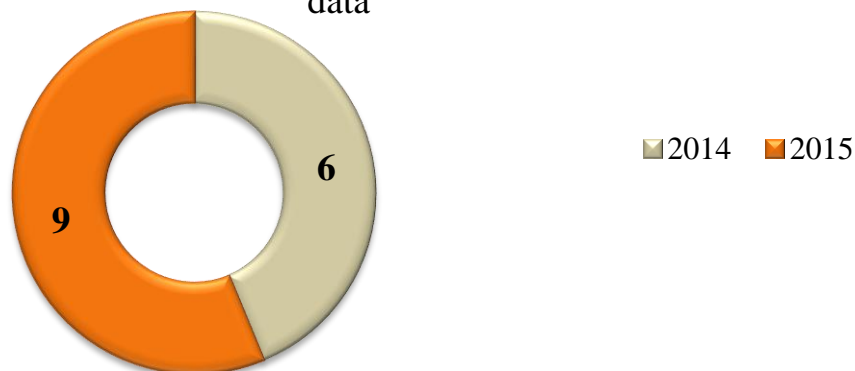
9 cases have been dealt with regarding the international transfer of data wherefore 7 (seven) decisions have been rendered as follows:

- 1 decision no permitting/authorising the data transfer;
- 3 decisions authorising the data transferred subject to conditions;
- 3 decisions authorising the data transfer;
- 1 case is still under consideration process (the request was lodged with IDP in December 2015);
- In 1 case, guidance has been provided.

During 2015, opinions and orientations have been provided for various controllers regarding the international transfer in written format or through electronic mail, based on their request.

PRACTICES DEALT WITH FOR INTERNATIONAL TRANSFER OF PERSONAL DATA	<b>9</b>
Authorisation for the personal data transfer granted	3
Decision rendered rejecting authorisation	1
Conditioned authorisation granted	3
Case still under review	1
Case where guidance has been provided	1

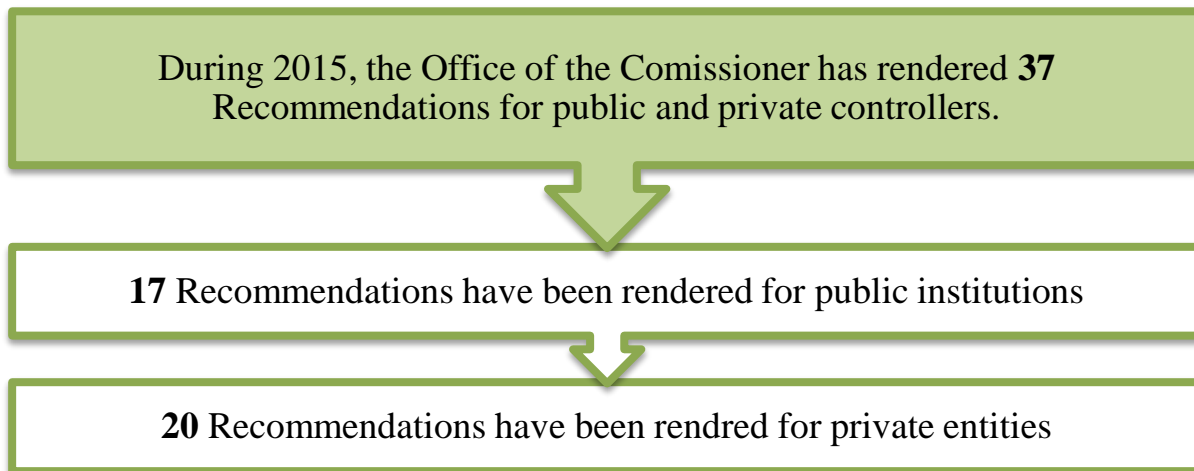
Cases dealt with regarding the international transfer of personal data



## 2.5 Recommendations / Orders

The Office of the Commissioner has during 2015 rendered **37** Recommendations for public and private controllers and **2** Orders for suspending the processing of personal data. **17** Recommendations have been rendered for the public institutions and **20** Recommendations for the public entities.

Concerning the monitoring regarding the abidance by the Recommendations and Orders, it emerges that the majority of the controllers have notified the performance of recommendations being rendered under the legal requirements (Article 32 of the law). The appropriate verifications have been made based on documentation and, as appropriate, the further verifications in the field have been made. Upon being found out in the field that there is a failure in meeting the Recommendations and Order, the Office of the Commissioner has, assuming its own legal responsibilities, imposed the administrative sanction of punitive fine. In this context, **4** decisions have been rendered thus imposing the sanction of punitive fine.



## 2.6 Unifying standards in separate sectors

### Recommendation in banking sector

The Office of the Commissioner has, in the course of this year, rendered **Recommendations** in the banking sector. The recommendations are the outcome of administrative enquires exercised by the Office of the Commissioner in this sector. The enquiries have been conducted based on the complaints of citizens or ex officio. In the course of implementing the procedures, there were identified a couple of problematic issues in the relations of these institutions with the clients and with the third parties. Due to these reasons, the Office of the Commissioner decided to recommend to the controlling entities in the banking sector a series of concrete procedural changes, in compliance with the provisions of the Law no 9887, dated 10/03/2008 “On Personal Data Protection”, as amended. At the same time, the Office of the Commissioner has, with regard to the findings, come up with a recommendation for the Bank of Albania, in its capacity of the direct surveying authority for monitoring the implementation of the provisions of the law for protecting the confidentiality. The Bank of Albania has taken account of this recommendation of the Office of the Commissioner.

### Monitoring the direct marketing / Call Centre sector

The Office of the Commissioner has carried out sector-related controls with the controlling entities having **call centres** as their scope of activity. There has been a considerable number of complaints regarding the direct marketing. Where, in addition to the serious violations found out based on the Law no 9887, dated 10/03/2008 “*On personal data protection*”, as amended, the entities carried out their activity of brokering at variance with the Law no 9879, dated 21/02/2008 “*On titles*”, the Law no 9752, dated 03/07/2006 “*On the Authority of financial Surveillance*” and the Law no 9902, dated 17/04/2008 “*On consumers protection*”, the Office of the Commissioner informed also the

central structures for the development and implementation of policies, such as the Ministry of Economic Development, Tourism, Commerce and Entrepreneurship, as well as the Authority of Financial Surveillance.

### **Recommendation for ERE controller**

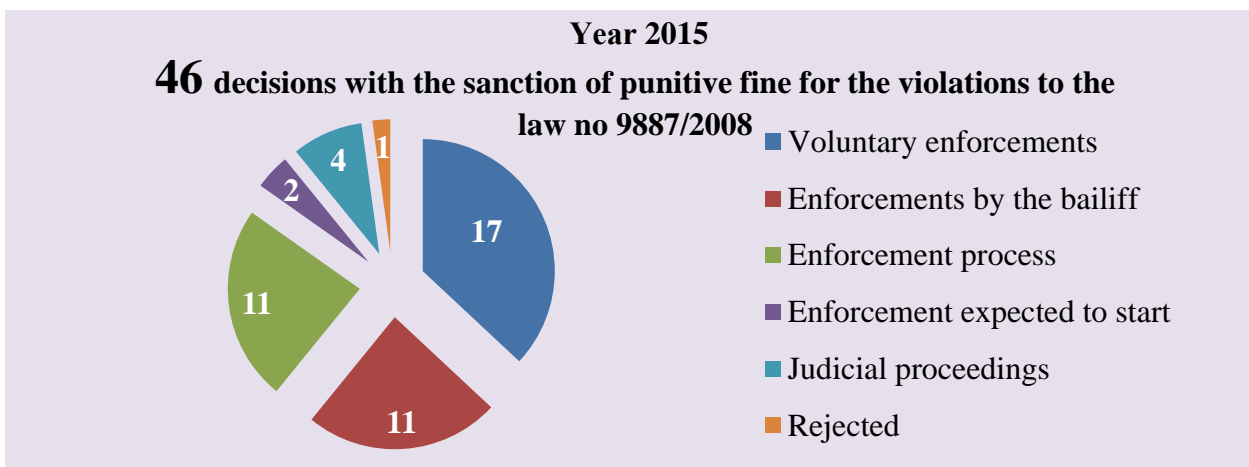
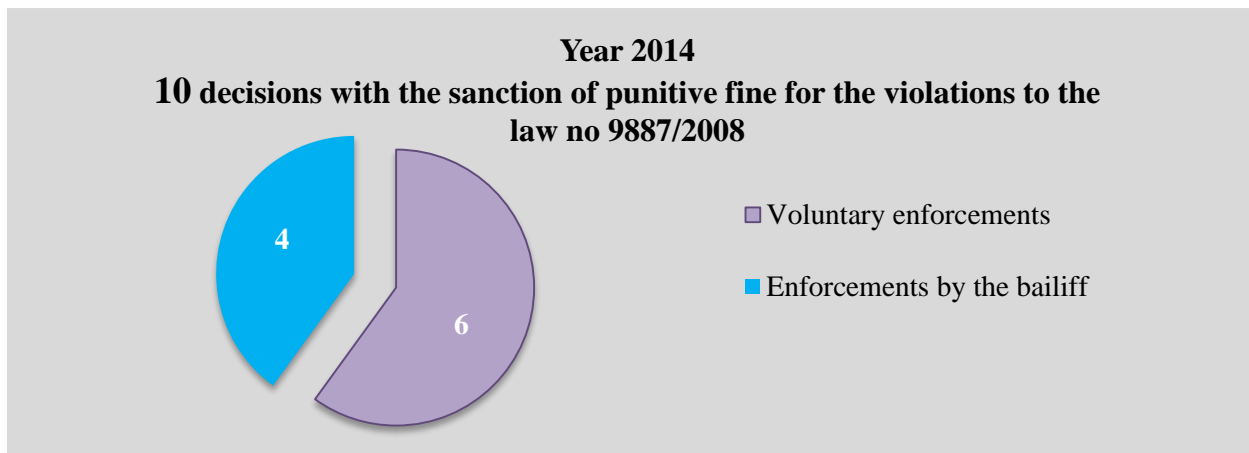
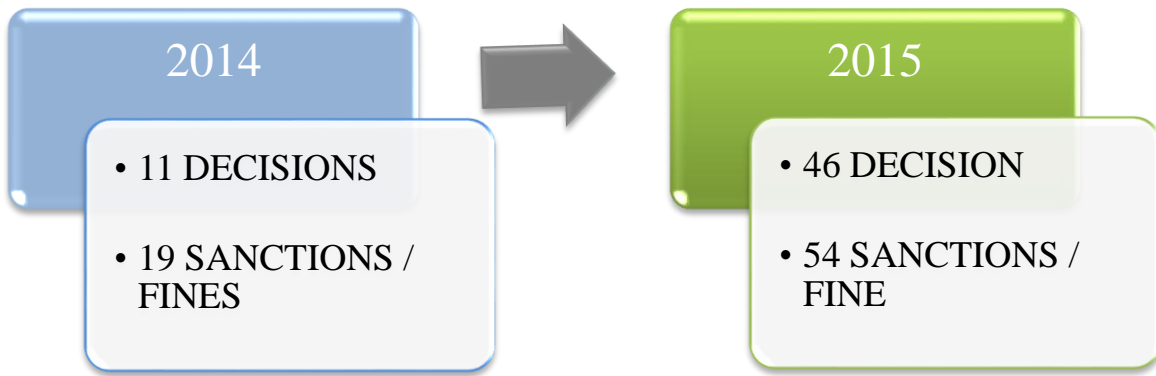
Issuing the Recommendation for the Energy Regulatory Entity (ERE), being the surveillance authority for providing this service, the Commissioner has disciplined this controller with regard to processing the data in a certain direction. This act has proposed to this authority to approve amendments to the Regulation no 22, dated 25/02/2012, “On new connections in the distribution system”, regarding the way of archiving the documents of registration of property of the beneficiaries of the electrical power. To the effect of meeting this Recommendation, ERE has reacted by way of Decision no 53, dated 17/04/2015 (published in the Official Journal) approving the changes in the respective regulation. At the same time, the new provisions have been effective with regard to the way of preserving the information by OSHEE, as a procedure due to the implemented in compliance with the law no 9887, dated 10/03/2008 “On personal data protection”, as amended.

## **2.7 Administrative sanctions**

The Office of the Commissioner has, during 2015, rendered **46** decisions corresponding to **54** administrative sanctions. Under the legal provisions and procedures, the Office of the Commissioner has, following the conduct of administrative enquires with the various public and private controllers, ex officio or upon the request of parties, imposed the sanction of punitive fine, where ever the infringements were severe or recurrent, or upon them being at variance with the Recommendations / Orders of the Commissioner. Following the examination of the respective materials contained in the file and as an outcome of the administrative investigation, where ever legal infringements were found out, *hearings* were conducted. The hearings were conducted following the advance notifications addressed to the controllers and observing the right of entities to be heard under the Articles 93-96 of the Law no 8485, dated 12/05/1999 “Code of Administrative Procedures of the Republic of Albania”, prior to making the final decision imposing the sanction of punitive fine on the controller.

During 2015 Office of Commissioner rendered **46** decisions imposing fines

• corresponding to **54** administrative sanctions

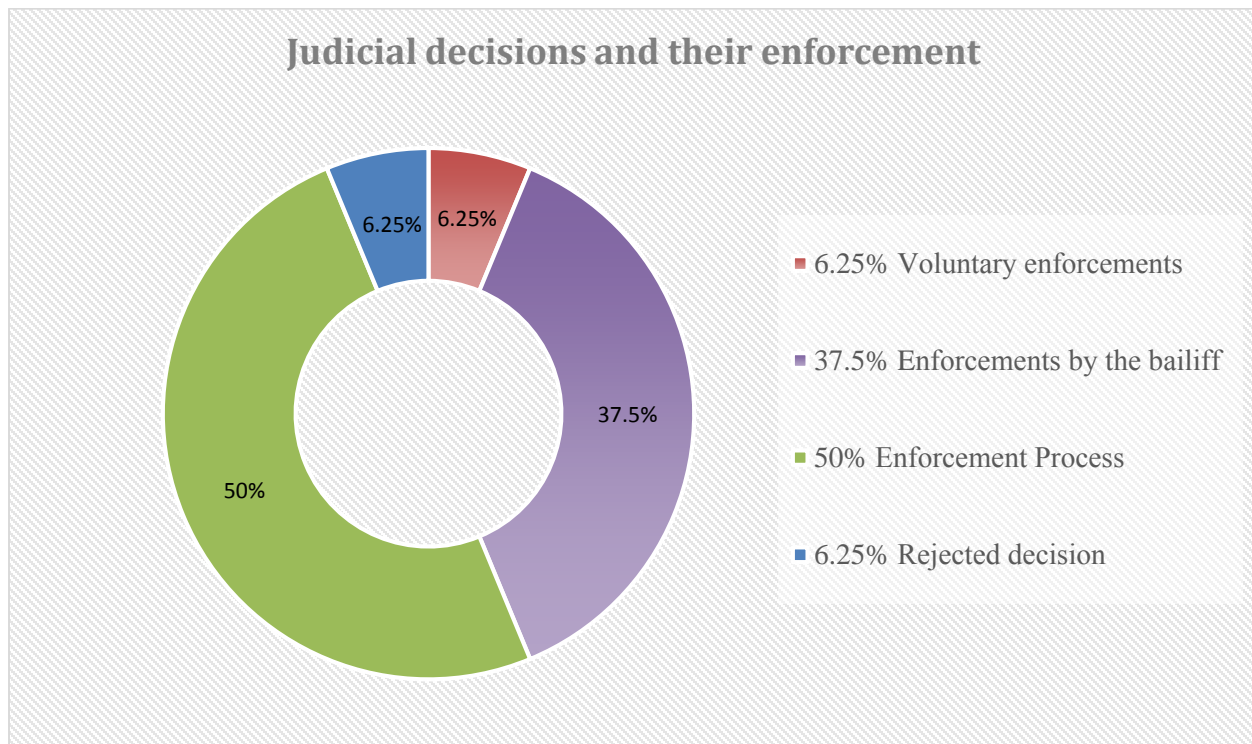


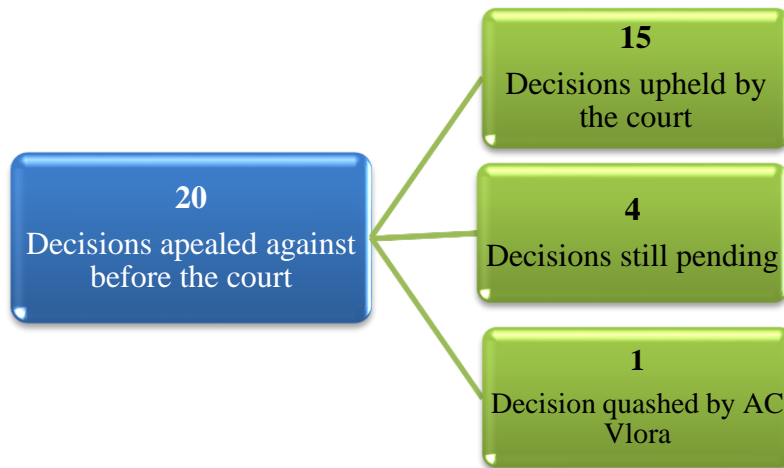
## 2.8 Judicial proceedings

Efforts were focused on following up the judicial proceedings in the context of the complaints deposited by the controllers against the decisions of the Commissioners imposing a sanction/punitive fine or against various rulings. For each single case the submissions or the final conclusions have been prepared. Simultaneously, efforts have been focused on following up the proceedings for the enforcement of decisions in line with the effective legislation.

**Out of 20 judicial proceedings in the field of personal data protection, 16** of them have been completely examined. Regarding **15** of them, the decision rendered by the Commissioner was upheld, while the proceedings are underway regarding the complaint filed in **one** case.

**In the field of the right to information, 3** judicial proceedings have been completed at first instance regarding the decisions of the Commissioner, related to ordering obtaining information in the context of the law “On the right to information”. **2** of them shall be examined at the court of administrative appeal upon the complaint filed by the public authority.





AMOUNT COLLECTED  
TO THE STATE BUDGET FOR 2015  
OUT OF THE ENFORCEMENT OF THE DECISIONS IMPOSING FINES  
AMOUNTING TO **4.580.000 LEKË**



## 2.9 Feedback on the legal and bylaw draft acts

The Office of the Commissioner aimed at inducing the public and private entities to make available for feedback any legal or bylaw draft act, various legal documents, agreements etc., bearing a connection with the field of protection of personal data. To this effect, any meeting, reporting, training or public announcement has been availed of.

The integration of the domestic legislation with that of the personal data protection consist the essence of the fair and legitimate processing of the data. Compared to one year earlier, the figures show an increase of the acts that the IDP has become active in providing its feedback. **15** draft laws, **17** draft Decisions of the Council of Ministers and **4** draft Instructions have been dealt with.

*Worth mentioning are the following:*

**Draft Law** “On some addenda and amendments to the law no 7961, dated 12/07/1995 “Labour Code of RA”, as amended, sent by the Assembly of the Republic of Albania;

**Draft Law** “On some amendments to the Law no 53/2014 “On deposits insurance”, sent by the Ministry of Finance.

**Draft Law** “On some addenda and amendments to the law no 10128, dated 11.5.2009 “On electronic commerce”, as amended, sent by the Ministry of State for Innovation and Public Administration.

**Draft Law** “On security measures”, sent by the Ministry of Interior.

**Draft Law** “On whistle-blowers”, sent by the State Minister for Local Issues.

**Draft Law** “On the Saving and Crediting Companies and their Unions”, sent by the Ministry of Finance.

**Draft Law** “On the registration of the address of the Albanian citizens living outside the territory of the Republic of Albania”, sent by the Ministry of Interior.

**Draft Law** “On border control”, sent by the Ministry of Interior.

**Draft Law** “On the way of providing public services at the counter in the Republic of Albania”, sent by the Ministry of State for Innovation and Public Administration.

**Draft Law** “On the organisation and functioning of the local governance”, sent by the State Minister for Local Issues.

**Draft Decision** “On the approval of the “Regulation on electronic identification and trusted services”, sent by the Ministry of State for Innovation and Public Administration.

**Draft Decision** “On the establishment of the state data base of the medium term budget planning system (PBA), sent by the Ministry of Finance.

**Draft Decision** “On the establishment of the state data base of the Budget Management System and Financial Analysis (DMFAS)”, sent by the Ministry of Finance.

**Draft Decision** “On the establishment of the state data base of the financial information system of the Government (FISG)”, sent by the Ministry of State for Innovation and Public Administration.

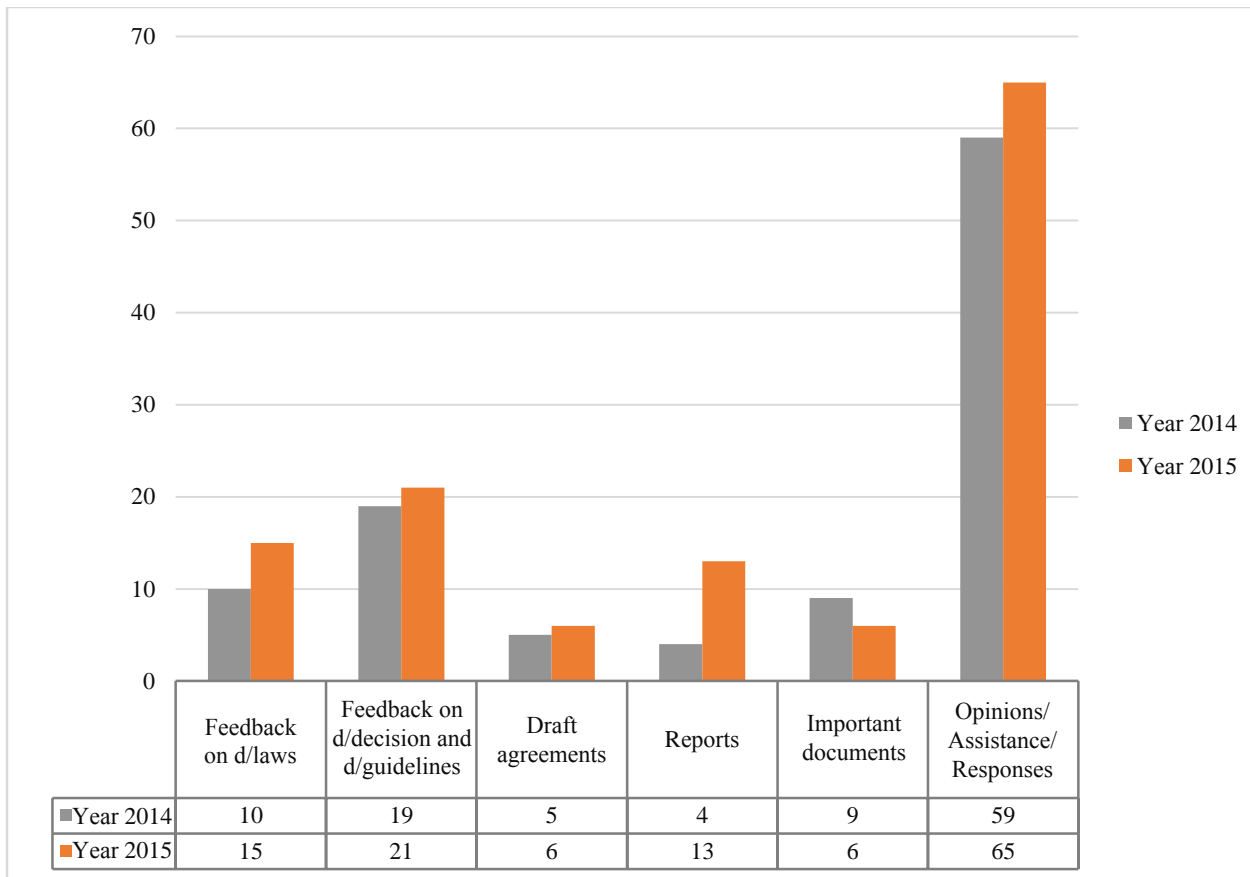
**Draft Decision** “On the rules of functioning, establishment, administration, format, contents and procedures for the safety of the strategic investment register”, sent by the Ministry of Economic Development, Tourism, Commerce and Entrepreneurship.

**Draft Decision** “On the approval of the rules for the establishment and administration of the electronic register for public notifications and consultations”, sent by the Ministry of State for Innovation and Public Administration.

**Draft Regulation** of the personal data protection, sent by the Authority of Electronic and Post Communications (AKEP), while a meeting has been held between the representatives of the Office of the Commissioner and AKEP, in the context of drafting and signing up to a Cooperation Agreement, wherefore the arrangements are underway.

- ✓ Legal opinion have been provided regarding other important documents sent by various institutions, such as draft strategies, draft regulations of controllers, etc.





- ✓ The official website of the Office of Commissioner has a separate poster reflecting the provision of opinions regarding draft-acts sent for feedback.

## 2.10 Monitoring the Official Journal 2015

Assuming the responsibilities of the Commissioner, provided for in Article 31/1/a of the law on the protection of personal data regarding the feedback on legal, bylaw draft acts and projects, the Official Journal has been checked up to establish which of the acts being published have not been sent for feedback.

Reporting is reflected in **Annex no 1**, attached to his Report.

## 2.11 Awareness

The Office of the Commissioner has paid specific attention to the awareness and sensitivity of the controllers and data entities regarding the importance of the protection of personal data. In the course of this reporting period, the following training seminars have been conducted:

- Seminar organised with the banking sector. Dealt with in this seminar were mainly the recent legal and bylaw amendments, as well as the sets of issues encountered in the banking system in the course of implementing the protection of personal data.
- 2-day seminar organised with representatives of the State Police Directorate General. Dealt within this Workshop were concrete issues regarding the collection, processing, archiving and standards of security of personal data of citizens, in the course of assuming the legal functions of the State Police employees.
- Seminar in IT sector. The seminar in such a case was dedicated to the "Cloud Computing"(CC) and the security measures for the protection of the personal data. The measure was instrumental to the representatives of IT companies, banks and state institutions to get acquainted with the guide on Cloud Computing approved by the Commissioner.
- Implementing the Cooperation Agreement with the National Chamber of Notary, we have conducted trainings with the notaries, to the effect of informing them of their legal obligation to make notifications under the law of personal data protection.
- The Office of the Commissioner was present with its own corner in the 18<sup>th</sup> fair of the book "Tirana 2015". This was the second successive participation in this activity, as a valuable contribution to communicate as often and directly with the public.
- To the effect of making the citizens aware of their rights in the event of receiving unsolicited phone calls, the Office of the Commissioner has applied an awareness footage which has been published in the official website [www.idp.al](http://www.idp.al).

## **2.12 Cooperation**

### **Relations with the Ministry of Justice on anonymising the judicial decisions**

To the effect of making possible the anonymity of the personal data in the judicial decisions published on the website of the judicial system, the Office of the Commissioner has, since March and in cooperation with the Ministry of Justice, concluded a draft-instruction on the way of implementing this process.

Further to our efforts to attain this goal, the Minister of Justice has been asked to ensure the continuity of cooperation on the way of making the personal data in judicial decisions anonymous.

## **Relations with the Ministry of Interior**

Making available feedback on the important draft acts send by the Ministry of Internal Affairs, the training sessions being conducted and the inspections with this Ministry identify the work done in this sector.

## **Relations with the judiciary**

A good cooperation has started with the School of Magistrates to make possible the training of judges in this field and gradually to attain the incorporation of certain measures into the curricula of this school.

## **Relations with AKEP**

Cooperation with AKEP has continued with the provision of opinions and the start of arrangements for drafting and signing up to a cooperation agreement, as well as with meetings being conducted. Upon our request to have joint inspections, AKEP has offered its expertise for conducting them.

Work during this reporting period focused on the monitoring of the process of destruction of personal data by the mobile communication companies, as an obligation for the companies stemming from AKEP law. The administrative review has started with two controllers in the field of telecommunication. The scope is the implementation of the Law no 9887, dated 10/03/2008 “*On the protection of personal data*”, as amended, as well as the acts approved by the Commissioner, regarding the monitoring of the process of destruction of personal data of citizens following the attainment of the purpose of their processing by the phone operator. This process is still ongoing with its conclusions to be part of the upcoming reporting.

## **Relations with the Ombudsman**

Accomplishing the task set out in the Resolution of the Assembly, the Office of the Commissioner has, by way of the letter no 698, dated 21/07/2015, sent to the Ombudsman, evaluated the joint interest in drafting the cooperation agreement to the effect of processing the cases falling under the scope of the right to information.

## **2.13 Cooperation Agreements**

In the course of this period **5** Cooperation Agreements have been signed. The Resolution of the Assembly for 2014 and the EU Progress Report for 2015 have, in their requirements, recommended signing up agreements and intensifying the inter-institutional relations of the Office of the Commissioner, mainly in the field of media.

Specific importance has been paid to the International Cooperation, the outcome of which was the signing of the Agreement with the Italian counterpart Authority.

### **Cooperation Agreements between the Commissioner for the Right to Information and Protection of Personal Data and the Italian Authority of the Protection of the Personal Data (*Garante per la protezione dei dati personali*)**

In February, the Office of the Commissioner conducted a study visit to the Italian Counterpart authority “*Garante per la protezione dei dati personali*”. The purpose of this visit was exchanging experience mainly regarding the procedures of administrative review, but also other important issues regarding the activity of data protection authorities. The two Commissioners signed up to a Cooperation Agreement. Its purpose is inducing cooperation for continuously sharing the experience in carrying out the inspections/joint surveillance at the Italian controllers / companies carrying out activity in the territory of the Republic of Albania and processing personal data.

### **Cooperation Agreements between CRIPPD and AMA**

On 23 September in the Premises of the Commissioner, the cooperation agreement was signed with the Authority of Audio-Visual Media. This document is a sound base for coordinating the efforts between our both authorities in the process of monitoring and implementing the legal acts in the respective fields and in mutual cooperation. The agreement attaches specific importance to processing the personal data of citizens by media in compliance with the provisions of the respective law, however, it also induces them to assume the right for information in a balanced fashion.

The document provides for, *inter alia*, the coordination and cooperation of the work between the two authorities in such directions as: drafting and revising the transparency programs; drafting the code/codes of ethics of audio-visual media; proposing legal and bylaw improvements in the field of the right to information and for the protection of the personal data; inciting awareness among the public opinion to the effect of enhancing sensitiveness for the protection of personal data in the audio-visual field, along with the respective audio-visual associations and entities, as well as with the associations for the protection of children; enhancing the responsibility and the professional standards of journalists and their employees, in joint activities, for avoiding the instances of violating the personal data of minors in the audio and audio-visual programs.

### **Cooperation Agreements between KRIPPD and HIDACI**

The High Inspectorate of the Declaration and Controlling the Assets and Conflict of Interests and the Information and Data Protection Commissioner signed, following consultations in the current year, a cooperation agreement. This agreement relies on the recommendations reflected in the Resolutions of the Assembly of Albania for both our institutions, as well as it encourages the process of constant information of the public. The agreement aims at strengthening and improving the practices and relations between the respective authorities in guaranteeing the rights and

fundamental human rights, in the fields where these institutions are assuming their legal powers. The agreement specifically aims at improving and consolidating the process of communication with the public opinion in the fields of the right for information, protection of personal data, and also enhancing transparency of the work of the public functionaries and their obligation for declaring the assets and avoiding the conflict of interests.

### **Cooperation Agreements between KRIPPD and NRC and between KRIPPD and NLC**

The Information and Data Protection Commissioner signed up two cooperation agreements, respectively with the National Registration Centre and the National Licensing Centre. These documents define clear modalities for coordinating the efforts between the Office of Commissioner and the NRC and NLC in the process of monitoring the implementation of legal acts in the respective fields. The agreements are based on the process of institutional cooperation to the effect of enhancing the process of mutual share of information. By way of using the databases of these institutions, the Office of Commissioner provides a direct assistance to the commercial entities for observing the legal framework in the field of protection of personal data, right at the outset of their activity, specifically in meeting their obligation to fill out the form of notification and registration on the electronic register.

On the other hand, the agreements provide for concrete and continuous assistance for consolidating the program of transparency and strengthening the role of the coordinator for the right to information with NRC and NLC, implementing the provisions of the law no 119/2014. The Office of the Commissioner assesses the enhancement of the transparency of the activity of these institutions of the public administration as very important, since a structured cooperation of the activity between the Office of the Commissioner and NRC and NLC is also a direct contribution in the process of the fight against corruption.

The agreements also provide for the coordination and cooperation of the activities of these institutions in such aspects as: examining the proposals for the improvement of the legal acts in the respective fields jointly; organising the national and international activities being instrumental to the implementation of the legal framework jointly; continuing the training measures continuously for enhancing the administrative capacities and adopting the best practices; coordination of the work in drafting and revising the transparency programs and the ethical codes etc.

### **Publication of Decisions online on the NRC website, etc.**

The agreement has attained achievements even in another important aspect. It makes possible also the publication of the controlling entities by the NRC which have been sanctioned by the Commissioner to punitive fine, following the violations being established, however, the enforcement being impossible due to the change of address or failure to identify them in the field. The publication of the decision for a certain time period serves also as a way of notification to continue further with the enforcement of decisions.

At the same time, the inaccuracy of the addresses of controllers very often has brought about the failure to conduct the inspection in accordance with the respective Order approved by the Commissioner. In this context, cooperation with NRC has facilitated the localisation of the seat of the activity.

## **2.14 Reporting**

The Office of the Information and Data Protection Commissioner being a member with full voting right with the Consultative Committee (T-PD) has reported to the latter about the recent developments in its activity for the period *May 2014 – May 2015, as well as on the Opinion “On the implications for data protection of mechanisms for automatic inter-state exchanges of data for administrative and tax purposes”* approved by T-PD.

Reports have been submitted chronologically to the Ministry of Justice and MIE in the context of PKIE, or where requested by the EU Delegation representatives.

## **2.15 International Cooperation**

### **17th meeting of CEEDPA**

The Office of the Commissioner organised on 29 and 30 April at the premises of Adriatik Hotel in Durres the 17<sup>th</sup> Meeting of Central and Eastern Europe Data Protection Authorities – CEEDPA. This meeting was the first international event being held in Albania by the Office of Commissioner. Participating there were 16 delegations from Poland, Hungary, Czech Republic, Macedonia, Kosovo, Serbia, Bosnia and Herzegovina, Montenegro, Slovakia, Bulgaria, Ukraine, Moldova, Georgia, Morocco, Italy, as well as representatives of European Union and Council of Europe. During the session of the first day of the meeting, the participating authorities decided unilaterally the accession with full rights of the State Agency for Personal Data Protection of Kosovo in this Network. The participants in the 17<sup>th</sup> meeting got to know extensively and share experiences about concrete cases in the field of protection of personal data and observation of privacy, information at schools, legal reforms, development of technology, transparency of the activity of the public authority and cooperation with the private sector.

### **27th edition of Case Handling Workshop**

The Office of the Information and Data Protection Commissioner organised in September “27<sup>th</sup> edition of Case Handling Workshop”.

Participating in this activity, being the most important of this format and held for the first time in Albania, were representatives from 18 counterpart Authorities for Personal Data Protection, members of European Conference and three observers delegations. The attendants in the meeting discussed, along the two days of the agenda, and shared the best experiences at the technical level

in this field. Part of the program of this meeting were not only the presentations of the work of the counterpart Authorities for Personal Data Protection, but also private controllers assuming their activity in our country, bringing their positive experiences in this field.

Following the organisation of this activity, the Office of the Commissioner prepared the Case Handling Workshop Handbook, as a conclusive document of the activity, due to be published in the official website of the European Commission.

### **Relationship with EUROJUST**

The Office of the Information and Data Protection Commissioner has, in the framework of the negotiations for signing up to the cooperation agreement, held a meeting with EUROJUST representatives (EU agency for cooperation in the field of justice) while it has continued with its correspondence for meeting the recommendations being provided.

This organisation has suggested the improvement of the legal framework in the field of protection of personal data, the compliance of some internal acts of the Albanian law enforcement agencies with the law of personal data protection, etc.

The amendments to the Instruction of the Commissioner no 21, dated 24/09/2012 “On determining the rules for preserving the security of personal data processed by the major controllers” as well as the Decision of the Commissioner no 3, dated 20/11/2012 “On determining the states ensuring an adequate level of personal data protection”, have been approved. The acts have been sent to the Official Journal for publication.

### **Participation at the European Conference**

The Office of the Commissioner was represented at the European Conference of Data Protection Authorities, organised by the Information Commissioner Office of Great Britain (ICO), which was held during 18 – 20 May. Discussion at this conference was generally focused on strengthening the inter-institutional cooperation among the states and among the public authorities and the private sector. In practice, there were dealt with sets of issues of protection of privacy in the digital era. The Office of Information and Data Protection Commissioner participated during the second day of the European Conference with a presentation regarding the preparations of the Office of Commissioner for the organisation of the 27<sup>th</sup> edition of the Case Handling Workshop, in September 2015, in Tirana. The presentation was submitted during the open session at the same panel with the Commissioner of Great Britain and that of Macedonia.

## **Participation at the International Conference**

The Office of the Commissioner attended the sessions of the 37<sup>th</sup> international Conference of Privacy and Data Protection Commissioners, under the motto “*Building cooperation Bridges*”. The activity was held during 26 – 29 October in Amsterdam of Holland attended by more than 700 officials and international invitees. This was the biggest and most important forum in the field of personal data protection in the world, where experience is being shared regarding the strengthening the law, enhancing international cooperation and presentation of best practices.

The Office of the Commissioner has, for the first time since its accession, attended this Conference by way of contributing through two presentations in two very important panels. The focus in the panel dedicated to the GPEN global network (Global Privacy Enforcement Network) was on the cooperation among the counterpart institutions, whereby specific attention was assigned to the cooperation agreement with the Italian Authority - Garante per la protezione dei dati personali – and on the joint inspections surrounding, while in the activity on digital education it shared its experience in organising the schools competitions, as a very efficient instrument of awareness with young age groups on the importance of protection of privacy and personal data.

## **Office of Commissioner awarded the observer status at GP29**

Following the application with the Secretariat of Article 29 Working Party, at the Data Protection Unit of the Justice and Consumers Directorate General of European Union, for the accession of the Office of the Commissioner at this organisation in the capacity of the observer, we have been notified by this Secretariat on 27 November about the admission of our Authority as a member in the capacity of the observer.

The acquisition of the observer status by the Office of the Commissioner is an important step towards the European integration of our country and it confirms the observation of the standards of Albanian legislation, drafted in accordance with the EU.

## **Office of Commissioner accedes to the International Working Group Data Protection in Telecommunications (Berlin Group - IWGDPT)**

The Office of the Commissioner applied for accession into the International Working Group on Data Protection in Telecommunications, or referred to differently as Berlin Group – IWGDPT and on 28/10/2015, the Secretariat of this organisation (this role being presently by the Commissioner of Berlin for Data Protection and Freedom of Information) confirmed the accession of the Office of Commissioner therein.



This Working Group was established in 1983 in the course of the International Conference of Privacy and Data Protection Commissioners and it convenes twice annually experts of telecommunications, lawyers and technical experts from the data protection authorities and stakeholders of the telecommunications sector. The documents and resolutions approved by it do not have a binding force, however, they induce various organisations, such as the Article 29 Working Party, the Privacy Commission, International Conference etc.

### **Involvement in GPEN network**

GPEN network was established in 2007, following the approval of the “Recommendation on Cross-Border Cooperation in the Enforcement Protecting Privacy”, the OECD member states (*Organisation for Economic Co-operation and Development*). This network aims at discussing the practical aspects of the protection of the personal data, sharing the experience of the best practices in this field, processing the priorities for the implementation of legislation, assisting the joint legislative initiatives and awareness activities among the network member countries. The Albanian authority for the first time made a presentation on its role and its cooperating activity during GPEN meeting, in the context of the 37<sup>th</sup> International Conference of Privacy and Data Protection Commissioners, held in Amsterdam, inter alia, informing about the relationship with the counterpart Italian authority and signing up the practical cooperation agreement with the latter. This agreement relied on the Resolution on Enforcement Cooperation, approved during the 36<sup>th</sup> International Conference of Privacy and Data Protection Commissioners held in Mauritius in 2014.

### **Procedure for certifying Albania as a country ensuring an adequate level of personal data protection**

The Office of the Commissioner has instituted the legal procedures for lodging the full file with the European Commission to be enlisted among the countries ensuring an adequate level of personal data protection upon the decision of this organisation. The attainment of this objectives facilitates and standardises the sharing of personal data at national level with EU countries.

### **TAIEX Instrument support**

TAIEX instrument has been utilised for sharing of experiences with the counterpart authorities. We have had cooperation in the field of personal data protection also with the Czech Authority, while in the field of the right to information with the Information Commissioner of Scotland.

### 3. NOTIFICATION AND PUBLIC CONSULTATION

The notification and public consultation is part of the activity of the Commissioner following the approval of the Law no 146/2014 “On notification and public consultation”.

- 2 complaints have been dealt with.

It has been found out that the public authorities are not applying the procedure provided for in this law in notifying and consulting the public and the interested parties about the drafted acts, prior to their approval. In the sense of Article 21 of this law, this situation makes the procedure of examining the complaints by the Office of the Commissioner difficult.

### 4. PUBLIC MANAGEMENT

#### 4.1 Human Resources Management

Upon the decision no 106, dated 18/12/2014 of the Assembly, the new structure of the Office of the Commissioner was approved, whereby the right to information was integrated into. In the course of 2015, the Responsible Unit conducted the respective procedure for staffing the organogram and filling in job descriptions in accordance with the Law no 152/2013 “On civil employees”, as amended.

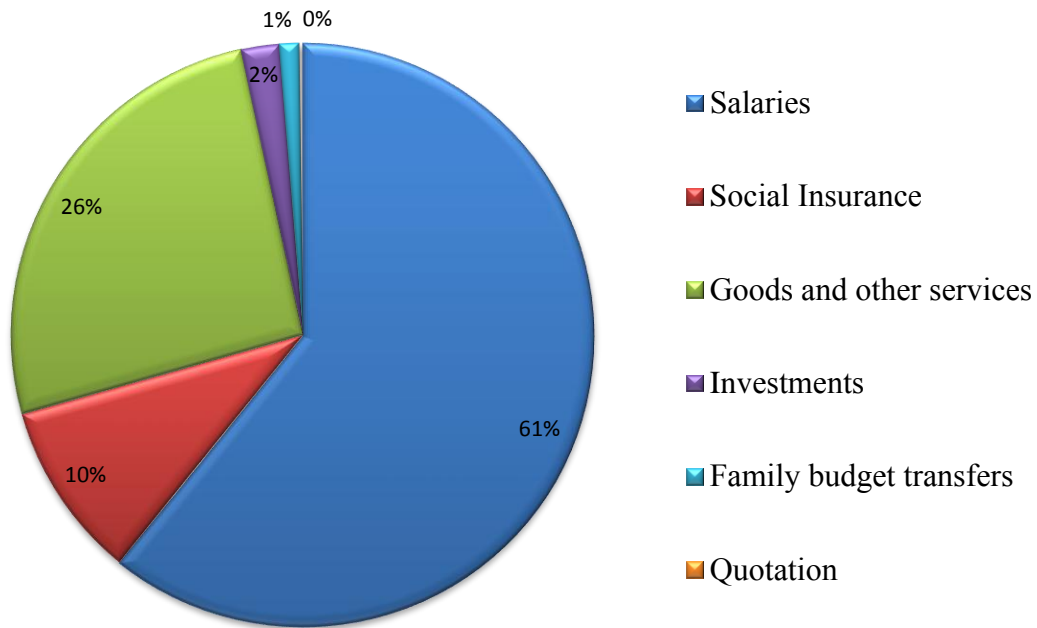
#### 4.2 Financial management

The Office of the Commissioner was allotted this reporting year **65 800 (in thousand ALL)**, which, compared to 2014, it was increased by almost 50%, being considered as the biggest budget over the entire activity consisting of 6 years.

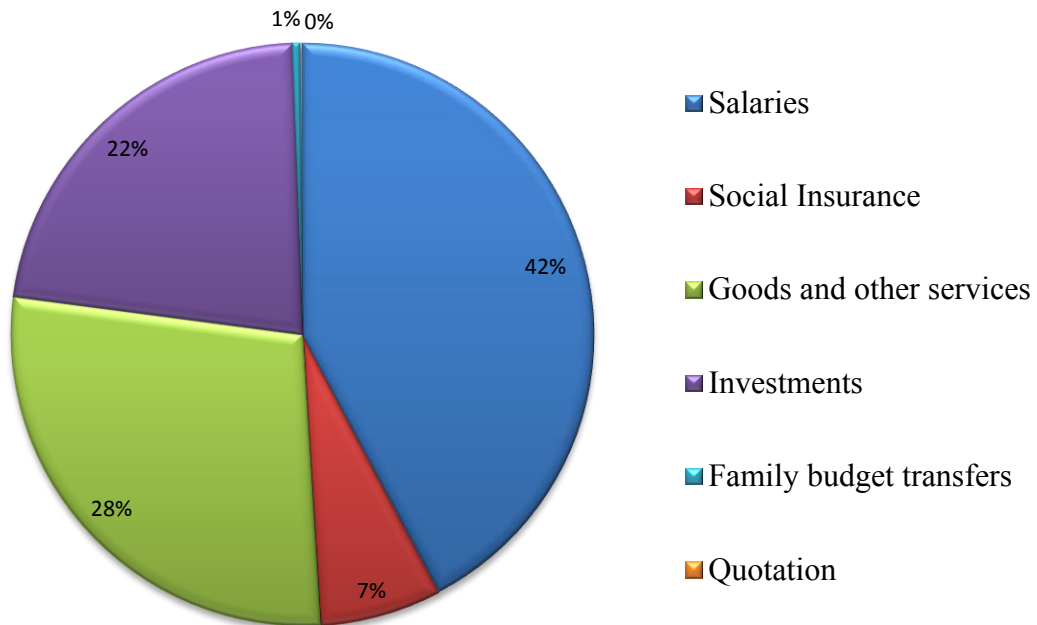
Enhancing, consolidation, development of the activity, as well as the priorities and expectations affected this budget to undergo changes, thus amounting to **69 350 ALL (in thousand ALL)**.

The allotted budget provided for the logistic and infrastructure support for assuming the powers and functioning of the office, strengthening the administrative capacities for monitoring the two basic laws, coordination of the work with third parties, awareness, development and approximation of the legal framework in compliance with the EU directives and international standards, representation of the international activities or development of regional activities attained for the first time in our country, conducting administrative reviews, disciplining the controllers in meeting the recommendations for following the administrative and judicial proceedings, up to imposing the administrative sanctions.

## Plan 2014



## Plan 2015



The abundance by the legal time periods for the procurement and financing affected the attainment of the institutional performance indicators this year, although the funds were much higher in a number of projects in terms of financing. Implementing the competitive procedures, the allotted

budget according to projects for capital expenditure, as amended, was applied, in terms of quantity and worth, at the extent of 99%.

## TABLE OF BUDGET APPROPRIATIONS AND IMPLEMENTATION

(Transfers and amendments by normative acts)

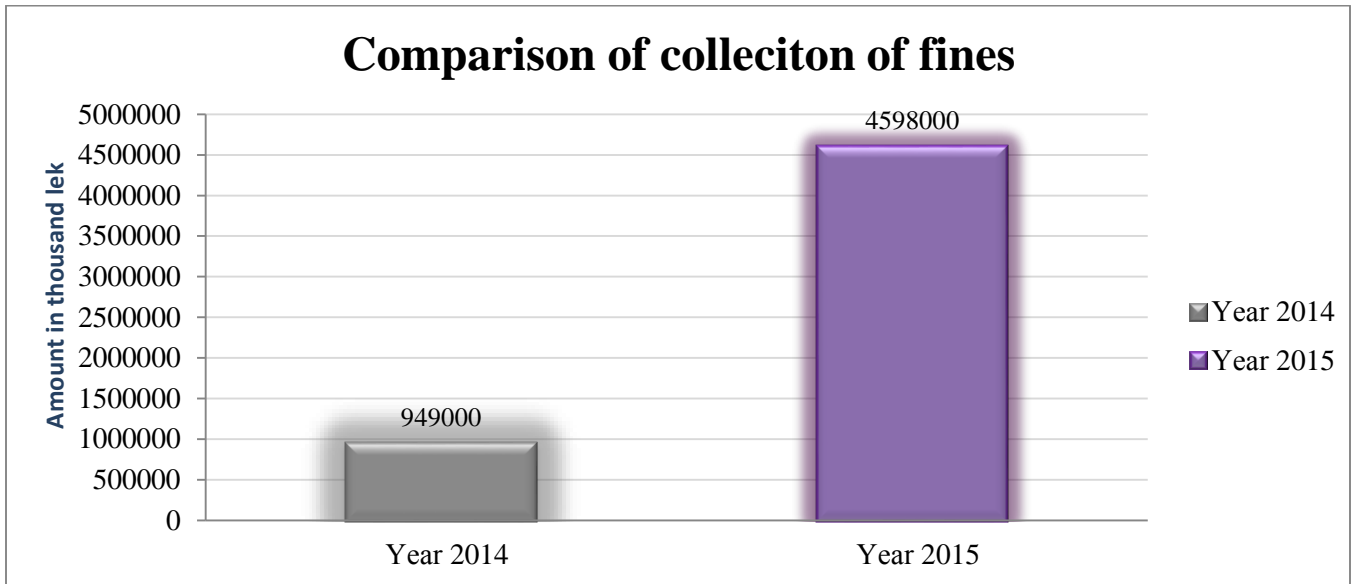
YEAR 2014		000 / ALL			
No	DENOMINATION	PLAN	% Against the total	Fact 12 monthly	% implementatio n against the annual plan
1	Salary	26.640	61%	24.410	85 %
2	Social insurance	4.609	9.8%	3.613	94%
3	Goods and other services	12.231	26%	12.214	99.8%
4	Investment	1.000	2%	998	99.8. %
5	Transfers to family budgets	500	1%	320	64 %
6	<b>Fees</b>	100	0.2%	86	86%
	<b>Total</b>	<b>47.080</b>	<b>100%</b>	<b>41.941</b>	<b>89 %</b>

YEAR 2015		000 / ALL			
No	DENOMINATION	PLAN	% Against the total	Fact 12 monthly	% implementatio n against the annual plan
1	Salary	29300	42%	29.258	99%
2	Social insurance	4700	6.6 %	4.641	99%
3	Goods and other services	19460	28%	19.044	98%
4	Investment	15500	22%	15.375	99%
5	Transfers to family budgets	290	0.4%	290	100%
6	<b>Fees</b>	100	0.2%	100	100%
	<b>Total</b>	<b>69.350</b>	<b>100%</b>	<b>68.708</b>	<b>99 %</b>

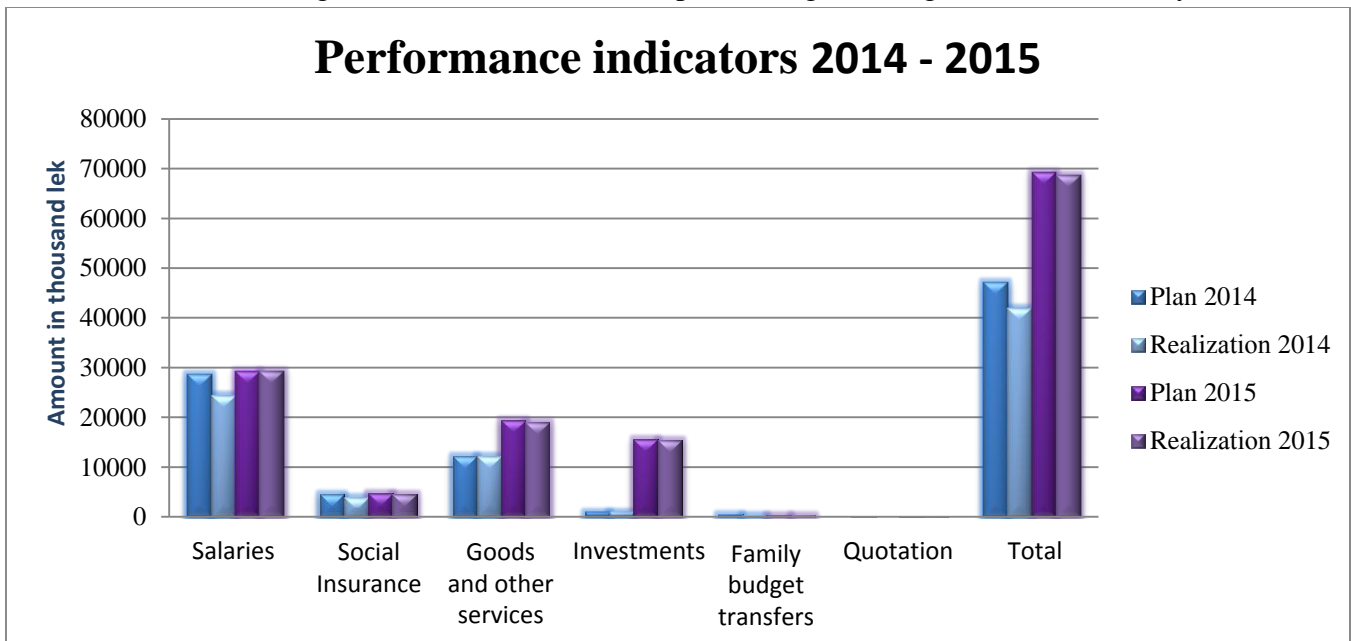
The High State Audit carried out this year the auditing focusing on “*Auditing concerning the observation of legality and economic-financial appropriateness*”, for a 2-year period. The report reflects positive evaluations; it does not find out financial infringements or losses, while it has issued recommendations regarding the implementation of organisational measures. Regarding the latter point, the Verification Act assumed subsequently establishment their fulfilment.

- ✓ **Proceeds out of collection of punitive fines** imposed in the event of infringements of legal obligations by the controllers, amounting to **4.598.000 ALL** and they are paid out 100% to the state budget.

In 2014, the collection of punitive fines was **949.000 ALL**, thus demonstrating an increase of five times during this year.



- ✓ The following data are an indicator of implementing the budget in two calendar years



## 5. SETS OF ISSUES

- **Insufficient staff of the Office of Commissioner identified**
  - ✓ The Office of the Commissioner tried to focus on the problematic sectors having an impact on the life of individuals (on the quality of the data subjects). Regardless the commitment for enhancing the number of inspections and their extension all over the territory of the Republic of Albania, *hindrances have been encountered in the field to conduct inspections, due to the limited personnel made available.*
  - ✓ The same phenomenon has brought about a *slowdown in the process of identification and contacting the controllers*. Consequently, efforts have been focused on identifying the major controlling entities, aiming at the same category of entities, to the effect of immediate awareness of all the companies carrying out their activity in the same field.
  - ✓ Enhancing the powers for the right to information, *inter alia*, requiring:
    - Continuous monitoring of the transparency programs;
    - Monitoring the registers of coordinators and their updating;
    - Training the coordinators of the local powers, as well as
    - Enhancing awareness with the civil society.
  - ✓ Enhancing the powers under the law no 146/2014 “On notification and public consultation”;
  - ✓ Increase of the number of complaints;
  - ✓ Fast technological developments (they extend the time for conducting the inspection and require expertise);
  - ✓ Increase of the number of judicial proceedings.
- **Failure to implement the Article 31/1/a of the law “On protection of personal data”**

In reliance on this provision, the Office of the Commissioner shall be responsible for providing feedback for the legal, bylaw acts, as well as projects affecting the field of personal data protection. Even this year, there is a number of legal and bylaw acts which have not been sent for feedback.

## **6. CHALLENGES FOR THE YEARS 2016 – 2018**

### **Approval of the Institutional Strategy for 2016 -2018 including the risk analysis.**

**Some are the components we intend to rely on**

#### **1. Development of the legal framework**

- 1.1 Amendments to the law no 9887/2008, as amended, in compliance with the EU Regulation.
- 1.2 Amendments to the law no 119/2014.
- 1.3 Transposing the Directive no 2003/98/EC.
- 1.4 Increase of the number of providing feedback for legal, bylaw acts and projects.

#### **2. Increasing administrative monitoring and enquires**

- 2.1 Monitoring the law “On the right to information”, increasing inspections, surveys and reporting.
- 2.2 Monitoring the law no 146/2014 “On public notification and consultation”.
- 2.3 Increase of the number of inspections by 20% annually and re-inspections with topics and sectors collecting and processing personal data by 15% annually.
- 2.4 Processing the complaints professionally.
- 2.5 Monitoring the international transfer and increasing the number of decisions.

#### **3. Enhancing institutional capacities**

- 3.1 Trained staff at professional level;
- 3.2 Trained trainers;
- 3.3 Cooperation with ASPA.

#### **4. Awareness**

- 4.1 Media – main factor in cooperation;
- 4.2 Public – important factor in dictating the implementation of the laws;
- 4.3 Trained employees for protecting the data;
- 4.4 Trained coordinators;
- 4.5 Publication of the commentary on the right to information.

#### **5. Modern infrastructure**

- 5.1 Investments in developing the information infrastructure, inter-action with the entire public institutions;
- 5.2 Investments in the development of logistic infrastructure.

## **6. Application for benefiting projects**

- 6.1 Benefiting projects for approximating and implementing the best standards surrounding topics in both respective laws;
- 6.2 Implementing the standard required by the twinning project of the Minister of State for the Local Issues and consortium Austria-Germany, part of which is the Office of the Commissioner.
- 6.3 Application for projects between MIE for IPA/2016, in the context of the institutional activity.

## **7. Budget Management**

Improving the system of financial control and management.

*THANK YOU*



## ANNEX NO 1

### ➤ **Laws not being submitted for feedback**

1. Law no 14/2015 dated 26.2.2015 “On the ratification of the agreement between the Council of Ministers of the Republic of Albania and the government of Island regarding the double taxation and preventing the fiscal evasion on income tax”;
2. Law no 42/2015 dated 16.4.2015 “On the ratification of the agreement between the Council of Ministers of the Republic of Albania and the Grande Duchy of Luxembourg on social protection”;
3. Law no 93/2015 “On tourism”;
4. Law no 103/2015 dated 23.09.2015 “On the accession of the Republic of Albania to the MLC Convention of International Organisation of Labour (ILO) “On marine labour”, 2006;
5. Law no 99/2015 “On some amendments and addenda to the law no 9920, dated 19.5.2008, “On tax procedures in the Republic of Albania”, as amended;
6. Law no 103/2015 dated 23.09.2015 “On the accession of the Republic of Albania to the MLC Convention of International Organisation of Labour (ILO) “On marine labour” 2006.
7. Law no 107/2015 “On electronic identification and trusted services”;
8. Law no 123/2015 “On the ratification of the Agreement between the Republic of Albania and the Republic of Macedonia on Social Protection”;
9. Law no 130/2015 “On the ratification of the agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Croatia on Police Cooperation”.

### ➤ **CMDs not submitted for feedback**

1. Council of Ministers Decision no 66, dated 28.1.2015 “On the approval of the agreement between the Council of Ministers of the Republic of Albania and the Government of Montenegro, regarding the mutual recognition of driving licenses”;
2. Council of Ministers Decision no 253, dated 25.3.2015 “On the approval of the agreement between the Council of Ministers of the Republic of Albania and the Government of Arab Republic of Egypt on customs cooperation and mutual assistance”;
3. Council of Ministers Decision no 254, dated 25.3.2015 “On the approval of the agreement between the Council of Ministers of the Republic of Albania and the Government of Republic of Serbia on the mutual assistance in preventing, investigating and punishing the customs violations”;

4. Council of Ministers Decision no 308, dated 8.4.2015 “On the approval of the agreement between the Council of Ministers of the Republic of Albania and the Government of Republic of Serbia, regarding the mutual recognition of driving licenses”;
5. Council of Ministers Decision no 348, dated 29.4.2015 “On the entry/exit procedures, leasing of weapons and registration of Albanian and foreign citizens with weapons of the categories “B” and “C”, in the territory of the Republic of Albania”;
6. Council of Ministers Decision no 375, dated 6.5.2015 On the approval of the agreement between the Council of Ministers of the Republic of Albania and the Government of United Arab Emirates on the abolishment of visas for the holders of diplomatic, service and special passports”;
7. Council of Ministers Decision no 573, dated 24.6.2015 “On the approval of standards of services of the Units for Children Protection”;
8. Council of Ministers Decision no 584, dated 1.7.2015 “On the approval of the Cooperation Agreement in the field of security between the Council of Ministers of the Republic of Albania and the Government of the Republic of Turkey;
9. Council of Ministers Decision no 630, dated 15.7.2015 “On the Organisation, functioning and way of Functioning of the Committee of Ethics”.

➤ **Projects not being submitted for feedback**

1. Online project of digital Commissariat.
2. Project “Multi-functional system of the body cameras of the state police patrols”.
3. Electronic system of the General Directorate of Taxes e-tax.

FLETORJA ZYRTARE E REPUBLIKËS SË SHQIPËRISË		
www.gju.gov.al Botim i Qendrës së Botimeve Zyrtare Viti: 2015 – Numri: 119		
Tiranë – E premtë 10 korrik 2015		
PËRMBAJTJA		
	Faqe	
Vendim i Kuvendit nr. 73/2015, datë 27.2015	Për një ndryshim në vendimin e Kuvendit nr. 32/2015, “Për krijimin e Komisionit të Posaçëm Parlamentar për zbatimin e problematikës në rrezolutin për marrëveshjen midis mashorancës qeverisëse dhe opozitës në Kuvendin e Shqipërisë”.....	6243
Vendim i Kuvendit nr. 74/2015, datë 27.2015	Për një ndryshim në vendimin e Kuvendit nr. 32/2015, “Për krijimin e Komisionit të Posaçëm Parlamentar për zbatimin e problematikës në rrezolutin për marrëveshjen midis mashorancës qeverisëse dhe opozitës në Kuvendin e Shqipërisë”, si ndryshuar.....	6243
Rezolutë e Kuvendit datë 27.2015	Për vlerësimin e veprimtarisë së Bankës së Shqipërisë për vitin 2014.....	6243
Udhëzimet e ministrit të Mirëqenies Sociale dhe Rrëmbje nr. 20, datë 6.7.2015	Për ligonjen e të ardhurave individuale për efekt të përcaktimit të masës së pensionit social.....	6244

**9 draft laws** not being submitted before the Commissioner for feedback have been published in the Official Journal 2015

**9 bylaw acts** (draft decisions) not being submitted before the Commissioner for feedback have been published in the Official Journal

3 Projects