

**INFORMATION AND
DATA PROTECTION
COMMISSIONER**

2018

**ANNUAL
REPORT**

www.idp.al

ANNUAL REPORT

2018

1. MESSAGE OF THE OFFICE HOLDER	5
2. LEGAL REFERENCES UNDERPINNING THE INSTITUTION’S ACTIVITY	7
3. THE RIGHT TO INFORMATION	9
3.1 Monitoring and overseeing the Law No.119/2014 “On the Right to Information”	9
3.2 Complaints handling	12
3.3 Administrative enquiries	15
3.4 Strategies and Indicators	16
3.4.1 Cross-cutting Public Administration Reform Strategy	16
3.4.2 Cross-cutting Anti-corruption Strategy.....	18
4. PROTECTION OF PERSONAL DATA	20
4.1 Monitoring and overseeing the implementation of the Law No. 9887/2008 “On Personal Data Protection”	20
4.2 Complaints handling	20
4.3 Administrative enquiries	21
4.4 Recommendations and Orders	23
4.5 Administrative sanctions.....	23
4.6 Notification	24
4.7 International Transfer.....	25
5. COMPLAINTS HANDLING PURSUANT TO LAW NO. 146/2014 “ON NOTIFICATION AND PUBLIC CONSULTATION”	26
6. LEGAL ACTIVITY, ADMINISTRATIVE AND JUDICIAL PROCEDURES	27
6.1 Regulatory acts drafting	27
6.2 Providing input on draft acts	27
6.3 Monitoring Official Journals.....	28
6.4 Judicial Proceedings.....	28
7. RAISING THE AWARENESS AND PROMOTING THE RIGHT TO INFORMATION AND PERSONAL DATA PROTECTION	30
7.1 Cooperation Agreements.....	30
7.2 Cooperation with OSCE.....	30
7.3 Cooperation with the UNDP STAR 2 Project	30
7.4 Cooperation with Civil Society.....	30
7.5 Cooperation with ASPA	31
7.6 Trainings	31
7.7 Youth.....	32
7.8 Other meetings	33
7.9 Important events.....	33
8. INTERNATIONAL ACTIVITY AND ORGANIZATION OF THE CONFERENCE OF EUROPEAN DATA PROTECTION AUTHORITIES	35
8.1 Conference of European Data Protection Authorities – Tirana 2018	35
8.2 Albania as the Organizer of the 41 st International Conference of Data Protection and Privacy Commissioners (ICDPPC).....	35

8.3 The Commissioner’s Office cooperates with the EU Technical Assistance and Information Exchange Instrument (TAIEX)	36
8.4 Cooperation with T-PD, EDPB and Berlin Group	36
8.5 Digital ClearingHouse.....	36
8.6 Relation with Eurojust	37
9. BUDGET MANAGEMENT.....	38
9.1 Building institutional capacities	38
9.2 Organizational structure	38
9.3 Income and expenses	39
10. EU PROGRESS REPORT ON ALBANIA FOR THE COMMISSIONER’S OFFICE.....	42
11. FULFILLMENT OF INTERNATIONAL OBLIGATIONS	45
12. IMPLEMENTATION LEVEL OF THE RESOLUTION RATIFIED BY THE ASSEMBLY OF ALBANIA IN 2017	46
13. NEED FOR CHANGE IN THE LEGAL FRAMEWORK GOVERNING THE INSTITUTION’S ACTIVITY.....	51
13.1 Approximation of Law on Personal Data Protection with Regulation 2016/679 and Directive (EU) 2016/680.....	51
13.2 Approval of amendments to Law No.119/2014 “On the Right to Information”	52
13.3 Amendments to Law No.146/2014 “On Notification and Public Consultation”	52
13.4 Approval of the draft law “On Reuse of Public Sector Information” and its alignment with Directive 2013/37/EU	53
13.5 Modernization of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108 +).....	53
13.6 Accession to the Council of Europe Convention 2009/205 “On Access to Official Documents”	54
14. INSTITUTIONAL VISION	55
ANNEX 1	57
ANNEX 2.....	60

1. FOREWORD OF THE OFFICE HOLDER

2018 has been quite a dynamic year, marked both by new responsibilities and challenges, and the consolidation of the Commissioner's Office activity. Our work during the present year was crowned by tangible results in both areas of our activity. The Commissioner's Office would not have witnessed success in addressing challenges emergent during 2018 without its entire staff skills and commitment.

In the framework of the right to information, the Commissioner's Office notes progress in enhancing the accountability of Public Authorities regarding their obligation on transparency and public information provision. In order to enhance transparency with the view to guarantee public access to public information, we have furthered our work in improving complaints review procedures on the one hand, and encouraging public authorities to make available to the public as much information as possible without having to file a prior request on the other.

Moreover, citizens have continued to rely on the realization of their right to information, addressing many complaints to the Commissioner's Office for those cases when they have claimed such a right was denied to them. The utmost of such complaints have been immediately addressed following the Commissioner's Office intervention.

In the framework of the right to personal data protection, the Commissioner's Office has committed itself to the personal data monitoring and processing and the security measures supervision during their processing by public and private controllers.

Consequently, the number of complaints filed with the Commissioner's Office has been subject to a constant increase. The complexity of complaints filed with the Commissioner's Office and the multiple administrative enquiries performed in various fields, both public and private, in sectors such as education, health, banking system, local self-governance bodies etc., evidence the daily positive developments noted with regards to the right to personal data protection in Albania.

Several public awareness-raising campaigns have been delivered throughout the year on an ongoing basis, for both public and private controllers.

The country's efforts to EU accession have considerably intensified due to the recommendation for the opening of membership negotiations.

In 2018, the Commissioner's Office organized for the first time in Albania the 28th edition of the Conference of European Data Protection Authorities, consisting of the most important European field activity. 100 representatives from 62 European Data Protection Authorities attended the Conference. The organization of such Conference in Albania is a clear indication to the international arena's appraisal for the Office of the Information

and Data Protection Commissioner activity and a sign of encouragement for building and strengthening cooperation paths, with the view to protect the individual's privacy.

Despite the citizens' awareness raising on their right to information and personal data protection, and the Commissioner's Office commitment to the proper implementation of the legislation in force and European standards, finding the equilibrium between the right to information and privacy protection, especially given that both these rights must be balanced against the freedom of expression persists as a challenge.

The Commissioner's Office has also committed itself to the handling of complaints on the implementation of the law "On Notification and Public Consultation". However, there is much work to be done, especially regarding public bodies' accountability, as well as the delivery of notifications and public consultation on draft laws, local and national strategic draft documents, and policies of high public interest.

Data contained in this report indicate that the Commissioner's Office is a proactive regulator in meeting the objectives in the field of the right to information and personal data protection.

Thus, the Commissioner's Office shall be involved in a dynamic and reforming process to satisfy the conditions to improve the legislation on the right to information and transpose the General Data Protection Regulation (GDPR) into the national personal data protection legislation.

2. LEGAL REFERENCES UNDERPINNING THE INSTITUTION'S ACTIVITY

The drafting of this report is based on the review of the Information and Data Protection Commissioner (IDP) institutional performance for 2018, concerning the monitoring and implementation of the Law No. 119/2014 “On the Right to Information” and Law No. 9887/2008, “On Personal Data protection”, as amended. The rights mentioned in the laws above are part of the Constitution of the Republic of Albania, our country's supreme law, set forth more specifically under Article 23 and 25.

The Commissioner's Office activity is underpinned by the proper implementation of the Albanian legislation, recommendations set out in the Resolution of the Albanian Assembly “On Assessing the Activity of the Information and Data Protection Commissioner for 2017”, as adopted by the Albanian Assembly on 05.04.2018, and other obligations stemming from the international cooperation.

The Commissioner's Office powers regarding the right to information are listed as follows:

- ✓ Any individual, when deeming that his/her rights provided for by the law no. 119/2014 “On the Right to Information” have been violated, shall be entitled to administratively file a complaint with the Commissioner, pursuant to the said law and the Administrative Procedure Code.
- ✓ The administrative complaint with the Commissioner shall be filed within 30 working days from: (i) the complainant receiving the notice on information denial; (ii) the lapse of the time period foreseen by the law on information provision (10 working days).
- ✓ Upon receiving the complaint, the Commissioner shall verify the facts and its legal basis. To this end, the Commissioner may request the complainant and the public authority subject to the complaint to submit their arguments in writing, and to be informed by any other individual or source. When deemed necessary, the Commissioner shall hold a public hearing with the parties being present.
- ✓ The Commissioner shall deliberate on the complaint within 15 working days from its filing.

Whereas, the Commissioner's Office powers regarding personal data protection are as follows:

- ✓ Handling the complaints filed with the Commissioner's Office;
- ✓ Conducting administrative enquiries for public and private controllers (at its own discretion or on a complaint basis) on personal data processing in compliance with the Law no. 9887/2008 “On Personal Data Protection”, as amended, and the Administrative Procedure Code;

- ✓ Attending and conducting hearings with controllers and proposing by the end of any review the measures to be adopted in accordance with the Commissioner's powers (recommendation, decision, order);
- ✓ Verifying recommendations implementation;
- ✓ Registering the Controllers (notice form) with the "Controllers E-register", partly accessible to the public in the IDP website;
- ✓ Handling the requests for international data transfers;
- ✓ Providing input and legal opinions on how the personal data protection information legislation is implemented;
- ✓ Training public and private controllers, and stakeholders (organizations) protecting data subjects' rights.

The Commissioner's Office powers stem as well from other laws, as follows:

- Law No. 146/2014 "On Notification and Public Consultation";
- Law "On Whistleblowing and Whistle-blowers Protection";
- Law No. 152/2016 "On Border Control";
- Law No.19/2016 "On Additional Public Security Measures".

3. THE RIGHT TO INFORMATION

3.1 Monitoring and overseeing the Law No. 119/2014 “On the Right to Information”

During 2018, the Commissioner’s Office has furthered its work on the implementation and monitoring of Law No.119/2014 “On the Right to Information”. The supervision of the Law No. 119/2014 “On the Right to Information” implementation is carried out by monitoring its various components, such as the number of public authorities that have drafted transparency programs, coordinators assigned by public authorities, update of requests and responses register, as well as the number of addressed complaints, enquiries carried out, hearings held, and decisions made.

During 2018, the Commissioner’s Office has monitored the Public Authorities official websites, has carried out on-site inspections, and has requested information on fulfilling the obligations deriving from Law No.119/2014, as follows:

- ✓ publication of transparency programs
- ✓ assignment of the coordinator on the right to information;
- ✓ publication of requests and responses register.

Upon the monitoring of public authorities, it was concluded that:

	219 Public Authorities have published the Transparency Program
	331 Public Authorities have assigned the Coordinator for the Right to Information
	178 Public Authorities have published Requests and Responses Register

Following the monitoring of public authorities for 2018, it was concluded that the institutions which have a full and updated transparency program are *the independent institutions*. Additionally, independent institutions have the same coordinators they have assigned since the entry in force of Law No. 119/2014 “On the Right to Information”. The number of requests for information handled by such institutions during 2018 is **425**, while the number of rejected requests is **6**.

Regarding local power authorities, the Commissioner’s Office has noticed some improvement in the transparency level of *municipalities*. All the municipalities have already assigned coordinators for the right to information, and the number of requests for public information handled by municipalities during 2018 is **7244**, while the number of rejected requests is **367**.

During the complaints handling in the local power institutions, the following were noted:

- ✓ An optimal improvement was noted regarding the issues encountered by the **local power** institutions in building the websites, which facilitates information access;
- ✓ The utmost of municipalities have published the transparency program, but the information is not updated or linked, as provided for by the law. More specifically, the information on budget, procurements and audit reports has not been published yet;
- ✓ Several municipalities have published the requests and responses register, but its update remains a challenge.

By Order No. 211, dated 20.09.2018, The Commissioner's Office has approved the Local Self-Governance Units Transparency Template Program.

The template program was drafted in accordance with Article 7 of Law No. 119/2014 "On the Right to Information", provisions of Law No. 139/2015 "On Local Self-Governance", Law No. 146/2014 "On Notification and Public Consultation", Law No. 68/2017 "On Local Self-governance Finance" and Law No. 8548, dated 11.11.1999 "On Ratifying the Local Autonomy European Chart".

In order to simplify the transparency program to make it more understandable, accessible and user-friendly, the 16 information categories provided for explicitly by Article 7 of the Law No.119/2014 "On the Right to Information" have been adjusted to the local self-governance activity and mission features, as well as to municipalities' tasks, functions and powers.

The Program summary table is divided into 7 main areas, including:

First Area: "On municipality organization and functioning", includes the categories of information to be made public without any request filed, as set forth under subparagraph a), ç),d), dh), and g) of Law 119/2014. This area provides citizens with information on administrative-territorial division, municipalities' mission and functions, municipal administration, monitoring and control mechanisms, as well as the right to request and complaint on actions and omissions of municipal administration and bodies.

Second Area: "Economic and financial transparency and accountability", including information categories set forth under subparagraph dh), e), and ë) of Article 7 of the law. Such categories have been adjusted to the requirements of the Law No. 68/2017 "On Local Self-governance finance" This area includes information related to municipality development strategic plan, local medium-term budgetary program, and budget supervision and auditing etc.

Third Area: "On requests for information" includes making available to citizens information related to the process, procedures, forms and time frames of request for information. The compression of four information categories, as set forth under subparagraph c), ç), i) and k), of Article 7 of the law, in one single area, facilitates citizens' access to such information categories, thus providing guidance and instruction to them on how to file a request for information.

Fourth Area: “On services provided by the municipality” includes information set forth under subparagraph f), j), ë) and a) in part, of Article 7 of the law. By means of this area, citizens are made available information on public services provided by the municipality, type of services, administration tools, public contracts, responsible units, complaint procedures on public contracts, standards, indicators, procedures to receive services, as well as service-related complaints and observation procedures.

Fifth Area: “Legislation and internal regulatory acts” includes information set forth under subparagraph b) of Article 7 of the law. This area provides citizens with information on legislation, policies, decisions, orders, and ordinances of municipal bodies.

Sixth Area: “Citizens participation in decision-making” includes information on the process, procedures, local regulatory framework, and list of local acts subject to public consultation and civic initiatives.

Seventh Area: “Other information”, the municipality makes available to citizens a wide variety of information on European integration processes (programs and projects); civil society; reports; various studies, especially those related to transparency evaluation, community self-organization etc.

The Commissioner’s Office deems that, **the central power institutions’** transparency level has been upgraded as compared to 2017, which, due to changes in the competency field of each ministry, was marked by a notable downgrade as regards the performance of duties stemming from the Law “On the Right to Information”.

In the framework of dedicated transparency programs, the Commissioner’s Office has committed itself in 2018 to raising the awareness of institutions operating in environmental protection, more specifically of the Ministry of Tourism and Environment, and the National Environment Agency. The update aimed at reflecting the environmental information in their transparency programs, in compliance with the requirements of Aarhus Convention, as ratified by the Republic of Albania with Law No. 8672, dated 26.10.2000 “On ratifying the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental issues”, and domestic environmental legislation and bylaws in force. More specifically, information inclusion is about making the public familiar with environmental impact assessment procedures, according to DCM No. 247/2014 “On setting the rules, requirements and procedures on public information and inclusion in environmental decision-making”.

However, the monitoring still highlighted the following issues related to the *ministries’* transparency level:

- ✓ Transparency programs are not updated and several documents are missing, which must have been published in accordance with Article 7 of the Law “On the Right to Information”. More specifically, the information on budget, procurements and audit reports has not been published yet;

- ✓ It was noted that coordinators on the right to information were at expert level and have limited access to other structures of the ministry. This renders the availability of required documentation within 10 days difficult;
- ✓ Moreover, it was noted that requests for information were not filed with the coordinator, but rather delegated to other structures of the ministry, meaning they were handled just like the other request letters on the public authority daily activity;
- ✓ The coordinators for the right to information do not have sufficient knowledge on the legal framework, which brings about the implementation of the law at an improper level. Additionally, this hinders their role in information collection coordination.

During 2018, ministries’ coordinators for the right to information have handled a total of **728 requests for public information**, of which only **9 were rejected**.

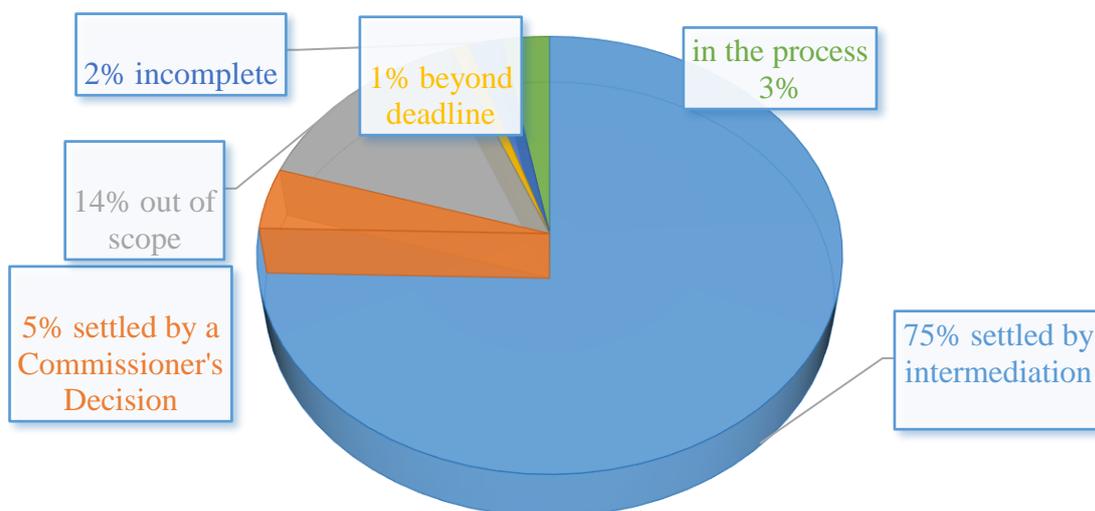
In addition, the implementation of the best international standards requires trained, qualified and financially incentivized coordinators.

As per the above, we are working to deliver trainings on the implementation of the law “On the Right to Information” and to raise public authorities’ awareness in responding to citizens’ requests in accordance with legal provisions.

3.2 Complaints handling

Pursuant to Law No. 119/2014 “On the Right to Information”, **820 complaints** were filed with the Commissioner’s Office during 2018, of which **622** were settled with no intermediation. **37** out of such complaints were settled by a Commissioner’s Decision, **116** were outside of the scope, **9** were beyond the deadline, **17** were incomplete and **24** are in the process.

For 2018, out of 820 complaints:



The utmost of complaints being settled through intermediation indicates the efficiency of the Commissioner's Office intervention. The majority of complaints reviewed by the Commissioner's Office were filed by citizens. More specifically, 656 complaints were filed by citizens, while 164 were filed by civil society organizations. The utmost of complaints being filed by citizens indicates the positive impact of citizens' awareness-raising on the right to information.

The Commissioner's Office pays particular attention to its relations with civil society, as reflected by the good cooperation relations it has established with civil society organizations and the journalists' network, especially with investigative journalism professionals. On these grounds, several civil society organizations operating in overseeing the implementation of the law no. 119/2014 "On the Right to Information" have evaluated this year as well the Commissioner's Office as the most transparent institution at the national level.

The Commissioner's decision-making during 2018 focused mainly on public information in the framework of international arbitration with the Albanian State standing as a party, procurements, energy area focusing on concessions and related documents, the judiciary, information on the justice reform process, statistics, health care, transparency on public authorities organizational chart, tax sector etc.

It was noted from complaints handling and administrative enquiries that public authorities have frequently adopted a refusal approach as regards transparency and accountability principles toward citizens, which has been materialized through referral in the confidentiality principle or various legal provisions with the view to prevent the disclosure of the requested information.

Regardless of the advice provided by the Commissioner's Office by means of detailed reasoning (in decisions, requests for elaboration or hearings) on the lack of grounds of arguments forwarded on refusing to provide information, the stance of public authorities, regarded in their utmost as problematic, has remained unchanged.

More specifically, it has been noted that several public authorities, especially those engaged in the territory development or cultural heritage resort frequently to the legislation on copyright, thus to ground their omission to make available the documentation on building or development permits, which pursuant to law no. 19/2014 "On the Right to Information" is classified as a public information. Notwithstanding the legal reasoning provided by the Commissioner's Office on the lack of grounds of such a stance, with reference to the Law No. 35/2016 "On Copyright and Other Related Rights", the public authorities approach has remained unchanged at its utmost.

Additionally, the energy sector has also proved to be problematic regarding the public information on concession agreements. Public authorities engaged in this sector have repeatedly made reference to the confidentiality principle to reason their omission to

make available the requested information with subject, accordingly, concession agreement copies, technical oppositions, feasibility studies, environmental permits, or other documents related to such agreements. The Commissioner has made a significant number of Decisions, by legally reasoning his stance on the publication of this information category based on the law no. 119/2014 “On the Right to Information”, and the relevant legislation in the field of concessions and public-private partnerships. However, this sector is yet problematic.

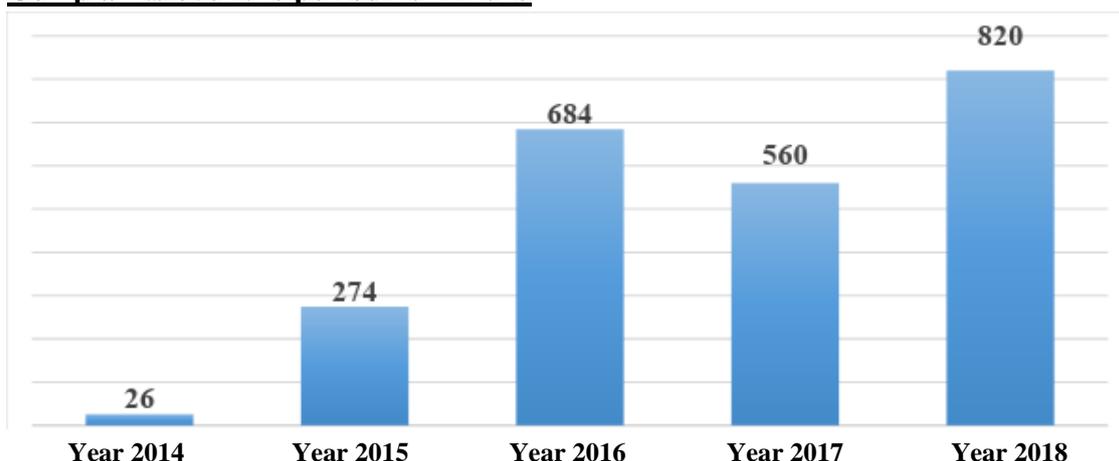
The same issue has been noted during 2018 in other fields falling under the Commissioner’s scope of decision-making, in which the confidentiality principle and the limitations set out by Article 17 of the Law No. 119/2014 “On the Right to Information” have been deployed to justify the omission to ensure transparency.

In this framework, it is worth mentioning the Commissioner’s decision in the field of international arbitration with the Albanian State standing as a party and statistics. Complaints have been filed with the Commissioner’s Office on refusal to provide information on international arbitration processes with the Albanian State standing as a party. Although the requested information was generally basic (such as the list of companies in an arbitration process with the Albanian State) the competent authority has adopted a negative approach, by resorting to the confidentiality principle. The Commissioner’s decisions on such cases were upheld by the first instance administrative court as well. The court has also upheld the Commissioner’s decisions in the field of statistical information.

During 2018, the Commissioner’s Office made a series of decisions on complaints filed by civil society organizations on the approach of public authorities involved in the justice reform process towards requests for public information. The Commissioner has paid due importance to transparency in this process in his decisions, by considering it as an extra element in satisfying the public expectations from this reform. Their drafting has required a special commitment given the complexity they embody and they have made a quality step in the Commissioner’s decision-making, thus serving as a guideline for many similar cases or other public authorities instrumental in the justice reform process, as regards their approach towards requests for transparency.

It should also be mentioned that in all appealed cases, the court has generally upheld the Commissioner’s decisions, by deeming their reasoning well-founded and grounded in the above mentioned decision-making.

Complaints over the period 2014-2018



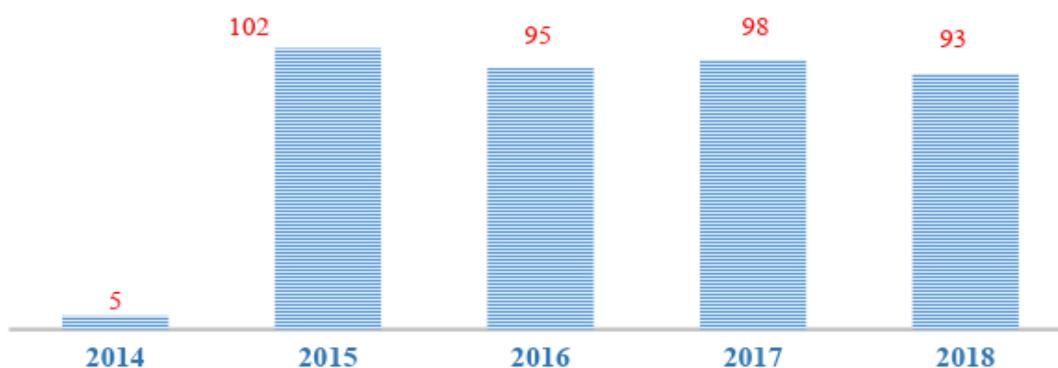
The above chart indicates an increasing number of complaints from 2017 to 2018, with the majority being filed by citizens, in sharp contrast with previous years dominated by civil society complaints, which indicates a notable awareness-raising on the efficiency of the law on the right to information and the enhancement of the Commissioner's Office credibility, as a mechanism guaranteeing such right.

3.3 Administrative enquiries

During this year, the Commissioner's Office has furthered its work on fulfilling its main responsibilities, supervising and guaranteeing the citizens' right to access in public information, by relying on balancing and observing the proportionality principle.

The Commissioner's Office has carried out **93** administrative enquiries in the field of the right to information with the aim to verify the filed complaints. **252** requests for elaboration have been filed with Public Authorities, while **24 complaints** are still in the process. Moreover, **37** decisions were issued for public authorities, of which **30** are ordering decisions, **3** rejection decisions, and **4** fine penalty decisions. **29** hearings have been organized over the year.

Inspections over the period 2014-2018



3.4 Strategies and Indicators

By DCM No. 145, dated 13.03.2018 “On Creating the State Database “Requests and Responses E-register on the Right to Information”” the creation of central requests and responses register was approved.

This register was installed in 27 central institutions such as: Prime Minister’s Office; Ministry of Education, Sports and Youth; Ministry of Interior; Ministry of Agriculture and Rural Development; Ministry of Justice; Ministry of Finance and Economy; Ministry of Infrastructure and Energy; Ministry of Culture; Ministry of Defence; Ministry of Health and Social Protection; Ministry of Tourism and Environment; Ministry for Europe and Foreign Affairs; Bank of Albania; State Supreme Audit; Information and Data Protection Commissioner; Central Election Commission; Public Procurement Agency; National Agency of Natural Resources; State Police; National Business Center and local self-governance units such as: Municipality of Durrës, Elbasan, Fier, Korça, Lezha, Tirana and Shkodra.

Trainings were provided as well to coordinators and IT staff of such institutions, who were given a system use handbook. The number of handled complaints on public information via the system was **237** for the period March- December 2018, while the number of complaints filed with the Commissioner’s Office in the same period was **50** in total.

3.4.1 Cross-cutting Public Administration Reform Strategy

The Commissioner’s Office, as an institution focusing on strengthening public authorities’ transparency and accountability, is part of the Cross-cutting Public Administration Reform Strategy 2015-2020 (CPARS). In this framework, the Commissioner’s Office has actively participated and provided its contribution in the organized meetings.

CPARS Action Plan

Following the annual monitoring reports on the CPARS Action Plan implementation, it was concluded that all activities the Commissioner’s Office is responsible for have been accomplished in line with this strategy indicators passport.

The Commissioner’s Office has partly implemented the measures foreseen in the action plan. Not all central institutions have in place an updated transparency program, due to central power institutions restructuring. While, as regards the use of websites for information and institutional acts publication, this measure has been partly implemented because this activity will be carried over into the new action plan.

In cooperation with Public Administration Department representatives, as well as with the assistance of SIGMA/OECD experts, the Commissioner’s Office has drafted the measures to be included in the CPARS Action Plan 2018-2020.

The objective that the Commissioner' Office must achieve in this strategy shall be: Strengthening the control over public administration activities on guaranteeing citizens' rights and access to information.

This objective is aimed to be achieved through activities and sub-activities such as:

1. Implementing institutional transparency program by public authorities;
 - a) Making available transparency programs to all central administration institutions;
 - b) Drafting template transparency programs for the local power;
 - c) All municipalities approving and implementing transparency programs.
2. Using ICT tools to enhance administration activity transparency:
 - a) Making fully operational the central requests and responses register;
 - b) Training coordinators for right to information on central requests and responses register usage;
 - c) Thorough ex-post assessment of the Law on the Right to Information.
3. Building CRIPPD human resources capacities for the monitoring of the law on the right to information:
 - a) Reviewing CRIPPD structure with the view to enhance monitoring capacities on the implementation of the law on the right to information;
 - b) Training on capacity enhancement in the right to information and personal data protection field.

Indicator

For 2018, the indicator (no.11.a) which measures the number of complaints filed annually with the Commissioner has undergone an increasing trend. As foreseen in the indicator passport as well, 820 complaints were reviewed in 2018, as compared to 560 in 2017. As regards the number of sanctions applied in 2018 by the Commissioner against institutions, which were proven to refrain from providing information following the inspections carried out in the framework of reporting, it is fixed at 0.04, as compared to 0.06 in 2017.

A training manual for high school teachers and students on the right to information was drafted in cooperation with SIGMA/OECD project German experts. Two manuals tackling the restrictions of Article 17 of Law "On the Right to Information" have been drafted so far, including a material analyzing all EU Directives on environmental information, geo-spatial information and public information reuse.

The Commissioner's Office has requested 128 Public Authorities to provide information on requests and responses register and a self-declaration statement on fulfilling the legal obligations deriving from Article 15 of Law No. 119/2014 "On the Right to Information".

According to their responses, 10946 requests for information were handled in 2018, of which only 401, that is 3.7%, were rejected. Thus the indicator has been met to the extent 96.3%.

3.4.2 Cross-cutting Anti-corruption Strategy

The Office of the Information and Data Protection Commissioner is part of the Cross-cutting Anti-corruption Strategy 2015-2020. The strategy aims at setting the strategic objectives and the main political course that shall guide the Government's anti-corruption action plan in the upcoming years.

Albania is part of the Anti-corruption Regional initiative, which is a filed expertise and knowledge sharing, as well as a state branches efforts coordination platform. In this framework, the Commissioner's Office actively participated in a study visit organized by the Twining Project, organized in Vienna, Austria. During such a study visit, participants were trained in several Austrian institutions relevant to the fight against corruption.

The Anti-corruption Twinning Project Albania-EU assisted the Office of the Information and Data Protection Commissioner with two specific trainings on "Transparency aspects in the EU General Data Protection Regulation (GDPR)" and EU Directive 2016/680.

The Commissioner's Office and the Ministry of Justice organized the 3^d Anti-Corruption Consultative Forum with the topic "*The Right to Information*", marked by the participation of public authorities, academia, civil society and media. The forum was part of the agenda "*Albania-EU Anti-corruption Twinning Project*".

Building on the "Albania-EU Anti-corruption Twinning Project", the Commissioner's Office participated in the Albanian Anti-corruption Film Festival, with the topic "In motion". The activities were shaped as an awareness-raising guide. The Festival aimed at providing room to new ideas and initiatives in fighting this phenomenon.

3 trainings have been organized with representatives from local public authorities in the Municipalities of Korça, Shkodra and Kukës on balancing the right to information and personal data protection when faced with the submission of requests for public information. A total of 81 public authorities' representatives were trained.

In the framework of the "*Albania-EU Anti-corruption Twinning Project*" and upon coordination of the Office of the Information and Data Protection Commissioner the following have been organized:

- ✓ 3 trainings with the topic "On the Right to Information and Access to Public Information", with the participation of representatives from the Ministry of Tourism and Environment, dependency institutions, Central Election Commission and Competition Authority, including the Commissioner's Office staff. A total of 66 public authorities representatives were trained;
- ✓ 3 trainings with the ministries' coordinators for the right to information, and representatives from internal auditing structures and public procurement units in such institutions and dependency institutions. Trainings focused on the process of

providing public information in compliance with specific institutional activities and legal mechanisms in force;

- ✓ 3 trainings to the Commissioner's Office staff from foreign experts on the necessary European experience in the field of the right to information and public transparency.

27 coordinators on the right to information were trained on the requests and responses e-register use. In the "International Day of the Right to Information" an awareness raising activity was carried out in the premises of the Speaker's Office attended by 61 high school students and teachers in Tirana. Moreover, 2 awareness-raising videos were recorded, and an awareness raising leaflet was published on the right to information and requests and responses e-register use.

4. PROTECTION OF PERSONAL DATA

4.1 Monitoring and overseeing the implementation of the Law No. 9887/2008 “On Personal Data Protection”

In the framework of monitoring and overseeing the implementation of law no. 9887, dated 10.03.2008 “On Personal Data Protection”, the Commissioner’s Office has made qualitative and quantitative steps over the year as regards:

- ✓ Conducting administrative enquiries at public and private controllers focusing especially on areas impacting the privacy at largest and reflecting the technological developments in personal data processing. The main purpose of the Commissioner's Office is guaranteeing the data subjects’ rights and the practical fulfilment of public and private controllers' duties. Administrative enquiries aimed at raising the awareness of specific sectors on the importance of personal data protection and pinpointing issues encountered during sectoral processing operations with the view to improve them in the framework of the applicable legislation implementation.
- ✓ Instilling the spirit and novelties emerging from the General Data Protection Regulation (GDPR) in all internal monitoring and supervising processes and mechanisms. This has been reflected in inspection and complaints handling techniques, and in the selected areas for control, representing an interest or trend at the European level. A special attention has been paid to participation in discussions, round tables, and planning for conducting awareness-raising campaigns in the framework of GDPR novelties.

4.2 Complaints handling

245 complaints were filed during 2018, of which **170** were in compliance with the law on personal data protection. In order to fully and justly settle the complaints, administrative enquiries were carried out accordingly at various controllers such as: financial institutions, debt enforcement institutions, telecommunication institutions, Social Insurance Directorate, online media etc., as well as all procedural steps have been made in accordance with the Administrative Procedure Code.

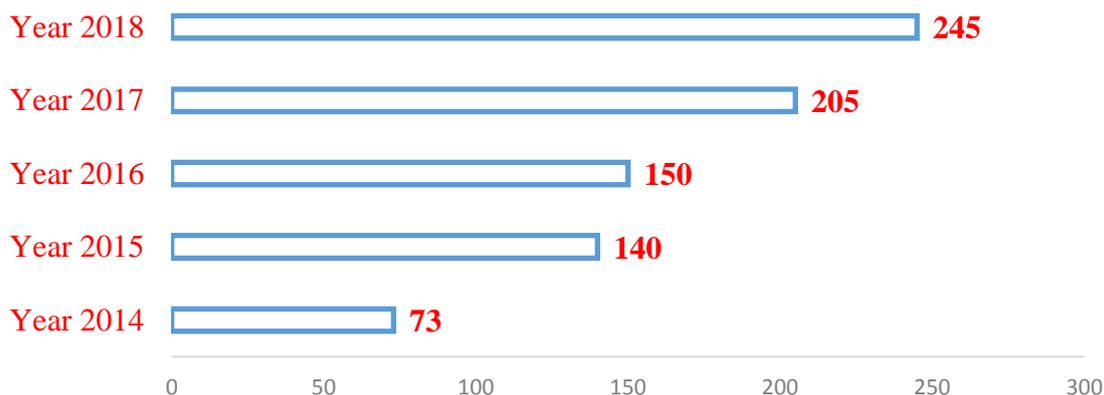
The complaints have been filed mainly on:

- ✓ Violation of the data subjects rights (right to access, as a paramount data subject right, allowing the latter to receive information from the controller on its data processing);
- ✓ Disclosing/transmitting personal data without prior consent of the personal data subject to unauthorized individuals, to protect personal data;
- ✓ Unlawful and unjust data processing (their dissemination in the media and online portals);
- ✓ Installing surveillance cameras in public and private places;

- ✓ Direct marketing on unsolicited communications via phone or email;
- ✓ Exceeding the personal data collection deadline for a specific purpose.

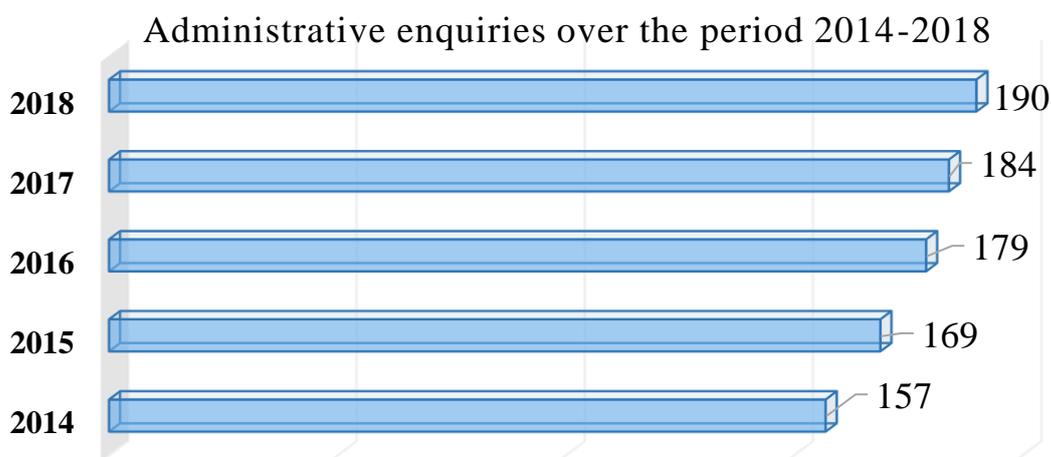
A number of complaints have been filed with the Commissioner’s Office via its email *info@idp.al* made available to data subjects, thus enabling quick and direct communication with such subjects and facilitating the complaints settlement procedure.

Complaints over the period 2014-2018

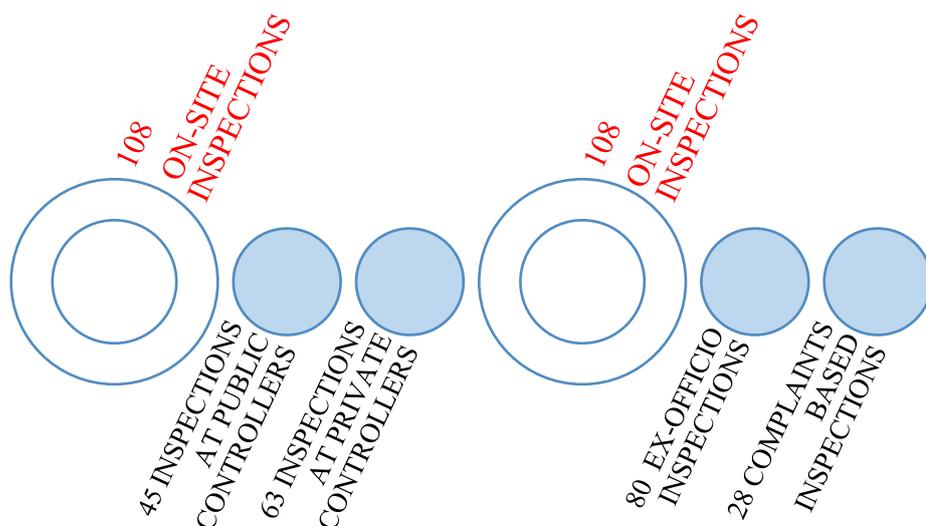


4.3 Administrative enquiries

190 inspections were conducted over the **2018**, of which **108** were carried out on-site, while **82** online in public and private controllers' websites on their obligation to inform data subjects, privacy policies etc. Building on online inspections, on-site administrative enquiries are planned to be carried out in 2019 at those subjects that do not mirror the requirements of Article 18 of Law No. 9887/2008 “On Personal Data Protection”, as amended.



108 on-site inspections were conducted, of which **45** at public controllers and **63** at private controllers. The Commissioner’s Office conducted **80** inspections at its own discretion (ex-officio), and **28** on a filed complaints basis.



Ex-officio administrative enquiries at public and private controllers focused mainly on data subjects' personal data collection and processing in sectors such as:

- Non-public pre-university education institutions;
- Water supply and sewage sector;
- Immovable assets valuation sector;
- Hospitality;
- Bailiff Service sector.

The subject of enquiries was the implementation of the Law No. 9887, dated 10.03.2008 "On Personal Data Protection", as amended, and its relevant bylaws.

Ex-officio administrative enquiries were also conducted at private controllers performing international personal data transfer in the post service sector.

During the present year, the Commissioner's Office has carried out administrative enquiries in the framework of verifying the implementation of recommendations for the period 2016-2017. **103** recommendations were made over the years to public and private controllers, and a considerable number of them have reacted by providing information on duties fulfilment.

Meanwhile, the Commissioner's Office has conducted administrative controls at 20 public controllers to verify the implementation of recommendations made. Upon such enquiries, **11** controllers were punished by a fine penalty.

In the framework of verifying the implementation of recommendations made by the Commissioner's Office, administrative enquiries were conducted at:

- Local self-governance units;
- Criminal decisions enforcement institution.

Priority was given to inspections at:

- **Ministry of Education, Sports and Youth** on the project “On building the database on categories of subjects education employees, parent, student for the purposes of effective work organization, and real time interaction and cooperation enhancement with the view to achieve the highest targets and to further improve education”, for filling out the form “Parents in every school”;
- **Ministry of Health and Social Protection** on implementing the project “On building the database with the view to inform patients on issues related to health novelties, new services to be provided by the health system, health promotion and health services quality assessment in public institutions, effective work organization and interaction enhancement”.

During the present year **48** hearings were held and came to a conclusion, which informed the Commissioner's relevant acts. Hearings were held upon controllers' prior notification, by observing the right of subjects to be heard pursuant to Law No. 44/2015 “Administrative Procedure Code of the Republic of Albania”.

The Commissioner's Office highly appraises the controllers' availability to cooperate and meet their field legal obligation. However, some of the issues noted over the reporting period while conducting the relevant inspections concerned:

- ✓ Guaranteeing subjects' right to personal data;
- ✓ Ensuring obligation to information by the controller related to the processing method;
- ✓ Guaranteeing the controller's obligation to correct and write off data;
- ✓ Online services and personal data network processing;
- ✓ Guaranteeing the right to notification;
- ✓ Guaranteeing controllers' safety and confidentiality.

4.4 Recommendations and Orders

Pursuant to the powers granted by the Law No. 9887/2008 “On Personal Data Protection”, the Commissioner has rendered **29** recommendations to public and private controllers.

The Commissioner's Office issued **1** (one) Order “On deletion of unlawfully processed personal data” for one private controller.

On these grounds, the recommendations and orders aimed at raising the awareness of every single data controller to conduct fair and lawful processing, without violating the individual's privacy.

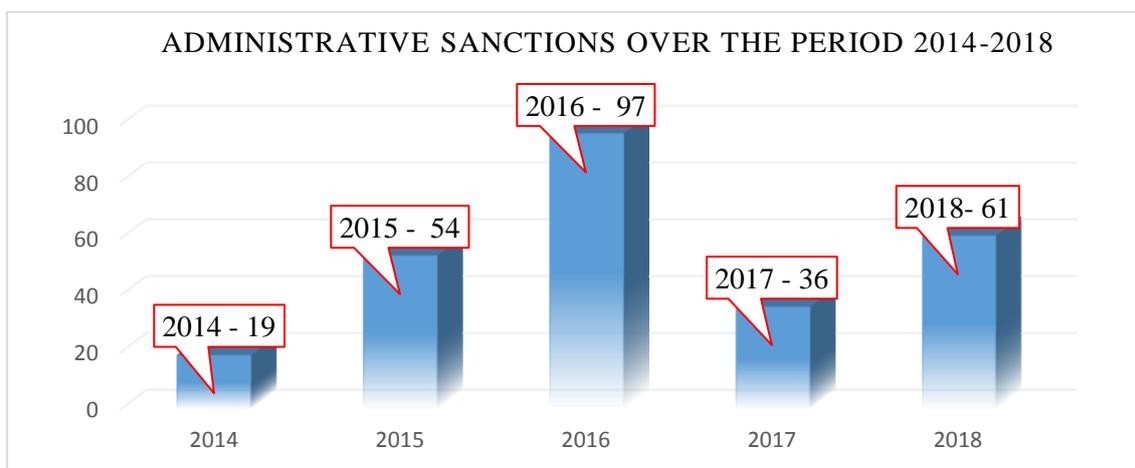
4.5 Administrative sanctions

The controllers have been mainly sanctioned by fine on the lack of technical and organizational measures, drafting of the personal data processing regulation, omission to sign the confidentiality declaration with employers who have access to personal data, arranging the relations with processors in cases of data processing delegation, non-publication of privacy policies in official websites, failure to inform the data subject on

the presence of a video surveillance (CCTV) system etc., consisting of obligations stemming from the Law No. 9887/2008 “On Personal Data Protection” and Commissioner’s Office bylaws.

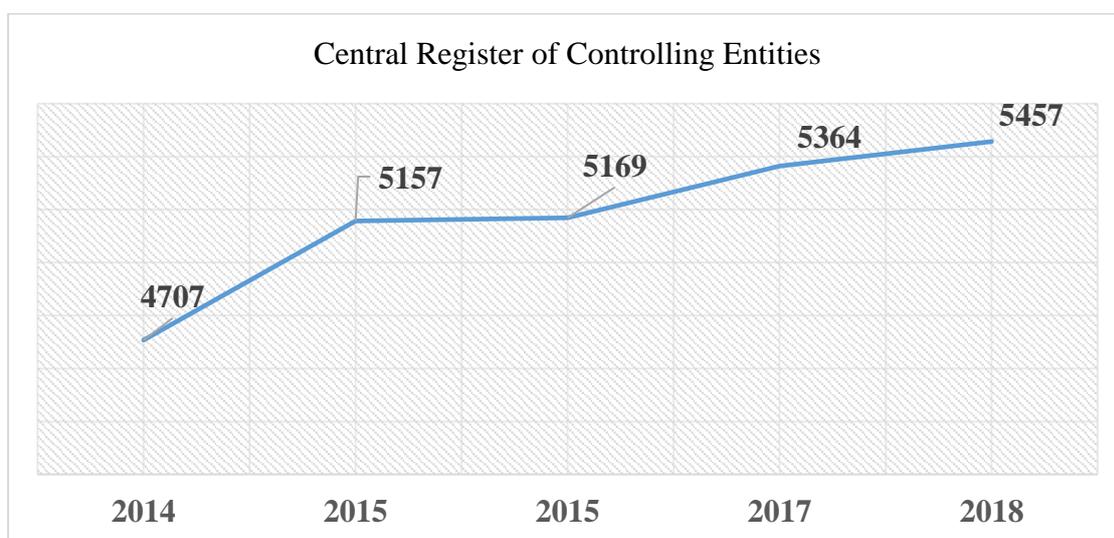
The Commissioner’s Office has imposed fine penalties upon conducting administrative enquiries at various public and private controllers, either ex-officio, or on a filed complaints basis, according to legal provisions and procedures. Such sanctions have been imposed in case of serious repeated violations and failure to abide by the Commissioner's recommendation/orders.

In the end of enquiry procedures, the Commissioner’s Office issued **30** fine penalty decisions, corresponding to **61** administrative sanctions.



4.6 Notification

During 2018, **116** controlling entities have notified in the frame of fulfilling the legal obligation. The overall number of notifications regarding the processing performed by the controllers in the Republic of Albania amounts to **5517** to date. The number of controlling entities registered with the Central Register of Controlling Entities is **5457**.



4.7 International Transfer

Guaranteeing subjects' right to data protection even in those cases when their personal data are being processed abroad, and guaranteeing a sufficient data protection level are among Commissioner's Office priorities.

Based on the Notification Forms filling out, in case a transfer in countries with insufficient data protection level has been detected, additional information has been requested by controllers and the relevant transfer practices have been further reviewed. Administrative enquiries have been conducted at private controllers to monitor the international data transfer process.

14 practices have been handled for authorizing the data transfer in countries with insufficient personal data protection level, and **2** decisions have been made on allowing international data transfer concerning banking and pharmaceutical sectors, to ensure a better protection to citizens' personal data. In other cases, the Commissioner's Office authorization has been regarded as unnecessary and the controllers have been guided and instructed with the view to justly implement the personal data protection legislation.

5. COMPLAINTS HANDLING PURSUANT TO LAW NO. 146/2014 “ON NOTIFICATION AND PUBLIC CONSULTATION”

In fulfilling its duty on complaints review concerning procedures provided for under Law No. 146/2014 “On Notification and Public Consultation” for 2018, the Commissioner’s Office has handled 3 complaints:

- First case with complaint subject “On non-observance of legal procedures on notification and public consultation for the draft law “On Albanian Fund for Diaspora Development”. The Commissioner's act was appealed to the court, which in the end of its judicial review, decided to declare the case beyond its jurisdiction and to delegate it to the competent body;
- Second case with complaint subject “Against Berat Municipal Council Decision No. 31, dated 19.03.2018 “On some amendments and addenda to MCD No. 57, dated 28.12.2015 “On local tax and fees adjustment in the Municipality of Berat, as amended”. The complaint was filed beyond the legal time frame;
- Third case with complaint subject “On cancelling the potable water price increase by the Municipality of Vlora”. The Commissioner’s Office replied to the said complaint via an official e-mail. The complainant did not further his/her claim.

Although the law has come into effect for three years now, it is not being implemented at the level required by the public bodies and is not serving citizens efficiently.

6. LEGAL ACTIVITY, ADMINISTRATIVE AND JUDICIAL PROCEDURES

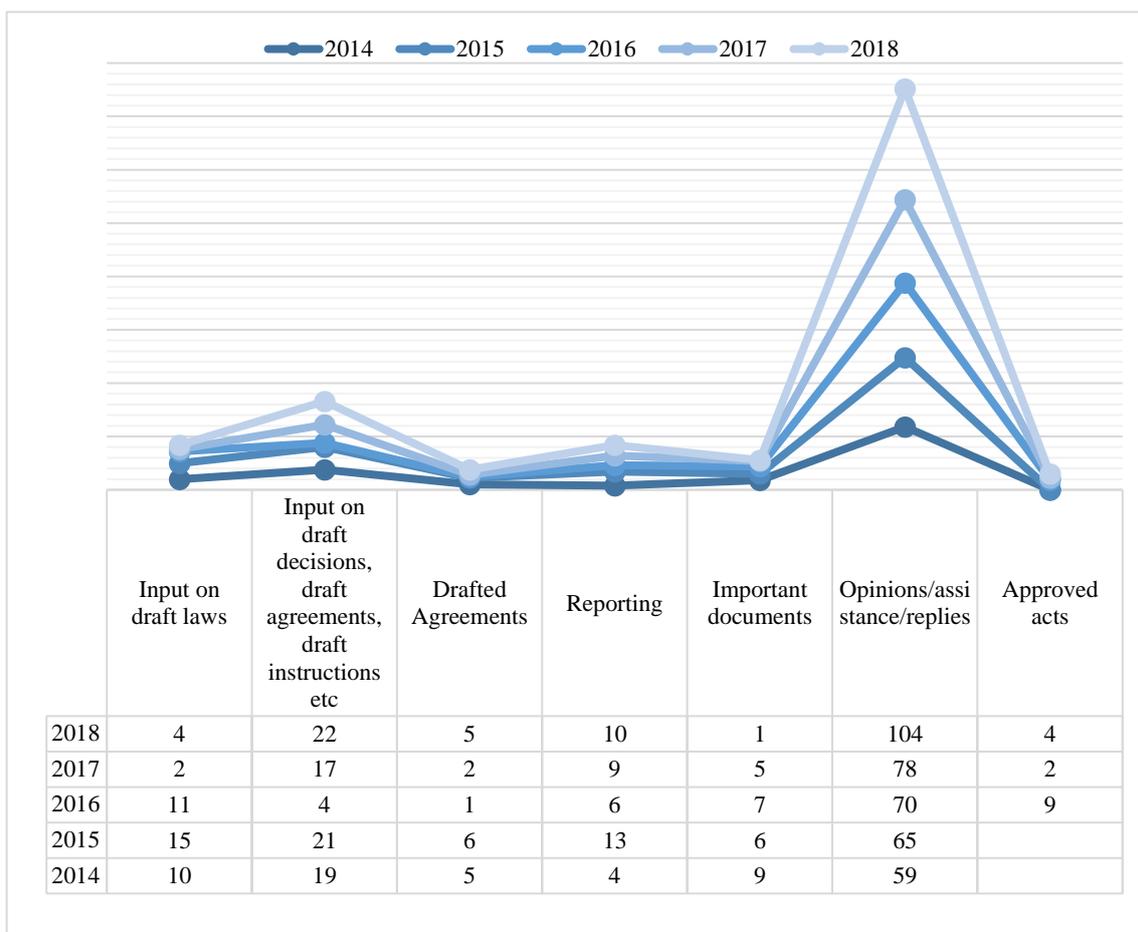
6.1 Regulatory acts drafting

In the framework of fulfilling the obligations stemming from legal acts and bylaws, the following have been adopted for 2018:

- Decision of Council of Ministers No. 144, dated 13.3.2018 “*On creating the state database “Controlling Entities E-register”*”, published in the *Official Journal no.37, dated 19.03.2018*;
- Decision of Council of Ministers No. 145, dated 13.3.2018 “*On Creating the State Database “Requests and Responses E-register on the Right to Information”*”, published in the *Official Journal no.37, dated 19.03.2018*;
- Commissioner’s Instruction No. 211, dated 10.09.2018 “*On approving the Transparency Template Program for Local Self-governance Units*”, published in the *Official Journal no.133, dated 17.09.2018*;
- Commissioner’s Instruction No. 47, dated 14.09.2018 “*On determining the rules on safeguarding personal data processed by large processing entities*”, published in the *Official Journal no.137, dated 25.09.2018*;
- Commissioner’s Instruction No. 48, dated 14.09.2018 “*On certifying the information and personal data security management systems and their protection*”, published in the *Official Journal no.137, dated 25.09.2018*.

6.2 Providing input on draft acts

Pursuant to subparagraph a), paragraph 1, Article 31 of Law No. 9887/2008 “*On Personal Data Protection*”, as amended, the Commissioner’s Office has provided legal input during 2018 on **4** draft laws, **12** draft decisions, **6** draft agreement, **3** memorandums of understanding, **1** draft instruction, and has provided a series of legal inputs and replies to public and private controllers (Annex 1).



6.3 Monitoring Official Journals

The official journals have undergone constant monitoring to identify the cases of legal draft acts and bylaws approval for which the Commissioner’s Office opinions was not obtained. Such verification, as stated in other previous reports, is made in order for the institutions to reflect on the approximation of the legislation they seek to approve with the law on personal data protection. Following the official journals monitoring, **5 laws, 5 DCMs and 1 Instruction** of the Ministry of Education related to personal data are noted to have been approved without obtaining the Commissioner’s Office prior opinion (Annex 2).

6.4 Judicial Proceedings

As regards the Commissioner's decisions and their implementation, quite a positive progress has been noted during this year as well, as evidenced by the number of decisions upheld by the court or their enforcement.

Pursuant to Law No.119/2014 “On the Right to Information”, the Commissioner has made **37 decisions** in 2018, among which **18 judicial proceedings** have been appealed and reviewed. Out of these, the court decided to refute **9 lawsuits** and to uphold the Commissioner’s decisions, accept **3 lawsuits**, partly accept **2 lawsuits**, and dismiss **1 judicial proceeding**, while **3 other cases** are still in the process.

THE RIGHT TO INFORMATION	
Year	2018
Decisions	37
Sanctions	3
Judicial proceedings	18
Refuted lawsuits	9
Accepted lawsuits	3
Partly accepted lawsuits	2
Judicial proceeding dismissal	1
Ongoing Judicial proceeding	3

The Commissioner has issued **30 decisions** for 2018, in accordance with the Law No. 9887/2008 “On Personal Data Protection”, as amended. Out of these decisions, the controllers have voluntarily executed the administrative sanctions for **8** decisions. The Commissioner’s Office has requested the bailiff service for **7** decisions. Meanwhile, controllers have filed lawsuits for **9** decisions, which have been reviewed by an administrative court. Upon the completion of judicial proceedings, the court upheld the Commissioner’s decision for **6** cases, dismissed **1** case and is proceeding with **2** other cases.

PERSONAL DATA PROTECTION	
Year	2018
Decisions	30
Administrative sanctions	61
Judicial proceedings	9
Refuted lawsuits	6
Judicial proceeding dismissal	1
Ongoing judicial proceedings	2
Voluntary executions	8
Executions by bailiff	3
Requests for execution by bailiff	4
On time to voluntarily execution	11

During 2018, the Commissioner’s Office has monitored the judicial proceeding of **22** cases in the Administrative Appellate Court, of which **18** are still under judicial review, **3** have been upheld and **1** has been dismissed.

7. RAISING THE AWARENESS AND PROMOTING THE RIGHT TO INFORMATION AND PERSONAL DATA PROTECTION

7.1 Cooperation Agreements

The Information and Data Protection Commissioner has entered into 4 cooperation agreements in 2018 with the following institutions:

- ✓ Mediterranean University of Albania, dated 25.01.2018;
- ✓ “Ernst & Young Albania”, dated 22.02.2018;
- ✓ Commissioner for Data Protection and Freedom of Information of the German State Baden-Württemberg, dated 04.09.2018;
- ✓ Ombudsperson and the Commissioner for the Protection from Discrimination, dated 23.11.2018.

7.2 Cooperation with OSCE

In the framework of the cooperation projects with OSCE Presence in Albania, the Commissioner’s Office has organized in Korça, Shkodra and Kukës several meetings with the topic “The right to information, personal data protection and getting to know relevant laws obligations”. The activities aimed at training the representatives of local and central power institutions, local self-governance bodies, justice system etc., focusing on balancing the two constitutional rights to the benefit of their activity.

The co-organization of the activity with the topic “Rules on personal data protection in the health care system” was part of the cooperation with OSCE Presence in Albania as well. It aimed at raising the awareness of public and private controllers on the new rules imposed by the EU upon the entry in force of the General Data Protection Regulation 670/2016 (GDPR).

7.3 Cooperation with the UNDP STAR 2 Project

The Commissioner’s Office drafted the Template Transparency Program for Local Self-Governance Units and delivered a training session to coordinators with the assistance of Star 2 Project “Support for Territorial-Administrative Reform”.

7.4 Cooperation with Civil Society

The Commissioner’s Office organized the “IV National Conference on the Right to Information-For a Far Better Law” in cooperation with the Open Society Foundation. Coordinators for the right to information in central institutions and representatives from independent authorities, local self-governance, justice system, civil society organizations, media etc., participated in the activity. The conference evaluated the implementation of

the Law No. 119/2014 “On the Right to Information” and reviewed the issues noted in obligations fulfilment by Public Authorities.

4 documents were presented in the activity: the draft of potential amendments to law no. 119/2014; initiatives on legislation improvement for the legal and practical enabling of a direct communication between citizens and policymaking institutions via *pyetshetin.al* portal; assessment of capacities and needs for strengthening the status of coordinators for the right to information, and the self-evaluation instrument for independent institutions.

The Commissioner’s Office, in cooperation with this foundation, brought to an end the implementation of the transparency self-evaluation instrument in the President’s Office, Albanian Assembly, Prime Minister’s Office, all ministries and independent institutions. In this framework, trainings were provided to all coordinators for the right to information and the final report and recommendations for each institution were drafted.

7.5 Cooperation with ASPA

The present year as well was marked by the cooperation with the Albanian School of Public Administration. The right to information has been part of the mandatory training program for civil servants in a trial period, which was attended by 370 civil servants.

7.6 Trainings

The Commissioner’s Office, in cooperation with the Albanian Association of Banks, organized the activity with the topic “Rules on personal data protection in the banking system”, which was attended by representatives from the Bank of Albania, second tier banks and non-banking financial companies. The national legislation, the authority activity, several specific cases, and the novelties of the General Data Protection Regulation (GDPR) were presented in the meeting by an international expert.

In the framework of the School of Magistrates Continuous Training Program, the Commissioner’s Office held a lecture in the seminar with the topic “Protecting private data and privacy in relation to the freedom of expression and technological developments”. The seminar tackled the topics “On freedom of expression from the right to information perspective and restrictions to such freedom in the framework of private data protection” and “Privacy protection in relation to the freedom of expression”.

The Commissioner made several presentations on the legislation on the right to information and personal data protection in the Third Course of the “Albanian School of Political Studies 2018”, with the support of the Council of Europe, and in the activity organized by the Albanian Media Council with the topic “Privacy and media coverage, new challenges on observing ethical standards by novice journalists”.

The Commissioner’s Office introduced the topic “Standards and issues in observing personal data privacy by the Albanian media” in the training organized by the National Bar Association. Additionally, the Commissioner’s Office organized a training with the

view to expand participants' knowledge on the right to information and personal data protection in the Coordination Center Against Violent Extremism

7.7 Youth

The Commissioner's Office organized the "Information and Privacy Winter School" attended by Mediterranean University students and academic and administrative staff. The activity addressed topics related to national and European personal data protection legislation, legislation on the right to information, and cases from the activity of the authority. Moreover, a meeting was held with "Ismail Qemali" high school students in Tirana in the International Day of Personal Data.

The awareness-raising activity in the "Access to Information Day", was organized on 28 September in the premises of the Speaker's Office, attended by high school students and teachers in Tirana. The activity was co-organized by the Albanian Assembly, Commissioner's Office, Organization for Security and Cooperation in Europe (OSCE) and Tirana RED.

The Commissioner's Office in cooperation with the "*Anti-corruption Twinning Project*" organized several meetings in the premises of high schools in Lushnja, Berat, Durrës and Tirana. Transparency issues in the public administration and online privacy protection principles were addressed in such meetings.

In the framework of awareness-raising meetings, the Commissioner's Office delivered several relevant presentations in the workshop "Adapting ICT research to support the Albanian digital agenda", organized by the Faculty of Natural Sciences of the University of Albania.

The Commissioner's Office organized a training at the "Turgut Ozal" non-public high school. The meeting attended by teachers and administrative staff addressed the applicable legislation on personal data protection, Law No. 19/2016 "*On Additional Public Safety Measures*" and specific cases handled by the Commissioner's Office.

The Commissioner's Office concluded the awareness-raising campaign "Privacy and Security", aiming at organizing consultation sessions on "*The competency framework of 9-year schools teachers on personal data protection*". Such consultations were attended by social education and ICT teachers and psychologists.

The Commissioner's Office undertook the awareness-raising campaign "Play and Learn-Happy Online" with 9-year school students in Tirana. The Game was designed by the EU Joint Research Center to promote the golden rules for a safer and more appropriate use of the Internet.

Pursuant to the National Agenda for Children's Rights for the period 2017-2018, reporting has been made on the indicator and result on the Information and Data Protection Commissioner activity. Additionally, the Commissioner's Office has provided its input on and is part of the working group on the Juvenile Justice Strategy.

7.8 Other meetings

The Commissioner's Office organized a work meeting with a group of Macedonian media journalists and representatives who were introduced with the Commissioner's Office role and functions in the supervision of the Law No. 119/2014 "On the Right to Information".

The Commissioner's Office organized a meeting with officials of several institutions in the Republic of Kosovo, focusing on experience and assistance exchange in the framework of the new legislation on the right to information drafting process.

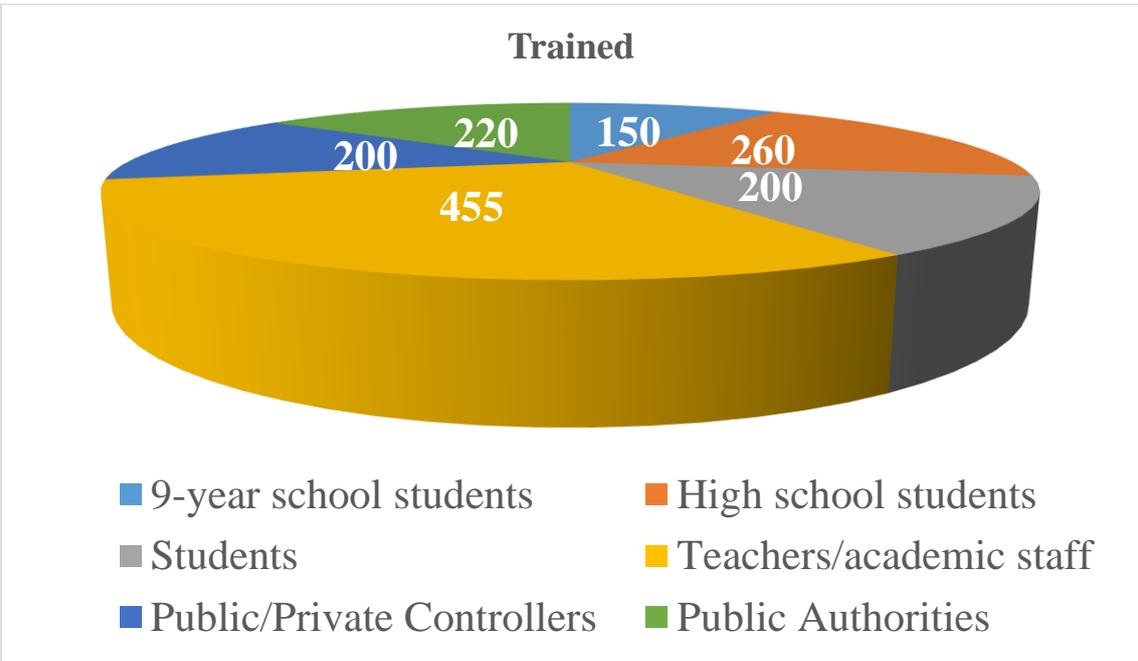
The Commissioner's Office welcomed a delegation from the Republic of Malta, led by the Parliamentary Secretary for Consumer Rights, the scope of activity of whom includes as well personal data protection. The parties discuss on cooperation paths and experience exchange with the counterpart Maltese authority, especially upon the entry in force of the new EU General Data Protection Regulation (GDPR).

7.9 Important events

On the occasion of January the 28th, the Data Protection Day, the Commissioner's Office organized the Albanian postage stamp promotional ceremony. Its issuance was an initiative of the Commissioner's Office and all its elements represent the privacy protection concept and today's relationship between the individual and technology.

The Commissioner's Office celebrated in March 2018 its 10th foundation anniversary. The activity was attended by senior representatives from central institutions, diplomatic bodies, civil society, media and academia. The Commissioner's Office signed during this event the cooperation agreement with the Ombudsperson Office.

A meeting was held in the Commissioner's Office with the Committee on Legal Issues, Public Administration and Human Rights at the Albanian Parliament addressing an informing and monitoring topic. The Commissioner introduced the participants with the supervision and monitoring of the regulatory acts, control activity and administrative enquiries on personal data collection/processing from large public and private companies, and transparency progress of public authorities, focusing especially on ministries and central power bodies.



Four trainings were conducted by foreign experts for Commissioner Office staff and representatives of public institutions.

During 2018, the fifth and sixth series of the “*Information and Privacy*” Magazine were published, which were mirrored in the Commissioner’s Office main activities.

8. INTERNATIONAL ACTIVITY AND ORGANIZATION OF THE CONFERENCE OF EUROPEAN DATA PROTECTION AUTHORITIES

8.1 Conference of European Data Protection Authorities – Tirana 2018

The Information and Data Protection Commissioner organized in May 2018 the 28th edition of the Conference of European Data Protection Authorities, with the topic “*Data Protection – Better Together*”. The Conference is the most important cooperation and coordination forum of strategies and policies of the European Data Protection Supervisory Authorities. The edition organized in Tirana was attended by nearly 100 European Data Protection Authorities representatives.

The conference addressed issues tackling the implementation of the General Data Protection Regulation and data processing in the framework of the law enforcement bodies activity, the relation of this newly-established regulatory system with third countries, and the cooperation enhancement among authorities. In addition, presentations were delivered on the modernization of the CoE Convention No. 108, European data protection standards convergence in other regulatory systems, data protection in humanitarian activities etc.

The forum proceedings focused on scrutinizing the document prepared by the Working Group on Future of European Conference, coordinated by the Commissioner’s Office, and composed of 12 Authorities.

8.2 Albania as the Organizer of the 41st International Conference of Data Protection and Privacy Commissioners (ICDPPC)

The Commissioner’s Office participated in the 40th International Conference of Data Protection and Privacy Commissioners (ICDPPC) with the topic: “*Debating Ethics: Dignity and respect in data driven life*”. The proposals of the Working Group on this forum’s reformation were discussed during the conference, in which the Commissioner’s Office contributed to the drafting of several key documents, such as the Draft Resolution on “*Roadmap on the future of the International Conference of Data Protection and Privacy Commissioners*”, “*Conference Census*” etc.

During the “ICDPPC Awards” ceremony, the Commissioner’s Office initiative: “*The Albanian postage stamp in Data Protection Day*” was awarded the “*Global Prize for Privacy and Data Protection 2018*”, thus coming out on top of 43 other projects in the “Education and public awareness” category.

The Commissioner’s Office is a full-rights member of the Executive Committee, the International Conference’s steering body. The Commissioner’s Office will organize the 41st edition of the International Conference ICDPPC, on 21-24 October 2019 in Tirana.

8.3 The Commissioner's Office cooperates with the EU Technical Assistance and Information Exchange Instrument (TAIEX)

The Commissioner's Office organized in collaboration with TAIEX the Expert Mission "On Aligning Data Protection Legislation with EU Data Protection Law" on 27-28 February 2018 and the Expert Mission "On the Impact of General Data Protection Regulation in Acceding Countries" on 14-15 November 2018.

These activities were organized in the framework of acknowledging and implementing domestic legislation changes in line with the new EU data protection framework. The Commissioner's Office involved other national authorities in these trainings such as: the Albanian State Police, the General Directorate of Standardization, and the National Authority for Electronic Certification and Cyber Security. The activities also aimed to train the Commissioner's Office staff, based on the EC Report recommendation to Albania, foreseeing the following in its 23^d Chapter: "... the number of training sessions for the Commissioner's Office staff should be further increased."

8.4 Cooperation with T-PD, EDPB and Berlin Group

The Commissioner's Office has participated on an ongoing basis in the meetings of the Article 29 Working Party (WP29) until the establishment of the European Data Protection Board (EDPB), following the entry into application of the new European legal framework in the field of data protection, the General Data Protection Regulation (Regulation 2016/679) and the Police Directive (Directive 2016/680). The European Data Protection Board (EDPB), which is the highest, independent EU decision-making body in this field, granted the Commissioner's Office the permanent observer status.

Moreover, the Commissioner's Office has continuously attended the Plenary Sessions of the Convention 108 Consultative Committee and International Working Group on Data Protection in Telecommunications (the Berlin Group).

8.5 Digital Clearing House

The Information and Data Protection Commissioner participated for the first time in the "Digital Clearing House" forum organized by the European Data Protection Supervisor (EDPS). An inter-institutional delegation to participate in this forum was selected upon the Commissioner's Office initiative, consisting of representatives from the Competition Authority and the Central Election Commission.

The event brought together high representatives from EU member states institutions, Asia, North and South America. A series of topics tackling GDPR's potential impact on delaying or hindering the investigations carried out by competition and consumer protection authorities, online manipulation of election processes and influence in democracy, asymmetric data regulation and influence in the competition, etc were discussed.

8.6 Relation with Eurojust

The signing of the Cooperation Agreement between the Republic of Albania and Eurojust, as approved by Law No.113/2018 “On the Ratification of the Cooperation Agreement between the Republic of Albania and EUROJUST” was one of the milestones of this year. The Commissioner’s Office has provided its contribution by participating in the negotiations with Eurojust.

In this framework, the IPA 2017 Project “Countering Serious Crime in the Western Balkans” implemented by GIZ, triggered the commencement of the process on preparing the steps for the practical implementation of the agreement by establishing the infrastructure and relevant regulatory and technical mechanisms by the Prosecution Office, taking concrete measures, raising the awareness and training their staff for the application of legal principles and obligations on personal data protection during the work process.

Pursuant to Article 19 of the Agreement, the Commissioner’s Office plays an important role as it monitors the implementation of this Agreement provisions on the fulfilment of obligations related to personal data protection and reports annually to the Personal Data Protection Officer at Eurojust.

With the support of this project, a working group has been established, composed of representatives from several institutions such as the Ministry of Justice, the General Prosecutor’s Office and the Commissioner’s Office. Additionally, several meetings have been held regarding the steps to be taken for the implementation of the agreement.

During 2019, a series of intensive training sessions are expected to be provided by the Commissioner’s Office experts to the staff of the main prosecution offices in the country, regarding the principles of personal data protection, importance of appointing a personal data protection officer and his/her role, legal obligations in this field (as regards data security, controllers obligations in and guaranteeing the rights of data subjects) and their practical implementation throughout the procedural investigative activity.

The achievement of personal data protection standards by the prosecutor’s office, aiming at successfully passing the assessment expected to be carried out this year and obtain Eurojust approval remains as the main objective.

9. BUDGET MANAGEMENT

9.1 Building institutional capacities

A motivating work environment is aimed to be created by setting objectives, exercising the activity and implementing of human resources policies, thus triggering, inter alia, employees' professional growth, adoption of best field standards, as well as the ongoing improvement of the institution's administrative processes.

As regards the implementation of the institution's strategic objectives, the human resources management policy has been focusing focused on acquiring and implementing the best human resource management practices applicable in counterpart EU institutions. The pursuit of proactive employment, management and human capacities career promotion policies for a professional and flexible structural organization remains a top priority for the institution.

These policies aim primarily at rationalizing the organizational structure and improving the Commissioner's Office effectiveness in line with its strategic objectives and relevant legal framework. Gender representation at the specialists and directors level is balanced. Out of the employees' total, the women to men ratio (civil servants and temporary contracted employees) is 60%-40%, while this ratio at the management level is 70%-30%. Continuous work has been done in terms of capacity building and staff's professional promotion. The Commissioner's Office has been both an active participant in the trainings organized by ASPA and a representative in the trainer's capacity, to make the public administration clerks familiar with the legal obligations stemming from Law No. 119/2014 "On the Right to Information" and Law No. 9887/2008 "On Personal Data Protection", as amended.

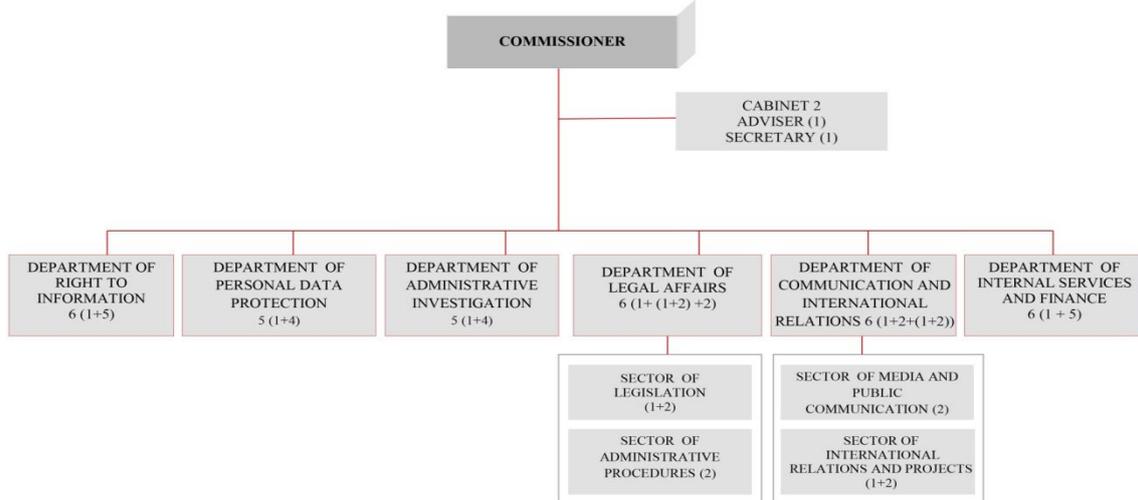
Pursuant to the Training Sessions Annual Plan, employees were engaged in a series of training sessions, both in and outside of the country, thus enabling experience sharing and introduction with the best practices.

9.2 Organizational structure

Due to repeated requests every year for human resources support, based on Law No. 109/2017 "On 2018 Budget", and Decision No. 86/2018 "On Approval of the Structure, Organizational Chart and Classification of Salaries of the Information and Data Protection Commissioner", the Commissioner's Office was approved the total number of **37** employees, as compared to **35** employees in the previous year.

More specifically, **2** inspectors were added to the Right to Information Department, to ensure the proper monitoring and implementation of Law No. 119/2014 "On the right to information". These changes aimed to improve and strengthen several significant processes, better adjust the structures with specific tasks stemming from the institution's objectives and activity.

INFORMATION AND DATA PROTECTION COMMISSIONER
ORGANIZATIONAL STRUCTURE



Commissioner; Cabinet 2 Advisor (1) Secretary (1); Right to Information Department 6 (1+5); Personal Data Protection Department 5 (1+4); Administrative Investigation Department 5 (1+4); Legal Affairs Department 6 (1+ (1+2) +2); Communication and International Relations Department 6 (1+ 2 (1+2)); Internal Services and Finance Department 6 (1+5); Legislation Sector (1+2); Administrative Procedures Sector (2); Media and Public Communication Sector (2); International Relations and Projects Sector (1+2).

The implementation and enforcement of civil service legislation has been one of the overall main management aspects. During 2018, 7 recruitment procedures were carried out, 4 of which were low-level management, while vacancies were filled in pursuant to the law on civil service.

During 2018, the Commissioner’s Office was enabled to recruit 6 (six) employees with a temporary employment contract.

Given the enhancement of the Commissioner’s Office activity and competencies, an increase in capacities was requested, which were made present during the drafting of budget requests (MTBP).

The increase of capacities remains a necessity; with reference to the requests reasoned in the PBA, by adding at least 9 other employees.

9.3 Income and expenses

The Commissioner’s Office has spent the **budgetary value ALL 67.029 (in thousand ALL)** out of the general planned budgetary fund for 2018, with changes made during the year.

The budget has been used up to the level of 97% of the annual plan, as amended, or in the same execution percentage as compared with the previous year.

In order to cover several specific projects, the Commissioner's Office was financially supported in 2018 terms of both operating expenses and investments.

The Commissioner's Office has compiled and implemented the procurement plan in accordance with the plan of expenditures and investments, which during 2018, consisted of 3 procurement tendering procedures. Other needs were met by procurements of small value.

In the following charter you can find in %, every expenditure category as opposed to the total amount of the budget, as well as the execution in % and the value of each expenditure category as opposed to the allocated budget.

TABLE OF BUDGET ALLOCATION AND EXECUTION

YEAR 2018 in 000 / ALL

No.	ITEM	PLAN	% compared to the total	Actual amount for 12 months	% of execution compared to the annual plan
1	Salary	37.800	54.5 %	37.029	97.9 %
2	Social Insurance	6.300	9.1 %	5.952	94.4 %
3	Other commodities and services	20.660	29.8%	19.537	94.6 %
4	Investments	4.000	5.9 %	3.996	100 %
5	Other transfers to individuals	440	0.6%	440	100 %
6	Membership fee	100	0.1%	79	79 %
	Total	69.300	100%	67.033	96.7 %

Non-realizations of expenditure items (operating) were derived from positive procurement outcomes, while as regards other expenses (salary and social insurance), they emerged due to the recurrence of recruitment procedures and temporary work disability.

Funds provided by donors and administered by the Commissioner's Office are as follows:

	Carried over	Created	Used	Inherited
Operating expenses	46 (in thousand ALL)	473 (in thousand ALL)	490 (in thousand ALL)	30 (in thousand ALL)
Capital expenses	2.045 (in thousand ALL)	0	0	2.045 (in thousand ALL)

Donors' funds are carried over annually and used according to the destination *“Support to the Commissioner’s Office activities and infrastructure”*.

Meanwhile, the Commissioner’s Office is a direct recipient of the funds managed by the “Open Society for Albania” Foundation, according to the scope and amount of the following contracts:

1. *“Monitoring the transparency level in independent institutions”* for the period December 2017- July 2018, at the amount of USD 25.427.
2. *“Establishment of a digital national register for public information requests and its integration into the public institutions system”* for the period 15 December 2017 – 01 July 2018, at the amount of Euro 26.350.
3. *“Development of the national registry for information requests and its implementation in 20 other institutions”* for the period 07.06.2018 - 06.06.2019, at the amount of USD 16.800.
4. *“Maintenance of the portal pyetshtetin.al”* for a 12-months period, from 15.01.2018 until 15.01.2019, at the amount of Euro 1200.

The Commissioner’s Office does not have an internal audit unit in place. Therefore, we were not involved in the State Supreme Audit plan of audit in 2018.

Income from sanctions/fines

Total of sanctions in 2018	2300 (in thousand ALL)
Violation of provisions of Law No.9887/2008, as amended	1850 (in thousand ALL)
Violation of provisions of Law No.119/2014	450 (in thousand ALL)

In 2018, the sanctions imposed amounted to 2.300 (in thousand ALL).

- The collected value of sanctions imposed in 2018 amounted to 720 (in thousand ALL).
- The value of fines imposed in 2016 and 2017, collected in 2018, amounted to 682 (in thousand ALL)

Total amount collected in 2018 is 1402 (in thousand ALL).

Year	Amount of fines in the period 2017 - 2018	
	Collected	Not collected
2017	2590 (in thousand ALL)	159 (in thousand ALL)
2018	1402 (in thousand ALL)	1580 (in thousand ALL)
Total 3992 (in thousand ALL)		1739 (in thousand ALL)

10. EU PROGRESS REPORT ON ALBANIA FOR THE COMMISSIONER'S OFFICE

Chapter 2 “Political Criteria and Rule of Law Chapters” in Albania’s Progress Report on Albania, published on 17 April 2018 by the European Commission, highlights and assesses the observance of the right to information and personal data protection.

As per the above, some of the paragraphs provided by this report for the Commissioner’s Office are as follows:

*(EC Report on Albania 2018- page 11): “With regard to **public participation in local decision making**, further progress has been made in the area of **access to information**: an increasing number of *municipalities have disclosed public information and assigned a local coordinator responsible for the right to information.*”*

With reference to this provision, we report herein that the progress made in figures is as follows: **61** municipalities have coordinators on the right to information, **9** Regional Council and Prefectures have coordinators on the right to information, **37** municipalities and **10 Regional Councils and Prefectures** have in place transparency programs.

*(EC Report on Albania 2018- page 15): **The right to access public information** is regulated by the Law on the Right to Information, but its implementation has revealed shortcoming in the legal framework. Increasingly, more public authorities have adopted transparency programs, but more efforts are needed to promote proactive disclosure of information by public institutions. *The capacity of the Information and Data Protection Commissioner needs to be increased.**

The Commissioner’s Office was approved in 2018 the total number of **37 employees**. **2** employees were added due to repeated requests during the submission of MTBP budget requests on human resources support *in the structure that covers the Right to Information Directorate.*

*(EC Report on Albania 2018- page 23): On **access to information**, the Information and Data Protection Commissioner received 684 complaints and issued 36 decisions in 2016, while 560 complaints were received in 2017. A system was established to record the overall number of requests made to public institutions.*

In the framework of right to information observance, the Commissioner’s Office handled **820** complaints in 2018, which shows an upward trend as compared to **560 complaints** in the previous year. As regards the “Electronic Register of requests and responses for the right to information”, the number of requests for public information handled via the system is **237** for the period March - December 2018, (the period in which the registry started functioning).

(EC Report on Albania 2018- (pages 26-27): On the **protection of personal data**, the country has ratified the Council of Europe Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data and its additional protocol. The Office of the Information and Data Protection Commissioner increased its staff and training programs. The Commissioner received 120 complaints from data subjects, carried out 184 administrative inspections, issued 22 decisions and imposed 36 administrative sanctions in 2016. Further efforts should be made to align the personal data protection legislation with the General Data Protection Regulation and the Directive on the protection of natural persons.

In order to fulfil and realize the NPEI 2018-2020, the transposition of the EU Regulation 2016/679 (GDPR) and Police Directive 2016/680 has been foreseen for the period **third quarter of 2020**, by amending the Law No. 9887/2008 “On Personal Data Protection”. The Commissioner is also a beneficiary of IPA 2017 assistance program under the activity “*Institution-building for alignment with the EU acquis and enhanced ability to meet economic criteria*”. The implementation of this project is expected to begin during the first quarter of 2019.

(EC Report on Albania (page 28): Access to information about procurement contracts, audits and salaries of officials should be strengthened. Decisions of the Information and Data Protection Commissioner are non-binding on public administration officials.

The Commissioner’s Office has prepared amendments to Law No. 119/2014 “On the Right to Information”, including this provision as well, which emerged as an issue in the implementation of this law.

(EC Report on Albania (page 41): Albania has continued to intensify judicial cooperation in civil and criminal matters, including with EU Member States. It addressed Eurojust recommendations on data protection standards and a draft cooperation agreement has been submitted by Eurojust to the Council for approval.

In the framework of the Cooperation Agreement between the Republic of Albania and Eurojust, the signing of this agreement, as approved by Law No.113/2018 “*On the Ratification of the Cooperation Agreement between the Republic of Albania and EUROJUST*” was a one of the milestone of this year. The Commissioner’s Office has provided its contribution in this regard by participating in the negotiations for its signing and its implementation at present.

In this period, a working group has been established, composed of representatives from several institutions such as the Ministry of Justice, the General Prosecutor’s Office and the Commissioner’s Office with the support of IPA 2017 Project “Countering Serious Crime in the Western Balkans” implemented by GIZ (*Gesellschaft für Internationale Zusammenarbeit*).

Pursuant to Article 19 of the Agreement, the Commissioner's Office plays an important role as it monitors the implementation of this Agreement provisions on the fulfilment of obligations related to personal data protection and reports annually to the Personal Data Protection Officer at Eurojust.

In the course of 2019, a series of intensive training sessions are expected to be provided by the Commissioner's Office experts to the staff of the main prosecution offices in the country, regarding the principles of personal data protection, importance of appointing a personal data protection officer and his/her role, legal obligations in this field (as regards data security, controllers obligations in and guaranteeing the rights of data subjects) and their practical implementation throughout the procedural investigative activity. This training process will be supported by GIZ project as well.

11. FULFILLMENT OF INTERNATIONAL OBLIGATIONS

Reporting

In the framework of Commissioner's Office contribution and drafting of reports, the following have been prepared:

- Report to the Ministry for Europe and Foreign Affairs on the Commissioner's Office activity for 2017 and the first quarter of 2018, in the framework of the 10th meeting of the European Union – Albania Subcommittee on Justice, Freedom and Security;
- Report to the European Commission under Chapter 23 “*Judiciary and Fundamental Rights*”, on the “*Screening*” process, as well as the introduction of the *acquis* for Chapter 23 of Albania's Progress Report on 27-28 September 2018 at the Ministry of Justice;
- Report on the Commissioner's Office activity for the period 1 January 2018 – 30 September 2018, and statistical data for 2017 in the framework of drafting the first contribution of the Albanian Government to the European Commission Report on Albania for 2019;
- Report on additional information required by the European Commission services in the framework of the 9th meeting of the European Union – Albania Stabilization and Association Committee, Tirana, 25 October 2018;
- Report on the drafting of the National Plan for European Integration 2019–2021, on the narrative part in Chapter 23 “*Judiciary and fundamental rights*” and on legal acts and strategic documents planning, aiming alignment with EU legislation;
- Report on the Commissioner's Office activity for 2017 and the first quarter of 2018, in the framework of the 10th meeting of the European Union – Albania Subcommittee on Justice, Freedom and Security, sent to the Ministry for Europe and Foreign Affairs;
- Report to the Ministry for Europe and Foreign Affairs on additional information required by the European Commission services in the framework of the 9th meeting of the European Union – Albania Stabilization and Association Committee;
- Periodic report on the participation in the Berlin Group;
- Report on the preparation of the meeting of the monitoring mechanism for the implementation of independent institutions recommendations, reported to the Albanian Parliament regarding the recommendations level of implementation.

12. IMPLEMENTATION LEVEL OF THE RESOLUTION RATIFIED BY THE ASSEMBLY OF ALBANIA IN 2017

The Commissioner's Office, as an independent institution subject to the reporting obligation to the Albanian Parliament, in the framework of the implementation of Decision No. 49/2017 "On Monitoring Independent Constitutional Institutions and Institutions Established by Special Law", provides below a list on the implementation of recommendations of the Resolution ratified by the Assembly in 2017 on assessing the activity of the institution.

The Assembly of Albania, requests from the Commissioner's Office in 2018 the following:

1. Engaging fully, as the institution responsible for the implementation of the obligations deriving from DCM "On Creating a State Database for the Electronic Requests and Responses Register on the Right to Information".

"Fully realized" – "The electronic requests and responses register on the right to information" has been installed in **27** public authorities, of which **20** are central institutions such as: Prime Minister's Office; Ministry of Education, Sports and Youth, Ministry of Internal Affairs; Ministry of Agriculture and Rural Development; Ministry of Justice; Ministry of Finance and Economy; Ministry of Infrastructure and Energy; Ministry of Culture; Ministry of Defense; Ministry of Health and Social Protection; Ministry of Tourism and Environment; Ministry for Europe and Foreign Affairs; Bank of Albania; State Supreme Audit; Information and Data Protection Commissioner; Central Election Commission; Public Procurement Agency; National Agency of Natural Resources; State Police; National Business Center, and in **7** local governance units such as: municipality of Tirana; Durres; Elbasan; Fier; Korça; Lezha and Shkodra.

In this framework, trainings have been carried out for these institutions' coordinators and IT staff, who were provided with a manual on system use. The number of requests for public information handled via this system is **237** for the period March – December 2018 (a period when the register started functioning), while the total number of complaints addressed to the Commissioner's Office is **50** for the same period.

2. Increasing ex officio proactive investigations regarding the process of collecting and processing citizens' personal data by large public and private companies.

"Fully realized" - **80** ex officio inspections were carried out in 2018 in sectors such as:

- Ministry of Education, Sport and Youth;
- Ministry of Health and Social Protection;
- Non public pre-university education sector
- Water supply and sewage sector;
- Immovable assets valuation sector;
- Hospitality;
- Bailiff sector;

- Postal service sector.

The subject of investigation was the “Implementation of Law No. 9887, dated 10.03.2008, “On Personal Data Protection”, as amended, and its relevant bylaws”.

3. Strengthening the administrative measures on noted legal violations, lack of transparency programs, requests and responses register, and the appointment of a coordinator, with a particular focus on ministries and central power bodies.

“Fully realized” – All ministries have prepared and approved transparency programs, requests and responses register and have appointed a coordinator for the right to information.

4. Engaging in the enhancement of public and non-public institutions transparency program with information on sustainable development goals in the framework of the Resolution ratified by the Assembly in December 2017 “On the Sustainable Development Goals of the 2030 Agenda adopted by United Nations Member States”.

“Fully realized” - While providing assistance to public authorities in drafting transparency programs, the Commissioner’s Office paid particular attention to the incorporation of information related to sustainable development goals according to the objectives and indicators defined in the strategy indicators passport.

5. Engaging in drafting normative draft acts that fully align the provisions of the new EU legal package on personal data protection: Regulation (EU) 2016/679 of the European Parliament and of the Council, dated 27 April 2016 (General Data Protection Regulation) and Directive (EU) 2016/680 of the European Parliament and of the Council, dated 27 April 2016 (Directive on the protection of natural persons with regard to the processing of personal data during criminal process).

“Fully realized”- in the framework of this process, the Commissioner’s Office is a beneficiary of IPA II 2017 assistance Program under the activity “*Institution-building for alignment with the EU acquis and enhanced ability to meet economic criteria*”.

In order to fulfil and implement the National Plan for European Integration 2018 – 2020 (NPEI), the approval of the new law “On Personal Data Protection” and the transposition of the GDPR and the Police Directive have been foreseen in the third quarter of 2020.

6 trainings were organized on the approximation of data protection legislation with the EU *acquis*.

6. Increasing administrative controls and enquiries with reference to the observation of the right to information and personal data protection.

“Fully realized” - Regarding the observance of the right to information, the Commissioner’s Office has handled **820** complaints in 2018, as compared to **560** complaints in 2017. **195** requests were sent to public authorities for further elaboration,

93 administrative enquiries were carried out, **29** hearing sessions were held and **37** decisions were issued.

Regarding personal data protection, **245** complaints have been submitted, as compared to **205** complaints in 2017. **190** inspections were conducted, of which **82** were carried out online. Meanwhile, out of **108** on-site inspections, **45** were conducted at public controllers and **63** at private controllers. **28** inspections were conducted on a complaints basis, while **80** inspections were carried out ex officio by the Commissioner's Office. **48** hearing sessions were held, as well as **30** decisions, **29** recommendations and **1** order were issued.

7. Drafting and approving the transparency program template for local self-governance bodies.

“Fully realized” - Order No. 211, dated 10.9.2018 “On Approval of Transparency Program Template for Local Self-governance Units” has been approved (*published in the Official Journal No.37, dated 19.03.2018*).

8. Monitoring on an ongoing basis the supervision of the implementation of Law No.9887, dated 10.03.2008 “On Personal Data Protection” on the thematic plan, thus aiming the unification of practices in different sectors.

“Fully realized” – The supervision of the implementation of Law No. 9887/2008 “On Personal Data Protection” on thematic plans has been monitored on an ongoing basis, thus unifying practices in different sectors such as: the Ministry of Education, Sport and Youth; Ministry of Health and Social Protection; Non public pre-university education institutions; Water supply and sewage sector; Immovable assets valuation sector; Hospitality; Bailiff service sector and postal service sector.

Upon controls conducted, the Commissioner's Office has issued unifying recommendations addressed to:

1. Ministry of Justice regarding the controls performed at the Bailiff Service;
2. Association of Movable and Immovable Properties Evaluators, regarding the controls carried out at the property evaluators.

9. Monitoring the implementation of recommendations/orders issued by the Commissioner's Office, focusing on public institutions.

“Fully realized” – During this year, the Commissioner's Office has conducted administrative enquiries to verify the implementation of 2016-2017 recommendations. Out of **103** recommendations given to private and public controllers, a considerable number of controllers have reacted by sending information in the framework of fulfilling their obligations.

Furthermore, the Commissioner's Office has conducted administrative controls in **20** public controllers to verify the implementation of their recommendation. Out of these enquiries, **11** controllers were sanctioned with fines.

10. Increasing the number of awareness raising activities involving public authorities, citizens, public and private controllers, civil society for both fields of activities covered by the Commissioner’s Office, personal data and the right to information.

“Fully realized” – The Commissioner’s Office has organized **36** different activities aimed at raising the awareness and promoting the right to information and protection of personal data. Among these activities, we would like to mention the following:

- Activity with public controllers in Korça, Shkodra, and Kukës;
- Awareness-raising meetings with 9-year school pupils and teachers in Durrës, Lushnja, Berat, Fier, Vlora and DAR Tirana in the framework of the “Privacy and Security” campaign;
- IV National Conference “On the Right to Information”;
- Anti-corruption forums;
- Activity on the occasion of 28th of January “Data Protection Day”;
- 28 September, international day of the right to information, meeting with high school students at the Speaker’s Office;
- Training on self-assessment instrument with coordinators;
- Training at COD in the framework of the Anti-Corruption Twinning Project;
- Training with coordinators (27 institutions) on installing the requests/complaints system;
- Anti-corruption Twinning project with the employees of the Competition Authority, CEC, the Commissioner’s Office, and Ministry of Tourism and Environment;
- Training in “Turgut Ozal” school;
- Information and Privacy Winter School;
- Training with the banking sector;
- Training with the health sector;
- Training with students of “Ismail Qemali” high school, Tirana;
- Training with students of “Ismail Qemali” University, Vlora;
- Lecture in the framework of School of Magistrates Continuous Education Program;
- “Albanian School of Political Studies 2018”;
- Training with the topic: “*Personal Data Protection*”, for lawyers members of Tirana Bar Association, organized by the National Bar Association;
- Training on expanding the knowledge of the staff of “Coordination Center against Violent Extremism” on issues related to transparency program drafting, as well as the implementation of legal obligations;
- Activity with the topic “*Rules on personal data protection in the health care system*”, following the cooperation with the OSCE Presence in Albania;
- Activity with the topic “*Rules on personal data protection in the banking system*”, with the Albanian Association of Banks;
- Awareness-raising campaign “Play and Learn – Happy Onlife” at “Shkolla e Kuqe”;

- Albanian Anti-corruption Film Festival, with the topic “In motion”. The activity was shaped as an awareness-raising guide, which was marked by participation of the Commissioner’s Office.

11. Strengthening institutional capacities through trainings and cooperation with international organizations.

“Fully realized” – Continuous work has been done in terms of capacity building and professional promotion of the Commissioner’s Office staff. **8** activities have been developed with the support of and in cooperation with international organizations.

The Commissioner’s Office is part of the Albania-European Union Anti-corruption Twinning Project, in the framework of which trainings were delivered on the topic: “*Transparency in the EU General Data Protection Regulation (GDPR)*”; “*Directive EU 680/2016*”.

Continuous work has been done in terms of capacity building and professional promotion of the Commissioner’s Office staff. Activities have been carried out with the support of Technical Assistance and Information Exchange Instrument of the European Commission (TAIEX), among which we can mention the following:

- Expert Mission “*On alignment of data Protection Legislation with EU data protection law*”;
- Expert Mission “*On the impact of the General Data Protection Regulation in acceding countries*”.

13. NEED FOR CHANGE IN THE LEGAL FRAMEWORK

GOVERNING THE INSTITUTION'S ACTIVITY

13.1 Approximation of Law on Personal Data Protection with Regulation 2016/679 and Directive (EU) 2016/680

In the framework of meeting the obligations deriving from the European Union integration process, the need to align the applicable legislation on personal data protection with the *Acquis Communautaire* remains a top priority.

Regulation (EU) 2016/679 of the European Parliament and of the Council, dated 27 April 2016, “*On the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing the Directive 95/46/EC*” (General Data Protection Regulation or GDPR) was adopted on 14 April 2016 by the European Parliament and entered in force on **25 May 2018**. The alignment and approximation of domestic legislation with this European legal act and with the Directive (EU) 2016/680 of the European Parliament and of the Council, dated 27 April 2016 “*On the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offenses or the execution of criminal penalties, and on the free movement of such data*” is among the provisions placed by the Commissioner’s Office in the table of the planning of acts for aligning the *acquis*, with the aim to realize the National Plan for European Integration 2018 – 2020 (NPEI). In order to fulfil and realize the NPEI 2018-2020, the adoption of the new law “On Personal Data Protection” and the transposition of the GDPR and Police Directive is foreseen in the third quarter of 2020.

The Commissioner is a beneficiary of IPA 2017 assistance program under the activity “*Institution-building for alignment with the EU acquis and enhanced ability to meet economic criteria*”. On these grounds, the Commissioner’s Office will initiate the process of our legislation approximation, more specifically of Law No. 9887/2008 “*On Personal Data Protection*”, as amended, and its relevant by-laws with the EU General Regulation 2016/679 of Data Protection (GDPR) and Directive 2016/680, which requires the attachment of EU experts at the Commissioner’s Office for the purposes of:

- Analyzing and comparing the Albanian legal and sub-legal framework in the field of personal data protection;
- Providing expertise to the Commissioner’s Office staff on the innovations of the General Data Protection Regulation (GDPR);
- Providing assistance in drafting the new Albanian legislation on personal data protection in accordance with the EU General Data Protection Regulation;
- Providing assistance in drafting the sub-legal framework of the law on personal data protection, as amended, etc.

Currently speaking, the Commissioner’s Office has established the Responsible Unit in the framework of preparations for the implementation of IPA II 2017 project.

13.2 Approval of amendments to Law No. 119/2014 “On the Right to Information”

During the implementation of Law No.119/2014 “On the Right to Information”, several cases were identified for which the current legislation does not provide a solution. In this regard, the Commissioner’s Office argues in the Strategy Document 2017-2020 that the revision of this law is necessary. The relevant amendments were prepared in 2018 upon the advice of the OSCE Presence in Albania.

The purpose of the draft law is to provide a better guarantee to the public in accessing information through openness and transparency- a need identified by the Commissioner’s Office. In this regard, the Commissioner’s Office (following consultations with international experts or civil society actors) has reflected the amendments with the aim to improve the law, as follows:

- the need to have the Commissioner’s decisions as executive titles, as well as the provision of sanctions for public authorities in event of their omission to execute the Commissioner’s decision;
- clarifying the obligation of the head of the public authority to appoint a coordinator for right to information and specify his/her position in the hierarchy of the public authority;
- imposing sanctions not only on the public authority coordinator or officials , but on the person responsible for not providing information;
- the right of the Commissioner to be involved in the declassification process of the State Secret information;
- limiting the implementation of the law on the right to information only to information regarding the judicial or prosecution system administrative activity;
- establishment of an Advisory Board, etc.

During 2018, the draft law was subject to a public consultation process with stakeholders in a number of forums. On 12 June 2018, the Information and Data Protection Commissioner organized the “Fourth National Conference “On the Right to Information – For a better law”, in which the draft law was introduced and further discussed with the view to receive relevant inputs. In this regard, discussions were made in three forums with the civil society, in the framework of “Albania-EU Anti-corruption Twinning Project”, coordinated by the Commissioner’s Office.

13.3 Amendments to Law No. 146/2014 “On Notification and Public Consultation”

Law on notification and public consultation emerged as an integral part of the package proposed by the civil society to satisfy the need for more transparent governance marked by public participation in public bodies’ policy-making and decision-making processes. The law on notification and public consultation was approved on 30 October 2014 and entered in force in May 2015.

Given that the law on notification and public consultation and the right to information interrelate and share the same goal, this law may be monitored by an independent institution.

In accordance with provisions of Paragraph 3 and 4, Article 21 of Law No.146/2014 “On Notification and Public Consultation”, the Information and Data Protection Commissioner, after reviewing the request and concluding that there is a violation made, proposes to the public body to take measures against the responsible person. In order to make the implementation of this law as effective as possible, we suggest providing for the Commissioner’s right to make decisions in accordance with the noted violations.

13.4 Approval of the draft law “On Reuse of Public Sector Information” and its alignment with Directive 2013/37/EU;

The Commissioner’s Office regards the approval of this draft law of paramount importance, with the aim of aligning the Albanian legislation with the acquis *communautaire* and more specifically with Directive 2013/37/EU “On the Reuse of Public Sector Information”.

The result of this initiative is the identification and supplementation of the missing part of the legislation in force, enabling the reuse of documents made public more than once by public sector bodies.

The draft law “On the Reuse of Public Sector Information” aims to increase the quality of service and facilitate access to required documentation to be made accessible more than once. Thus, another law guaranteeing transparency and accountability is added, strengthening the trust of any individual who requires obtaining the same documentation for a different purpose than the first one from the bodies of public sector.

The purpose of this draft law is to provide the best practices in order to eliminate delays related to adaptation, or insulation of a piece of information, as well as to reduce additional costs in the reuse of documentation held by public sector bodies.

13.5 Modernization of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108 +)

Due to new challenges of personal data protection in the digital era, as well as the need to adapt to the current context, as evidenced by the provisions of Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data, the Consultative Committee (T-PD) of Convention 108 and the *Ad hoc Committee CAHDATA*, cemented the proposals for the modernization of the Convention following a 7-year work.

The signing procedures for this protocol were initially opened for signature on 25 June 2018 in Strasbourg, but later on it was decided that the opening would take place on 10 October 2018. Convention 108 has served as the basis of international legislation in the field of data protection, as the only binding legal instrument at the international level.

The Republic of Albania signed the Convention 108 on 09.06.2004 and ratified it by Law No. 9288, dated 07.10.2004 “On Ratification of Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data, as amended by Law No.9, dated 02.02.2017. Moreover, Law No. 9287, dated 07.10.2004 ratified the Additional Protocol of the Convention “On the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows”.

In accordance with Article 13 of the Convention, the Commissioner’s Office is the designated authority for cooperation between the parties. It also participates as a voting member in the Consultative Committee of the Convention 108 (T-PD Committee) since 2009, also contributing to the CoE Ad Hoc Committee CAHDATA, in charge for the modernization of this Convention.

Based on the communication with the Secretariat of the Consultative Committee (T-PD) of Convention 108, we have been informed that, currently speaking, more than 15 Parties have confirmed their signature on 10 October 2018. Meanwhile, the Committee of Ministers has highlighted the importance of the quickest accession to the Protocol by a larger number of states as possible, in order to facilitate the establishment of a global data protection legal regime in accordance with the modernized Convention.

As per the above, the Albanian government shall further and intensify the procedures for signing the Protocol amending the Convention 108, dated 10 October 2018.

13.6 Accession to the Council of Europe Convention 2009/205 “On Access to Official Documents”

The Commissioner’s Office has considered **the Council of Europe Convention No. 2009/205 “On Access to Official Documents”**, as **highly important**, given that the Convention aims to ensure the effective exercise of the right to access official documents.

On these grounds, communication has been established between the Commissioner’s Office, Ministry of Justice and the Ministry of Foreign Affairs with the purpose of initiating legal procedures for the Republic of Albania accession to this Convention.

The Commissioner’s Office has contributed to the drafting of the draft law and its relevant report by assessing accession to the Council of Europe Convention No. 205/2009 “On Access to Official Documents” as highly important, as it would supplement and further develop the applicable legislation on the right to information.

14. INSTITUTIONAL VISION

The vision of the Commissioner's Office is to guarantee the implementation of legislation on the right to information and personal data protection. On these grounds, the enhancement of public authorities and public and private controllers' accountability, and transparency, while guaranteeing human rights and fundamental freedoms remains a top priority.

Additionally, the Commissioner's Office will continue to support the developments in the fight against corruption. This commitment will be another challenge for the institution in enhancing the public authorities' accountability, with the view to ensure a public administration delivering quality services to its citizens, transparent institutions, and public officials with high integrity.

As an independent authority in monitoring and supervising the right to information and personal data protection, the Commissioner's Office will continue to aim at consolidating and strengthening its independent supervisory role in both of these important pillars.

Good cooperation and partnership between public bodies and the public in guaranteeing transparency and all parties' participation in policy-making and decision-making processes will be the ultimate vision to advance our country's progress towards European integration.

The main objectives for a successful implementation of the law on the right to information are:

- Raising public awareness;
- Cooperating with civil society as a partner in guaranteeing the right to information;
- Consolidating the legal framework;
- Improving, training and monitoring on an ongoing basis the public authorities;
- Monitoring on the appointment/change of coordinators for the right to information and their continuous training;
- Monitoring the update of transparency programs and the requests and responses register;
- Increasing the number of administrative enquiries;
- Establishing of a qualitative jurisprudence.

The establishment of a comprehensive culture for the protection of privacy and personal data in the digital environment is one of the challenges the Office of the Information and Data Protection Commissioner will address in the years to come.

Albania, as a country aspiring to become an EU member shall adjust its domestic legislation with the EU *acquis* and one of the main goals of the Commissioner's Office as regards the achievement of objectives foreseen in the field of personal data protection

is the alignment of the current legislation with the General Data Protection Regulation (GDPR).

The entry in force of the GDPR, in May 2018, has encouraged the maximum commitment of the Commissioner's Office to the alignment of domestic legislation.

The vision of the Commissioner's Office and some of the objectives for the 3-year strategy implementation period in the framework of the entry in force of the General Data Protection Regulation" (GDPR) are:

- Approximation of the Albanian legislation on personal data protection with the EU Regulation 679/2016 and Directive 680/2016;
- Commissioner's Office capacity building in the framework of law alignment with the *acquis communautaire*;
- Cooperation and partnership with counterparts of EU Member States and state institutions;
- Personal data protection in the information technology and communication sector;
- Private controllers introduction and awareness-raising on the innovations of the new approximated law;
- Education of students on the rights and responsibilities of using personal data in the digital system.

The main mission of the Commissioner's Office remains raising the awareness of the broader Albanian society on the personal data protection principles. The awareness-raising in these cases starts first and foremost with the education of school-age children on privacy protection, education of students and specialists on principles of privacy by design and privacy by default.

Another key challenge to the Commissioner's Office for this year is the organization of the International Conference of Data Protection Commissioners in Albania. As the winning country, declared as such by the Executive Committee of the Conference, Albania will organize the most important event for personal data protection authorities and experts.

The International Conference of Data Protection and Privacy Commissioners will take place in Tirana during 21-24 October 2019. An International Conference of such magnitude is organized for the first time in the Western Balkans.

The organization of this event in Tirana is a clear appreciation for the efforts made by the countries in the region in building democratic societies and upholding fundamental freedoms and human rights.

The Commissioner's Office will aim to further develop its vision, upgrade and guarantee at the required levels the implementation of two constitutional rights, to provide practical and real time solutions and to punish law violations.

ANNEX 1

With reference to Chapter 4 “*Legal activity, administrative and judicial procedures*” of the annual report, the Commissioner’s Office has provided its viewpoint for the following draft laws in 2018:

Draft law “*On the transitional evaluation of the employees of the State Police, Guard of the Republic and the Service for Internal Affairs and Complaints in the Ministry of Internal Affairs*”, sent by the Ministry of Internal Affairs;

Draft law “*On Census of Population and Housing*”, sent by the Institute of Statistics and by the Prime Minister’s Office;

Draft law “*On Automatic Exchange of Information on Financial Accounts*”, sent by the Ministry of Finance and Economy;

Draft decision on approval in principle of the “*Cooperation Agreement between the Council of Ministers of the Republic of Albania and the International Commission for missing persons (ICMP)*”, sent by the Ministry of Internal Affairs;

Draft decision “*On approval of the regulation “On Industrial Designs*”, sent by the Ministry of Finance and Economy;

Draft decision “*On approval in principle the cooperation agreement between Eurojust and the Republic of Albania*”, sent by the Ministry of Justice;

Draft decision “*On some amendments and addenda to the Decision of Council of Ministers No. 1707 dated 29.12.2008 “On Approval of regulation on granting patents for inventions and utility models*”, as amended, sent by the Ministry of Finance and Economy;

Draft decision “*On Setting the Fees and Payments for AIDSSH Services Provided to Institutions or Persons*”, sent by the Ministry of Finance and Economy;

Draft decision “*On approval in principle the agreement between the parties to the Convention on Police Cooperation for South Eastern Europe on the automated exchange of DNA, dactyloscopic and vehicle registration data and its implementing agreement*”, sent by the Ministry of Internal Affairs;

Draft decision on approving in principle the “*Cooperation Agreement between the Council of Ministers of the Republic of Albania and the International Commission for Missing Persons (ICMP)*”, sent by the Ministry of Internal Affairs;

Draft decision “*Opinion on the draft decision “On some amendments and addenda to the Council of Ministers’ Decision No. 1707 dated 29.12.2008 “On approval of the regulation on granting patents for inventions and utility models*”, as amended”, sent by the Ministry of Finance and Economy;

Draft-decision “*On types, manner of exchange and processing of information and statistical data, required by the State Agency for the Rights and Protection of the Child,*

at the responsible state structure at central and local level”, sent by the Ministry of Health and Social Protection;

Draft decision “*On approval of the Juvenile Justice Strategy and its Action Plan*” sent by the Ministry of Justice;

Memorandum of Understanding “*Between the Ministry of Internal Affairs of Great Britain and Northern Ireland and Ministry of Justice and Ministry of Internal Affairs of the Republic of Albania*”, sent by the Ministry of Internal Affairs;

Memorandum of Understanding “*Operational against drugs between the General Directorate of State Police of the Republic of Albania and the Central Directorate of Anti-Drug Services at the Ministry of Internal Affairs of the Republic of Italy*”, sent by the Ministry of Internal Affairs;

Memorandum of Understanding “*Memorandum of Understanding between the Ministry of Internal Affairs of the Republic of Albania and the Ministry of Internal Affairs of the Republic of Croatia on strengthening of the cooperation in the field of border security*”, sent by the Ministry of Internal Affairs;

Draft Agreement “*On renewal and implementation of protocols with Morocco, Afghanistan, Iraq and Iran*”, sent by the Ministry of Internal Affairs;

Draft Agreement “*On Protection of Data for the Convention on Police Cooperation for South East Europe*”, sent by the Ministry of Internal Affairs;

Draft Agreement “*In the field of social protection between the Republic of Albania and Swiss Confederation*”, sent by the Ministry of Finance and Economy;

Draft Agreement “*On Cooperation in the Field of Border Security*”, sent by the Ministry of Internal Affairs;

Draft Agreement “*On the establishment of operational cooperation between the European Agency for the Management of Operational Cooperation at the External Borders of UE Member States (FRONTEX) and the Ministry of Internal Affairs of the Republic of Albania*”, sent by the Ministry of Internal Affairs;

Draft Agreement “*On Mutual Recognition of Driver’s License*” between the Government of the Republic of Kosovo and the Government of the Republic of Albania, sent by the Ministry of Internal Affairs;

Draft Instruction “*On determining the number of pages for which the information is obtained free of charge, cases of exemption from paying the fee, as well as the rules on how to execute the payment for the provision of information produced or maintained by public authorities*”, sent by the Ministry of Finance and Economy.

Legal opinions have been provided for important documents, submitted by various institutions, such as:

- Opinion on “*Obtaining the consent of data subjects while applying online for loans in banking institutions*”, addressed to the Bank of Albania.

- Opinion on Law No. 9154, dated 6.11.2003 “*On Archives*” and “*Proposal for the inter-institutional working plan and topics to be considered*”, addressed to the Inter-institutional group on Archives.
- Opinion on the controlling entity “Vodafone Albania” sh.a regarding the information requested by the Independent Qualification Commission.
- Opinion on the notification of personal data transfer to the United Kingdom for study and scientific purposes, addressed to the University of Bedfordshire.
- Opinion on the package of sub-legal draft laws, drafted pursuant to the Juvenile Criminal Justice Code, addressed to the Ministry of Justice.
- Opinion on the request of the National Chamber of Private Bailiffs “*On holding the Ministry of Justice official stance on the principle of confidentiality in the bailiff service activity and observance of legal criteria related to the private bailiff profession control and supervision standards*”, addressed to the Ministry of Justice.
- Opinion on “*Regulation on protection, processing, preservation and security of personal data*”, addressed to the Special Appellate College.
- Opinion on processing/transfer of a data subject’s personal data to a diplomatic representation, addressed to the Ministry of Education, Sport and Youth.
- Opinion on draft regulation “*On protection, processing, preservation and security of personal data*”, addressed to the Central Election Commission.
- Opinion regarding the request for legal opinion submitted by the National Association of Urban Transport, addressed to the Ministry of Infrastructure and Energy.
- Opinion on draft decision of Council of Ministers “*On types, exchange and processing manner of statistical data requested by the State Agency for the Protection of the Rights of the Child, at the responsible state structure, at central and local level*”, addressed to the Ministry of Health and Social Protection.
- Opinion on draft instruction on amendments and addenda to Guideline No. 12, dated 27.4.2015, “*On collection, processing and protection of pre-university education institutions employees and student’s personal data and the contents of their personal files*”, addressed to the Ministry of Education, Sport and Youth.
- Opinion on the request of the Emigration Liaison Office at the British Embassy on the use of data collected on the basis of a “*Memorandum of Understanding on Data Exchange*” by a British court, addressed to the State Police.
- Opinion on prior online consent from clients to search in the Credit Registry of the Bank of Albania.
- Opinion on the fulfilment of obligations under the National Agenda for Children’s Rights 2017-2020, addressed to the Ministry of Health and Social Protection.

ANNEX 2

With reference to Chapter 4 “Legal activity, administrative and judicial procedures” of the annual report, herein are listed the adopted laws and by-laws, which should have obtained the Commissioner’s Office prior opinion.

Laws which have not been submitted for opinion:

1. Law No.14, dated 29.03.2018, “*On the ratification of agreement between the Republic of Albania and Republic of Austria on social protection*”, (Official Journal No. 51/2018);
2. Law No.19, dated 05.04.2018, “*On the ratification of funding agreement between the Republic of Albania, Republic of France and European Commission for Interreg V-B Mediterranean Program (MED), 2014–2020*”, (Official Journal No. 62/2018);
3. Law No. 20, dated 12.4.2018, “*On the ratification of agreement between the Council of Ministers of the Republic of Albania and government of the Republic of Kosovo on the verification of insurance periods for the right to pension*”, (Official Journal No. 62/2018);
4. Law No. 21, dated 12.4.2018, “*On ratification of funding agreement between the Republic of Albania, Republic of Italy and European Commission for Interreg V-B Adriatic-Ionian Program (ADRION) 2014-2020*”, (Official Journal No. 63/2018);
5. Law No. 42, dated 09.07.2018, “*On ratification of the letter of intent between the government of the Republic of Albania and the government of the United State of America on the installation and use of a system for the comparison and safe assessment of personal identification (PISCES)*”, (Official Journal No. 111/2018).

DCMs which have not been submitted for opinion:

1. Decision No.101, dated 23.02.2018 “*On the organization and functioning of private employment agencies*” (Official Journal No. 27/2018);
2. Decision No. 134 dated 07.03.2018 “*On creating the state database for the integrated library system Data BKSH*”, (Official Journal No. 34/2018);
3. Decision of Council of Ministers No. 273, dated 16.05.2018, “*On creating the central database registry for the calculation of local tax on immovable property “building” (fiscal cadastre)*”, (Official Journal No. 74/2018);
4. Decision No. 214, dated 11.10.2018, “*On approving the network code on the data interaction and exchange rules*”, (Official Journal No. 153/2018);
5. Decision of Council of Ministers No. 623, dated 26.10.2018, “*On approval of the citizens’ rights card on receiving public services*”, (Official Journal No.155/2018).

Instructions which have not been submitted for opinion:

1. Instruction No.7 of the Ministry of Education, Sport and Youth dated 19.02.2018 “*On approval of the items and form of the service contract between the non-public higher education institution and the student*”; (Journal Official No.28/2018).