

INSTRUCTION

No. 38, dated 05.08.2013

“ON ACTION OF THE ALBANIAN COMMITTEE OF ADOPTION, PRIOR TO THE INITIATION OF PERSONAL DATA PROCESSING”

Pursuant to article 30//1/c of the law no. 9887, dated 10.03.2008 “On personal data protection”, as amended, the Commissioner for Personal Data Protection:

INSTRUCTS:

1. In accordance with the law on personal data protection and the purpose of this instruction, the terms below have the meaning as follows:
 - a) “Personal data subject” are the adopter/s and the adoptee/s;
 - b) “Data controller” is the Albanian Committee of Adoption and mediation agencies.
2. The controllers may process personal data related to adopters and adoptees only if:
 - a) If the data subject has given a written consent, an action which may be revoked at any instance in case the data are sensitive;
 - b) To protect vital interest of the adoptee;
 - c) To fulfill the work activity of the Albanian Committee of Adoption;
 - d) If it will be fundamental for the protection of rights and legitimate interests of the Albanian Committee of Adoption.
3. During adoption proceedings, the controllers:
 - a) process personal data in accordance with the respective laws;
 - b) collect data only for the purposes of the adoption of the child;
 - c) collect accurate data and in accordance with the intended purpose without exceeding it;
 - d) update the data;
 - e) delete or correct data identified as inaccurate or incomplete or, when requested by data subjects, assess in advance whether these actions should be performed;
 - f) keep the data in that form, to allow the identification of data subjects for a certain period of time until the fulfillment of the purpose for which they have been collected or processed.
4. In the course of processing personal data, the controllers shall take technical and organizational measures to protect data contained in the adoption paper in accordance with the respective laws and instructions no. 21 and 22, dated 24.09.2012, namely "On determining the rules for maintaining the security of personal data processed by large controllers" and "On determining the rules for maintaining the security of personal data processed by small controllers", as amended.

5. Employees of the controller who due to duty have information about the adoption, for the data identifying the child, biological parents and adoptive parents, sign a statement for maintaining confidentiality and trust during and after the exercise of the function.
6. Controllers in accordance with the law on personal data protection are obliged to implement the rights of the data subject, in accordance with the law on personal data protection.
7. Failure to comply with the obligations set out in this instruction is sanctioned under Article 39 of the Law on Personal Data Protection, as amended.
8. The Albanian Adoption Committee and Mediation Agencies are in charge of the implementation of this instruction.

Instruction no. 8, dated 31/08/2010 "On actions of the controller, the Albanian adoption committee, before the start of processing personal data", is repealed.

This instruction enter into force immediately and is published in the Official Gazette.

COMMISSIONER

Flora Çabej (Pogaçe)