



REPUBLIKA E SHQIPËRIË

**MINISTRY OF INTERIOR
AFFAIRS**

**INFORMATION AND DATA
PROTECTION COMMISSIONER**

No. ____ Prot, dated ____ . ____ . 2020

No. ____ Prot., dated ____ . ____ . 2020

JOINT INSTRUCTION

No.464, dated 10.12. 2020

ON TRANSMISSION OF PASSENGER DATA TO THE PASSENGER INFORMATION UNIT

In accordance with point 4 of Article 102 of the Constitution and point 6 of Article 19/2 of the law no. 71/2016 “On border control” as amended, the Minister of Interior Affairs and the Information and Data Protection Commissioner,

HEREBY INSTRUCT:

I. THE PURPOSE

The purpose of this instruction is to determine the manner of data transmission and to ensure the appropriate level of protection of personal data in the Passenger Information Unit (hereinafter "PIU"), in case of occurrence of a technical problem that prevents the system from operating.

II. SCOPE

In case of a system technical deficiency or issue, such as technical problems of the relevant infrastructure and transmission line, air carriers, in the context of meeting their legal obligations, shall send passenger data to an alternative application for processing passenger data, according to the specified format, and in accordance with the needs of the established system.

III. PIU TASKS

1. Air carriers shall transmit PNR data to PIU as set out in article 19/4 of the Law no. 71/2016 "On border control", as amended, 48 hours to 24 hours before the scheduled flight departure time and immediately after boarding procedures are completed and the aircraft is under preparation for departure, thus updating the transmitted data.
2. Air carriers transmit API data to PIU until the end of check-in, according to the provisions of point 1 of article 19/2 of Law no. 71/2016 "On border control" as amended.
3. In the framework of prevention of illegal migration, improvement of border control, prevention, detection, investigation and prosecution of criminal offenses provided for in Article 19/3 of Law no. 71/2016 "On border control" as amended, PIU consults the data of the alternative application with the data administered in the passenger database and the results of their processing.
4. In accordance with point 1 and 2 of this chapter, PIU shall process in the passenger database, passenger data provided for in Article 19/2 of Law no. 71/2016 "On border control" as amended, which are transmitted by air carriers, including passenger data with final destination to the Republic of Albania, as well as those traveling from the airport of the Republic of Albania or through it.
5. PIU performs electronic administration of passenger data transmitted by air carriers, as well as on operations carried out for their processing.
6. The registration and processing of passenger data according to the purpose provided for in Chapter I of this instruction, as well as the consultation or use of passenger data shall be performed in such a way that the PIU employee who processes the data, as well as his authorized employee, be identifiable.
7. The structure responsible for Information Technology in the General Directorate of State Police takes technical and organizational measures, for the implementation of the deadlines for storage, anonymisation or automatic erasure of personal data, which are processed in electronic archives, for the purpose of preventing illegal migration, improvement of border control, prevention, detection, investigation and prosecution of criminal offenses provided for in Article 19/3 of Law no. 71/2016 "On border control" as amended, in accordance with the provisions of the personal data protection legislation which regulate information security management systems on the protection of personal data.

IV. REGISTRATION AND SUPERVISION

1. The alternative passenger data application operates in accordance with applicable laws and regulations, and technical standards in force in relation to information security management systems, thus analysing the level of risks and weaknesses of the passenger data processing system.
2. The protection of personal data during the establishment and maintenance of the alternative application for registration and processing of passenger data is mandatory to PIU.
3. The alternative application of passengers' data shall be designed and used by taking into account the following information security standards:
 - a) "*Confidentiality*", ensuring that data are accessed only by authorised persons;
 - b) "*Integrity*", ensuring that data are accurate, complete, and guaranteeing that methods for their processing are conserved;
 - c) "*Availability*", ensuring access of the authorised user to the data and processing systems;
 - d) "*Reliability*" of systems used for the processing of personal data and of the personnel whom have used them, ensuring that any action/operation performed by them on data is traceable and manageable.
4. Risk analysis is an integral part of the security standards of the passenger data processing system. The result of the risk analysis will be a list of cases that may jeopardize the confidentiality, integrity and availability of personal data processed, while it will also state the degree of potential risk, and proposals for measures to eliminate or mitigate the risk impact.
5. Immediately after activating the main system, the data transmitted by the air carriers which are stored in the alternative application, shall be registered by the PIU employee in the main system. The data transfer process to the main system by the PIU employee will follow at the same time with the erasure of data by the PIU employee from the alternative application.
6. The supervision of rules for the protection of the passenger data for the observance of the safety norms, for the protection of the data against their accidental destruction/loss, as well as against their unauthorized access (entry), and alteration and dissemination is performed by the data protection officer (DPO), the network security officer, and the Information and Data Protection Commissioner.
7. Based on letter ç) of article 19/7 of Law no. 71/2016 "On border control" as amended, the Information and Data Protection Commissioner supervises and monitors, in accordance with the legislation on personal data protection, the activity of collection,

processing, dissemination and exchange of passenger data from the PIU and every two years, in cooperation with the competent authorities, evaluates the production and use of risk profiles and control patterns, created by PIU.

V. CONFIDENTIALITY

1. All employees who have access to the passenger database according to this instruction are obliged to maintain the confidentiality and reliability of the processed data during the exercise of their functions, even after the end of the function.
2. Any employee who processes passenger information or becomes aware of it must not disclose the contents of this data to other unauthorized persons.

VI. SANCTIONES

Any person that uses data and information from passenger database of the alternative application and fails to erase those data after the purpose of their collection has been completed, shall be sanctioned with disciplinary and administrative penalties according the applicable regulations.

This instruction enters into force immediately after the publication in the Official Journal.

MINISTER OF INTERIOR AFFAIRS

**INFORMATION AND DATA
PROTECTION COMMISSIONER**

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