

Joint instruction

No. 463, dated 10.12.2020

“On determining institutions and bodies receiving personal data from the civil registry service, as well as the manner, type and quantity of information to be received”

Pursuant to paragraph 4 of article 102 of the Constitution of the Republic of Albania, paragraph 2, 2/1 and article 3, of paragraph 2 of article 60 of law no. 10129, dated 11.05.2009 “On civil status”, as amended, as well as letter “k” of paragraph 1 of article 31 and 362 of law no. 9887, dated 10.03.2008 “On the protection of personal data” as amended, the Minister Interior Affairs and the Information and Data Protection Commissioner,

INSTRUCT:

1. Institutions, bodies, public natural persons (public controllers), can receive personal data from the National Registry of Civil Status, from the basic registers and from the civil status acts, if this right is recognized by a special law. The manner, type and amount of information they can obtain is defined in Annex I of this instruction.
2. The information according Annex I, is transmitted electronically and/or in writing, as provided case by case in this Annex.
3. Private legal or natural persons (private controllers) can obtain personal data from the National Registry of Civil Status, from the basic registers and from the acts of the status of a person, only if they obtain the written consent of the data subject. Exceptions to this rule are made only when such processing of personal data by private controllers is authorized by the provisions of the applicable law.
4. For obtaining information electronically, the concrete criteria and conditions are defined in bilateral agreements between the General Directorate of Civil Status and the relevant controller and/or to other provisions of the legislation in force.

In any case, the agreements in question are regulated in accordance with the provisions of law no. 9887, dated 10.3.2008 "On the protection of personal data" as amended, as well as the bylaws of the Commissioner for the Right to Information and Protection of Personal Data.

5. On receiving information in writing, the controllers address with a motivated request to General Directorate of Civil Status, or the relevant civil status office, which administers the acts, to make available the required information.
6. Requests addressed to the civil status service, according points 4 and 5 of this instruction, must be accompanied by the form according to Annex III, attached to this instruction, in which the personal data subject has expressed his consent.
7. The controllers who are authorized by law to process the personal data of personal data subjects for the purpose of their activity are exempted from the rule defined in point 6.

8. Controllers requesting personal data must clearly state the legal basis on which they base their request, the purpose for which this data will be used, as well as the type of data they request. Personal data are provided only in cases when they are needed for the fulfillment of a foreseen legal obligation.
9. The request for obtaining personal data is made by filling in the form "Request for obtaining personal data", according to Annex II, attached to this instruction.
10. Controllers, who receive data from persons, should in no case disclose it to third parties, despite the fact that the latter may be legitimate to process this data. Exceptions to this rule are made only in cases provided by law.
11. Employees of the civil status offices register all requests, indicating the date when the request was submitted, the controller requesting personal data, the data required to be processed and those which were provided or not, as well as the purpose stated by the controllers concerned with the processing of this data. This information is provided, upon request, to the Information and Data Protection Commissioner, who may use it for administrative investigation and/or statistical purposes.
12. The Minister of Internal Affairs and the Information and Data Protection Commissioner, update Annex I, periodically and/or within 30 days of the request of a designated controller to be included in this Annex.
13. The General Directorate of Civil Status, and its structures at the local level, as well as all institutions, bodies, legal or natural persons that process personal data based on this instruction are in charge of the implementation of this instruction.
14. Instruction no. 95, dated 07.04.2014 *"On determining the institutions and bodies that receive personal data from the civil status service, as well as the manner, type and amount of information they must receive"* is repealed.

This instruction shall enter into force 15 days after its publication in the Official Journal.

ANNEX I

**LIST OF INSTITUTIONS RECEIVING INFORMATION, RELEVANT LEGAL BASIS, TYPE AND QUANTITY OF INFORMATION PROVIDED BY CIVIL
SITUATION SERVICE AND METHOD OF AVAILABILITY**

NR.	SUBJECTS (CONTROLLERS) RECEIVING DATA	LEGAL BASIS	PERSONAL INFORMATION TO BE PROVIDED BY THE CIVIL STATUS SERVICE IN COMPLIANCE WITH THE RELEVANT PERSONAL DATA PROTECTION LEGISLATION	MANNER OF MAKING THE REQUIRED INFORMATION AVAILABLE
1	Credit Handling Agency	Law no. 8894, dated 14.5.2002 "On the Credit Handling Agency" as amended, Article 10	Data as follows: - Name; - Surname; - Personal number; - Fatherhood; - Maternity; - Date of birth; - Residence (address).	In writing, upon request.
2	State Cadastre Agency (SCA)	Law no. 111/2018 "On the Cadastre", article 68 "Inter-institutional cooperation"; Law 9482, dated 3.4.2006 "On the legalization, urbanization and integration of illegal constructions", Article 27 "Technical-legal documentation for the legalization of the building".	Data contained in the birth and family certificate.	In written form, upon request, as well as electronically.

3	Tax authorities	<p>Law no. 9920, dated 19.5.2008, "On tax procedures in the Republic of Albania", as amended. Article 62 "Persons to whom the request to provide information is addressed"</p> <p>Law no. 8438, dated 28.12.1998 "On income tax", as amended. Article 13 "Obligation to pay" until 13/10</p> <p>Decision of the Council of Ministers no. 899, dated 14.12.2011 "On some additions and changes to the decision no. 55, dated 3.2.2010 of the Council of Ministers, "On the mandatory declaration of tax returns and other tax documents, only through electronic form", point 5.4</p>	<p>Data as follows:</p> <ul style="list-style-type: none"> - Name; - Surname; - Personal number; - Fatherhood; - Maternity; Residence (address). 	Electronically
4	Financial Supervision Authority (FSA)	<p>Law no. 9572, dated 3.7.2006, "On the Financial Supervisory Authority", amended</p> <ul style="list-style-type: none"> - Article 14 "Competencies of the Board", points 2 and 22 - Article 15 "Competencies of the Chairman of the Board", - Article 18 "Procedure for the execution of the rights of the Board and the structures of the Authority", point 6, paragraph 4. <p>Law no. 10076, dated 12.02.2009 "On compulsory insurance in the transport sector", as amended, article 38 "Establishment of insurance information center and the type of data to be administered".</p>	<p>Data as follows:</p> <ul style="list-style-type: none"> - Name; - Surname; - Fatherhood - Personal number; - Date of birth; - Gender; - Residence (address). 	Electronically
5	Authority for Information on Former State Security Documents	<p>Article 5, of Law No. 45/2015, dated 30.04.2015 "On the Right to Information on Former State Security Documents of the State Socialist Republic of Albania".</p>	<ul style="list-style-type: none"> - Name; - Surname; - Personal number; - Fatherhood; - Maternity; - Gender; - Date of birth; - Place of birth (city, village); - Residence (address); - Marital status; - Surname before / after marriage; - Citizenship; - Administrative Unit (Municipality); - History of different generalities during the years for the period from 1941-1991 " 	In written form, as well as in electronically, , upon request.

6	The Ombudsman	Law no. 8454, dated 4.2.1999 "On the Ombudsman", amended - Article 19 "Investigation procedure" - Article 20 "The right to request information or state secret documents"	All data necessary for the performance of functions defined by law, but related to the investigation.	In writing, upon request.
7	State Advocacy	Law no. 10018, dated 13.11.2008 "On the State Advocacy" amended; Article 16 "Relations of the State Advocacy with state institutions"	All data necessary for the performance of the functions specified and evaluated in accordance with the purpose specified in the request.	In written form, as well as in electronically, , upon request.
8	Bank of Albania	Law no. 8269, dated 23.12.1997 "On the Bank of Albania", point 1, of article 24 and letter a), of article 29.	Data as follows: - Name; - Surname; - Personal number; - Fatherhood - Date of birth; - Gender; - Residence (address);	Electronically
9	Albanian Security Bureau	Law no. 10 076/2009 "On compulsory insurance in the transport sector", amended. Code of Civil Procedure, Article 154, Regulation no. 53/2009 of the Financial Supervision Authority "On the treatment of claims covered by the compulsory insurance contract in the transport sector"	Data as follows: Residence (address) / place of residence for persons (cause / beneficiary) of a compensation procedure;	In written form, as well as in electronically, , upon request.

10	General Directorate of Prisons	<p>Law no.8328, dated 16.04.1998 "On the rights and treatment of prisoners and detainees" as amended;</p> <p>Law no. 10032, dated 11.12.2008 "On the prison police", amended;</p> <p>DCM no. 437 dated 20.05.2015 "On the approval of the General Regulation of Prisons";</p> <ul style="list-style-type: none"> - Article 10 "Conditions of admission of convicts"; - Article 11 "Registration of the detainee or convict"; - Article 16 "Personal file"; - Article 17 "Basic registers of convicts and detainees"; - Article 40, point "Meetings with family, relatives and friends; - Article 53 "Special Permits" 	<p>The data that are also in the identification document of the convict:</p> <ul style="list-style-type: none"> - Name - surname - Personal number - Fatherhood - Motherhood - Date of birth - Place of birth - Residence (address) - Any other information required to complete the documentation of the person deprived of liberty 	<p>In written form, according to the object of the request.</p>
11	General Directorate of Customs and customs branches	<p>Law no. 102 dated 31.7.2014 "Customs Code of the Republic of Albania",</p>	<p>Data as follows:</p> <ul style="list-style-type: none"> - Name; - Surname; -Personal number; - Fatherhood; - Maternity; - Date of birth; - Residence (address). - "all the data necessary for the performance of the functions defined by law, related to the issue under consideration and the purpose; 	<p>In written form, as well as in electronically, , upon request.</p>

12	General Directorate of Prevention of Money Laundering	Law no. 9917, dated 19.5.2008 "On the prevention of money laundering and terrorist financing", as amended. - Article 21 "Organization of the responsible authority"; - Article 22 "Duties and functions of the responsible authority".	Data as follows: - Name; - Surname; - Personal number; - Fatherhood; - Maternity; - Date of birth; - Place of birth; - Marital status. - Gender - Relation with the head of the family - Family ID	In written form, as well as in electronically, upon request.
13	General Directorate of Road Transport Services	Road Code, approved by law no. 8378, dated 22.7.1998, as amended. Instruction no. 1, dated 18.1.2012 "On the documents of circulation and registration of motor vehicles and their trailers", amended.	Personal data contained in the identity card (identity card).	Electronically
14	Classified Information Security Directorate	Law no. 8457, dated 11.02.1999 "On information classified" State Secret", as amended. Point 4 of article 25 "Creation and tasks" Law no. 84/2016 "On the transitional re-evaluation of judges and prosecutors in the Republic of Albania". Letter a, article 37 "Tasks of the working group" Article 39 "Procedure for image control" Decision of the Council of Ministers no. 188, dated 04.03.2015 "On the approval of the regulation" On personnel insurance ". Point 4, article 3 "General definitions and principles" Article 5 "Obligations of verification authorities and other state institutions" Article 10 "Basic application documentation for CSP equipment" Article 12 "Conditions for initiating security clearance"	Data as follows: - Name; - Surname (Before or after marriage) - Personal number; - Fatherhood; - Maternity; - Date of birth; - Place of birth; - Residence (address); - Marital status; - Data contained in the family certificate; - Citizenship;	Electronically

15	National Housing Authority	Law no. 22/2018 "On Social Housing" and bylaws in its implementation. Normative act no.3 dated 01.03.2012 "On the release of apartments to lawful owners from homeless citizens, residents in apartments formerly owned by expropriated entities"	Data contained in the family certificate, as follows: - Name - Surname - Personal number - Fatherhood - Motherhood - Date of birth - Marital status - Place of birth - Citizenship - Residence (Address)	In written form, as well as in electronically, upon request.
16	Compulsory Health Insurance Fund	Law no. 10383, dated 24.2.2011 "On compulsory health care insurance in the Republic of Albania" - Article 5 "Insured persons"; - - Article 27 "Registration and identification of insured persons", paragraphs 5 and 6.	Data it contains: - Personal certificate, - Family certificate - Certificate issued by the act of death.	Electronically
17	High Inspectorate of Declaration and Control of Assets and Conflict of Interest	Article 9/1 and article 26 of law no. 9046, dated 10.04.2003, "On the declaration and control of assets, financial obligations of elected officials and some public servants", as amended. <i>Article 9 and article 42 of law no. 9367, dated 7.4.2005 "On the prevention of conflict of interest in the exercise of public functions", amended</i>	All data necessary for the performance of the functions defined by law / evaluated in accordance with the purpose specified in the request.	In written form, upon request.

18	Social Insurance Institute (SII)	<p>Law no. 7703, dated 11.5.1993 "On social insurance in the Republic of Albania", as amended. Article 42 "Death payments" Death payment is given: a) to an insured person or a pensioner in case of death of a family member he is in charge of; b) the person who cared for the deceased insured person, who paid the funeral expenses</p> <p>Instruction no. 3912, dated 21.6.2004 "On the procedures for the state to cover the costs of the funeral service for Albanian citizens who die inside and outside the country". The assistance in lek is withdrawn by the interested parties at the finance office in the respective municipality or commune against the presentation of the death certificate of the deceased with the note "Burial expenses". For each payment case, the finances of the municipality or commune, according to the submitted certificate, calculate the amount of assistance, as well as complete the payment mandate. "</p>	<p>For all Albanian citizens, who are part of the social insurance scheme.</p> <p>The data contained in the death certificate, as follows:</p> <ul style="list-style-type: none"> - Name; - Surname before or after marriage; - Personal number; - Fatherhood; - Motherhood -Date of birth; - Place of birth; -Gender; -Marital status - Citizenship; -Date of death; -Death place; Residence (address). 	Electronically
19	Institute of Statistics	Law no. 17/2018 "On Official Statistics"	All personal data contained by the NCSR.	Electronically
20	Central Election Commission	<p>Law no. 10019, dated 29.12.2008 "Electoral Code of the Republic of Albania", amended.</p> <ul style="list-style-type: none"> - Article 27 "Zones of electoral administration" - Article 46 "Registration of voters in the voter lists" - Article 48 "Content and format of the voter list" - - Article 56 "Preparation and announcement of the voter list" 	<p>Data as follows:</p> <ul style="list-style-type: none"> - Name; - Surname; - Personal number; - Fatherhood; - Maternity; - Date of birth; - Residence (address). 	In written form, as well as in electronically, upon request.
21	Ministry of Agriculture and Rural Development	<p>Law no. 9817, dated 22.10.2007 "On agriculture and rural development"</p> <p>Article 23 "Obtaining and using other databases"</p>	Necessary data for performing the functions defined by law / evaluated in accordance with the purpose defined in the request.	In writing, upon request.
22	Ministry of Culture	Law no. 8576, dated 3. 2. 2000 "On libraries in the Republic of Albania", as amended	Necessary data for performing the functions defined by law / evaluated in accordance with the purpose defined in the request.	In writing, upon request.

23	Ministry of Defense, Armed Forces and their subordinate structures.	<p>Law no. 65/2014 "On the Defense Intelligence and Security Agency", article 15, point 1</p> <p>Law no. 13/2015 "On the Military Police and the Armed Forces in the Republic of Albania",</p> <ul style="list-style-type: none"> - Article 18 "Information Activity" - Article 19 "Collection and processing of personal data" <p>Law 45/2019 "On civil protection"</p> <p>Law no. 10142/2009 "On social insurance of the soldier, guards" DCM 793, dated 24.09.2010, amended "On the implementation of law no. 10142/2009 "On social security of the military, employees of kindergartens, etc." Law no.9047, dated 10.07.2003 "On the military intelligence service".</p> <p>DCM NR. 103, dated 10.2.2016 "On the approval of the plan of general or partial mobilization of human and material resources of the country during the period for which the imposition of extraordinary measures is required.</p> <p>Law no. 80/2015 "On higher education and scientific research in higher education institutions in the Republic of Albania"</p>	<p>Data as follows:</p> <ul style="list-style-type: none"> - Name; - Surname; - Personal number; - Fatherhood; - Maternity; - Date of birth; <p>Residence (address).</p> <p>These data belong to the persons for whom criminal proceedings have been initiated for the offenses provided by the Criminal Code and the Military Criminal Code.</p>	In writing, upon request.
24	Ministry of Health and Social Protection	Law no. 57/2019 "On social assistance in the Republic of Albania"	Data contained in the family certificate.	Electronically
25	Ministry of Tourism and Environment	<p>Law no. 9734, dated 14.5.2007 "On tourism"</p> <p>Article 15 "Local government units and their tasks for tourism"</p> <p>Article 17 "National register of tourist resources"</p>	Necessary data for performing the functions defined by law / evaluated in accordance with the purpose defined in the request.	In writing, upon request.
26	Ministry of Europe and Foreign Affairs	Law no. 8372, dated 9.7.1998 "On the exercise of consular functions by diplomatic or consular missions".	All necessary data for the performance of the functions defined and evaluated in accordance with the purpose.	Electronically
27	Local government bodies	<p>Law no. 10019, dated 29.12.2008 "Electoral Code of the Republic of Albania", amended.</p> <p>Article 48 "The body that compiles and approves the lists"</p>	All necessary data for the performance of the functions defined by the law and evaluated in accordance with the purpose specified in the request.	Electronically

28	Diplomatic missions of foreign governments	Law no. 9887, dated 10.3.2008 "On the protection of personal data", as amended, specifically Articles 8 and 9. Decision no. 3, dated 20.11.2012 "On determining the states with a sufficient level of personal data protection" of the Commissioner for Personal Data Protection.	Necessary data, which are deemed necessary to meet the purpose. The recipient in the request clearly defines the purpose of receiving the data. The data transferor evaluates the delivery of the data basis in accordance with the purpose.	In writing, upon request.
29	Representatives and attorneys by proxy	Law no. 10129, dated 11.5.2009 "On civil status", as amended, Article 3 "Personal character of data" Law no. 55/2018 "On the Lawyer Profession in the Republic of Albania", article 11	Information relating to the person represented by the lawyer and relating to the case, or the person represented or protected by him.	In writing, upon request.
30	State police	Law no. 108/2014, "On the State Police", as amended, - Article 124 "Collection and processing of personal data"; - Article 129 "Obligation of state and private institutions to provide information".	All the necessary data for the performance of the functions defined and evaluated in accordance with the purpose.	Electronically
31	Prefect of Tirana Region	Law no. 9948, dated 07.07.2008 "On the review of the legal validity of the titles of ownership on agricultural land" point, article 8. Instruction of the Council of Ministers No. 1 dated 13.01.2010 "On the manner of verification or review of the legal validity of the creation of titles of ownership on agricultural lands of the former NB and the development area with priority tourism" Instruction No. 2, dated 13.1.2010 "On the manner of verification or review of the legal validity of the creation of titles of ownership on agricultural land, by local commissions for verification of titles of ownership, when requested by individuals or institutions"	Necessary data for performing the functions defined by law / sub-legal act evaluated in accordance with the purpose defined in the request.	In writing, upon request.
32	General Prosecutor's Office	Criminal Procedure Code, as amended Article 2 "Respecting procedural norms"	All data necessary for the performance of the functions defined by law, related to the issue under consideration and the purpose.	Electronically, through the electronic interface, approved between the DPGJC and the Prosecution, pursuant to law no. 10325, dated 23.9. 2010 "On

33	Probation Service	Law no. 8331, dated 21.4.1998, amended by law no. 10024, dated 27.11.2008 "On the execution of criminal decisions", Article 31/7 "Probation service"	Data contained in the death certificate. The data contained in the identification document of the convict as: - Name; - Surname; - Fatherhood; - Motherhood; - Date of birth; - Place of birth; - Residence (address) as well as any other information required to meet the purpose.	In writing, upon request.
34	The State Information Service	Law no. 8391, dated 28.10.1998 "On the National Intelligence Service", amended, article 3	Data such as: - Name; - Surname; - Fatherhood; - Maternity; - Nr. Personal; - Date of birth; - Place of birth; - Residence (address); - Status of civil status; - Citizenship; - Nationality; - Data contained in the family certificate; - Surname before / after marriage of citizens of the sexes (F / M); - Complete / timeless history of registration and change of names / generalities of the citizen; The exact date when the full data update was performed;	Electronically

ANNEX II

Prot. No._____, dated _____

Form – Request for obtaining personal data from civil status registers

Applicant: Name of institution/body

Name of the Head of the institution/body

Address:

Contact number

Addressed: Civil Registry Office _____

Address: _____

Content of the request:

a) The type of personal data required to be obtained from the civil registry

b) Legal basis on which the request is based (reference to the summary of institutions and bodies that receive personal data from the civil status registers)

c) The purpose for which the required personal data will be used

Name, surname and signature of the head of the institution and the seal of the institution/body

Dated

ANNEX III

PROVIDING THE SUBJECT'S CONSENT TO CONTROL PERSONAL DATA ON THE DOCUMENTATION HOLDED BY THE CIVIL REGISTRY SERVICE

I _____, after receiving detailed information regarding the nature and importance of the processing of personal data by the controller, as well as after receiving detailed information on my rights provided in law no. 9887, dated 10.3.2008 "On the protection of personal data", as amended, I give my free consent to _____.

(Authorized entity) to have the right to check my personal data regarding the name, surname, date of birth and (other data as the case may be), in the documentation kept by the civil status service, in accordance with the legislation in power.

The purpose of this processing will be exclusively the verification of _____.

(Authorized Entity) _____, as a controller may disclose or make available my personal data to the following recipients: _____, provided that such disclose is absolutely necessary for the performance of the requested service or if the controller performs a processing which is essential for the fulfillment of a legal obligation.

The controller has the right to keep my personal data only for a period of ____ months.

The controller is obliged to destroy or anonymize my personal data after the end of this period, unless otherwise provided by a provision or other special act.

Date _____ / ____ / _____ Signature _____

ANNEX III