

INSTRUCTION

No.24, dated 27.12.2012

ON THE OBLIGATIONS OF THE CONTROLLERS BEFORE PROCESSING PERSONAL DATA

In accordance with the letter "c" of point 1 of Article 30 of Law No. 9887, dated March 10, 2008, "On the Protection of Personal Data," as amended, the Commissioner for the Protection of Personal Data.

INSTRUCTS:

1. All public and private data controllers, before processing personal data, in accordance with Law No. 9887, dated March 10, 2008, "On the Protection of Personal Data," as amended (hereinafter referred to as the law), are required to:
 - a) Collect personal data in accordance with the purpose;
 - b) Inform the data subject in accordance with Article 18 of the law;
 - c) Perform the notification manually or electronically in accordance with this law and the notification form approved by the Commissioner through Order No. 221, dated December 27, 2012;
 - d) Fulfill, within the specified timeframe, the requirements of the Commissioner for completing the notification form when it is deemed incomplete. If the controller fails to complete the notification content within the specified timeframe, the notification is considered incomplete and will be subject to a fine as per letter "d" of point 1 of Article 39 of the law;
 - e) Take technical and organizational measures for the storage and security of personal data in accordance with this law and the relevant guidelines;
 - f) Submit a request for authorization in case of processing sensitive data for an important public interest, while providing appropriate protective measures;
 - g) Submit a request for authorization for the international transfer of personal data to a country that does not provide an adequate level of data protection, in accordance with the transfer form approved by the Commissioner (published on the official website).
Controllers are exempt from this obligation in the cases provided for in paragraph 2 of Article 8 of this law and the decision adopted by the Commissioner No. 3, dated November 20, 2012, "On the determination of states with an adequate level of personal data protection."
 - h) Submit a request for authorization, in exceptional cases, for the use of personal data for purposes not specified during their collection, while respecting the principles of Article 5 of the law;
 - i) Process sensitive data with the written consent provided by the data subject;
 - j) Appoint a responsible person (contact person) who oversees internal monitoring and the fulfillment of obligations for the protection of personal data by the controller;
 - k) Maintain confidentiality and trustworthiness even after the termination of the function/position.

2. Non-compliance with the requirements of this guideline constitutes a violation of the "Law on the Protection of Personal Data" and is subject to penalties as specified in Article 39 of the law.
3. All public and private controllers in the territory of the Republic of Albania are responsible for implementing this guideline.
4. Guideline No. 2, dated February 25, 2010, "On the obligations of controllers and processors before processing personal data," is repealed.

This guideline enters into force immediately and is published in the Official Journal.

COMMISSIONER

Flora Çabej (Pogaçe)