

## **INSTRUCTION**

**NO.12, DATE 21.12.2011**

**Official translation of the text published  
In the Official Gazette No. 176, date 15.01.2012<sup>1</sup>**

**ON**

### **IDENTITY CHECKS AT THE ENTRANCE OF BUILDINGS**

Pursuant to letter c) of point 1, Article 30 of Law No. 9887, date 10.3.2008 “On protection of personal data” the Commissioner for Protection of Personal Data gives the following

#### **INSTRUCTIONS**

##### **Chapter I**

###### **Object**

This instruction regulates some rights and obligations of the building owners or managers (hereinafter referred to as “Controllers”) in the context of identity checks at the entrance of a building or area.

##### **Chapter II**

###### **Definitions**

1. “Identity check” at the entrance of buildings is a special kind of personal data processing. The main reason of this process is to detect and verify the identity of the individual.
2. “Identity card” is any type of official document, certifying the identity of the holder by means of identifiers such as the name and surname of the person and bearing at least a photograph.
3. “Restricted areas or buildings with restricted access”, (hereinafter referred to as “the building with restricted access”) shall mean any building or area that is not open to the public.
4. “Basic personal data” are data revealing the name, surname, number and type of the visitor’s identity document and the reason for entering the building.

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<sup>1</sup> The translation was commissioned by the EU funded Project "Strengthening of the Data Protection Commissioner office in Albania, for alignment with EU standards"

5. “Owner or manager” is the natural or legal person, public authority, agency, etc. It may happen that the manager or owner is the same person, or that the manager is authorized by the owner or by the law to carry out identity check at the entrance of a building or area.

### **Chapter III**

#### **Introductory provisions**

1. Personal data in the context of identity checks at the entrance of a building are processed in compliance with the Law No.9887, date 10.3.2008 “On protection of personal data”.
2. The owner of the manager, under the meaning of this Instruction, is in the position of a data controller if he collects data for the check of identity at the entrance of a building or area. He may do the check of identity at the entrance of a building or area by himself, through his employees or he may contract a processor, an employee of the physical defense and security service company for processing of personal data.
3. The Controller enters into a contract in writing with the processor defining the obligations stipulated under point 1, article 20 of the law on protection of personal data.
4. The provisions of this instruction shall not prejudice the obligations of the controller regarding processing of personal data under other relevant legislation.

### **Chapter IV**

#### **General Principles**

1. In case a building or an area is open to the public, collection visitors’ data is prohibited.
2. In case a building has restricted access, the controller or the processor has the right to ask visitors to provide their basic personal data.
3. Basic personal data and the time of entry to and exit from the building may be recorded and processed for the sole purpose of protecting:
  - the property, or
  - building management and security.
4. The controller shall not disclose personal data, especially by distributing or making them available to any third party if such purpose is not related to the purposes of protection of property or building management and security, without the explicit consent of the visitor, or unless a provision of a special act provides otherwise.
5. When collecting personal data, the controller is obliged to inform the visitor especially on:
  - the scope and purpose for which personal data are processed,

- who and how personal data are to be processed,
- whom the personal data may be disclosed to,
- the consequences of refusal to provide personal data.

6. Personal data shall be erased as soon as they are no longer required for the purposes of the protection of property or building management and security, whose access is restricted. The necessity for the continuation of retention of personal data shall be reassessed every 14 days.

7. The owner or the manager shall notify the Commissioner for Protection of Personal Data on every processing of personal data for the purpose of protection of property or of building management and security.

## **Chapter V**

### **Identity Document**

1. The visitors should submit an appropriate document of their identity when entering a building whose access is restricted.
2. Copying of the identity document and collection of such copies for checking the identity at the entrance of a building is prohibited.

## **Chapter VI**

### **Final Provisions**

1. Non-fulfillment of requirements of this instruction constitutes a violation of personal data protection law and is sanctioned under article 39 thereof.
2. All persons provided under point 5 of Chapter II of this Instruction are in charge for implementing this Instruction.

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

**COMMISSIONER**

**FLORA ÇABEJ (POGAÇE)**