



The Commissioner For
Data Protection And
Freedom Of Information
Baden-Württemberg

COOPERATION MEMORANDUM BETWEEN

IDP / INFORMATION AND DATA PROTECTION COMMISSIONER OF
THE REPUBLIC OF ALBANIA

AND

THE COMMISSIONER FOR DATA PROTECTION AND
FREEDOM OF INFORMATION BADEN-WÜRTTEMBERG

Preamble

The IDP/ Information and Data Protection Commissioner of the Republic of Albania and the Commissioner for Data Protection and Freedom of Information Baden-Württemberg, Hereafter referred to as the parties,

- ∴ **Determined** on their efforts to guarantee the rights and fundamental freedoms in general and in particular on the lawful processing of personal data and on access to information, public participation in decision making and access to justice in environmental matters (Aarhus Convention);
- ∴ **Convinced** that this agreement will develop and strengthen the relations between two counterpart authorities, in accordance with common interests;
- ∴ **Recalling** the provisions of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (“Convention 108”), specifically those under Chapter IV on mutual assistance and the provisions of the Europe Convention on access to information, public participation in decision-making and access to justice in environmental matters (2005/370/EC);
- ∴ **Recalling** the Resolutions of International Conferences of Data Protection and Privacy Commissioners (ICDPPC) and the Montreux Declaration which encouraged privacy

enforcement authorities to further develop, amongst other things, their efforts to support international enforcement cooperation;

- ∴ **Considering** that, to be able to assert this right and observe this duty, citizens must have access to information, be entitled to participate in decision-making and have access to justice in environmental matters, and acknowledging in this regard that citizens may need assistance in order to exercise their rights,

Agree as follows:

Article 1 Purpose and Scope

The purpose of this Memorandum is to promote co-operation in conducting joint procedures for implementing the obligations resulting therefrom, which contribute to the pursuit of the above mentioned objectives. In this regard, the exercise is subject to continuous development.

The cooperation shall advance based on this Memorandum with special focus on the following key areas:

- Exchange of know-how, experience and best practices in conducting inspections with specific sectors processing personal data, aiming at consolidating respective authorities' activities and in granting access to information according to the Freedom of Information regulations;
- Joint work meetings according to the needs and in the context of specific procedures of dealing with complaints;
- Assistance in drafting reports after an analysis conducted by the Parties, regarding the processing of data by controllers subject to inspection and the improvement of the public's access to information;
- Communication and information exchange regarding the update of legal framework of both countries in this field;
- Periodic study visits pursuant to the purpose of this Memorandum.

Article 2 Cooperation Procedure

For the purpose of this Memorandum, each Party shall appoint one or more contact points. Contact points shall deal with the implementation of this Memorandum.

The requests for co-operation must be filed in English language.

Any information transferred/exchanged shall not be disclosed to third parties, without explicit written consent from the transferring Party.

Contact points from both sides shall be available at any time for communication and coordination of actions with the other Party.

Article 3 Confidentiality

During the implementation of this Memorandum, Parties may exchange information which they deem confidential. All data exchanged between Parties shall be considered confidential and shall be administrated by persons appointed by Parties to this Agreement, unless stated, in written form.

Article 4 Final Provisions

This Memorandum shall enter into force upon its signature by the Parties and shall remain in force for an indefinite period of time.

This Memorandum does not constitute an international agreement and does not establish rights and obligations arising from international law.

Each Party may terminate relations under this Memorandum, through addressing written notice to the other Party.

Signed in Tirana, on September 4th, 2018 in 4 (four) original copies in English language where all copies are equally authentic.

*FOR IDP / INFORMATION AND DATA
PROTECTION COMMISSIONER OF
THE REPUBLIC OF ALBANIA*

Besnik DERVISHI




*FOR THE COMMISSIONER FOR DATA
PROTECTION AND FREEDOM OF
INFORMATION BADEN-WÜRTTEMBERG*

Dr. Stefan Brink


