

LAW

No 119/2014

ON THE RIGHT TO INFORMATION

(as amended by law no. 78/2023 "On some additions and amendments to law no. 119/2014, "On the right to information")

Based on Articles 78 and 83, point 1, of the Constitution, upon the proposal of the Council of Ministers,

THE ASSEMBLY

OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope and aim

1. This law regulates the right of access to information being produced or held by public sector bodies.
2. The rules contained in this law are designated to ensure the public access to information, in the framework of assuming the rights and freedoms of the individual in practice, as well as establishing views on the state and society situation.
3. This law aims also at encouraging integrity, transparency and accountability of the public sector bodies.

Article 2

Definitions

(amended words in letter a) of point 1, added point 1/1, 1/2 and 3/1, amended point 4 and point 6 by law no. 78, dated 21.9.2023)

The following terms have in this law the following meanings:

1. "Public sector body":

a) is any public body, according to the definition of law no. 44/2015, 'Code of Administrative Procedures, lawmaking, judicial and prosecution bodies of every level, local governance units bodies of every level, state authorities and public entities, established by Constitution or law;

b) are the commercial companies, where:

i) the state holds the majority of shares;

ii) public functions are assumed in accordance with the provision of letter "c" of this

point;

c) any natural or legal person, being awarded the right to assume public functions by law, by-law act or any other fashion, provided for by the current legislation.

1/1. "Copyright" has the same meaning as the one given in law no. 35/2016, "On the copyright and other related rights", as amended.

1/2. "Patent" has the same meaning as the one given in law no. 9947, dated 7.7.2008, "On industrial property", as amended.

2. "Public information" is any data recorded in any type of form or format, in the course of assuming the public function, regardless whether it has been worked out by the public sector body itself or not.

3. "Person" is any natural or legal, local or foreign person, as well as the stateless persons.

3/1 "Trade secret" has the same meaning as the one given in law no. 9947, dated 7.7.2008, "On industrial property", as amended.

4. "Personal data" has the same meaning as the one given in law no. 9887, dated 10.3.2008, 'On the protection of personal data', as amended.

5. "Transparency program" is the entirety of information and ways of making it public by the public sector body, in accordance with the definitions of Articles 4 and 7 of this law.

6. "Coordinator for the right to information" is the employee of the public authority who, in pursuance of the powers provided for in this law, coordinates the actions guaranteeing the right to information.

CHAPTER II

RIGHT TO INFORMATION AND

TRANSPARENCY

Article 3

Right to information

1. Any person enjoys the right to access public information, not being subject to explain the motives.

2. The public sector body shall be obliged to inform the applicant whether it holds the requested information or not.

3. Any person shall be entitled to access the public information, either through the original document or receiving copies in the form or format enabling full access to the document contents.

4. The public information being made available to one person shall not be rejected to any other person applying for it, except the cases then the information contains personal data of the person, in compliance with Article 17 of this law.

Article 4

Preparation and approval of transparency programs

(Added point 3, by law no. 78, dated 21.9.2023)

1. The public sector body shall, no later than 6 months since the entry of this law into effect or since its establishment, start implementing an institutional transparency program, the latter setting out the categories of information being made public ex officio and the way of making this information public.
2. While preparing the transparency draft-program, the public sector body shall take account of the highest interest of the public, specifically:
 - a) ensuring maximal access to the public information;
 - b) making ex officio available as much information as possible, in order to narrow the gap of the need for individual requests for information;
 - c) the models approved by the Commissioner pertaining to the category of the public sector body referring to the Right to Information and Personal Data Protection, in compliance with Article 6 of this law.
3. The transparency program shall be made public on the official website of the public authority.

Article 5

Revision of the transparency program

1. The revision of the transparency program shall occur through the same procedure as its approval.
2. The time limits for the revision of the transparency program may be amended depending on the nature of the specific public sector body, however, they shall never exceed 5 years.

Article 6

Model transparency programs

(amended the words with the law no. 78, dated 21.9.2023)

The Commissioner for the Right to Information and Protection of Personal Data shall approve and disseminate transparency program models for various public authority categories, in compliance with the current law no. 9887, dated 10.3.2008, “On the protection of personal data”, as amended, within 3 months since the entry into effect of this law.

Article 7

Categories of information being made public ex officio

(amended the words in letter c) of point 1, in letter ë) of point 1, point 4 added by law no. 78, dated 21.9.2023)

1. The public sector bodies shall, in compliance with the transparency programs approved for them, prepare in advance and in easily comprehensible and accessible formats on their internet website and make available to the public the following information categories:

a) a description of the organizational structure, functions and tasks of the public sector body;

b) complete texts of:

i) conventions being ratified by the republic of Albania;

ii) laws;

iii) by-law acts;

iv) codes of conduct;

v) every policy document;

vi) manual or any other document bearing a connection with the assumption of the functions of the public sector body and affecting the broad public;

c) information on the procedures to be followed to file an application for information, postal and electronic address for lodging applications for information, as well as the legal administrative recourse;

ç) data on the location of offices of the public sector body, working hours, name and contacts of the coordinator for the right to information;

d) data on the education, qualifications and salaries of functionaries, being subject to the obligation of declaring their assets according to the law, structures of salaries for the other civil servants, as well as a description of the selection procedures, powers and tasks of the senior functionaries of the public sector body and the procedure they follow to make the decisions;

dh) monitoring and controlling mechanisms operating above the public authority, including the strategic work plans, auditing reports of the High State Audit or other entities, as well as the entities containing indicators of the performance of the public sector body;

e) data on the budget and plan of expenditure for the ongoing financial year and the previous years, as well as any annual report on the implementation of the budget. Where the public sector body is self-financed out of the license charges or any other form of direct financing from the entities regulated by it, even the documents indicating the situation of the performance of obligations by the licensed entities shall be made public.

ë) information on the procurement procedures or competition procedures of the concession/public-private partnership, respectively in accordance with the provisions of the law no. 162, dated 23.12.2020, "On public procurement" and the law no 125/2013, "On concessions and public-private partnership", as amended, being conducted on behalf of the public authority, including:

- i) list of concluded contracts;
 - ii) contracted amount;
 - iii) contracting parties and the description of contracted services or goods; other public authority, within the time limits foreseen by law, where it turn out that
 - iv) information on implementing and monitoring the contracts, as well as various guides and policies;
 - f) information on the services that the public authority makes available to the public, including the standards on the service quality;
 - g) any mechanism or procedure for filing the applications and complains, in connection with the actions or omissions of the public sector body;
 - gj) any mechanism or procedure, by which the interested persons may submit their opinions or have an impact in any other way on the drafting of laws, public policies or assumption of the functions of the public sector body;
 - h) a simple description of the system used by the public sector body for keeping the documentation, types and formats of the documents, as well as categories of information being made public ex officio;
 - i) record of applications and responds, in accordance with Article 8 of this law;
 - j) a description of the social aid categories and forms, subsidies granted by the public sector body and procedures to benefit them;
 - k) information and documents being often requested;
 - l) any other information deemed useful by the public sector body.
2. The public sector body shall also create and archive a digital copy of its official internet site, filled out with information being required in the approved transparency program, as well as on the methods, mechanisms and periodicity of the public information publication, being made available to the public ex officio.
 3. The acts containing rules, norms or restrictions of the fundamental rights and freedoms of the individual, as well as with a direct impact on them shall be made public by posting in public places or in the official internet site, within 48 hours since the approval of the act by the public authorities.
 4. The information under item 1 of this article, in case of changes, shall be published in the updated form, indicating also the last update, as established by the Commissioner.

Article 8

Register of applications and responds

*(amended the words in point 1, by law no. 78,
dated 21.9.2023)*

1. The public authority shall create, keep and make public a specific record, reflecting the entire applications for information and the information made available in response. This register shall be

updated no less than 1 (one) time per month and it shall be made public on the internet site of the public sector body, as well as in the premises of the public sector body for the reception of the public. The identity of the applicants shall not be reflected in the register.

2. The Commissioner for the Right to Information and the Protection of the Personal Data shall set out standards for the format and contents of the register.

Article 9

Information made available previously

1. The public authority shall make arrangements that the information, being made available at least once to one applicant, be made available in the most practical way possible for all the other persons eventually applying for it in the future.

2. The applications to be informed about the information recorded in the Register of Applicants and Responds shall be fulfilled no later than 3 working days from the moment of filing the request.

Article 9/1

Commissioner for the Right to Information and Protection of Personal Data

(Article 9/1 added by law No. 78, dated 21.9.2023)

1. The Commissioner for the Right to Information and Personal Data Protection (“Commissioner”) is the independent authority responsible for complaints review, the monitoring and supervision of the implementation of this law.

2. The Commissioner shall exercise the following powers:

a) review the complaints of persons who claim a breach of their rights under this law;

b) review the complaints of persons regarding the functioning of transparency programs in public authorities;

c) conducts administrative investigation *ex officio* or based on a complaint in pursuance of the Commissioner’s powers;

ç) examines and has access to the information and documents subject to the complaints as provided for in this Law, or related to thereto, including the classified information. In these cases, the Commissioner shall be obliged to ensure the secrecy of classified information, according to law no. 10/2023, “On classified information”;

d) has the right to ask the classification authority to declassify the classified information where estimates that its publication is warranted by state interests superseding the need to keep it classified, in accordance with law no. 10/2023, “On classified information”. Access to NATO and EU classified information is subject to NATO and EU declassification rules;

dh) imposes administrative sanctions according to the provisions of this law;

e) promotes the transparency of public authorities, especially by raising awareness and providing information on matters of the right to information;

ë) conducts annual surveys on various issues in respect of the right to information;

f) makes recommendations to public authorities regarding the design and implementation of institutional transparency programs;

g) at the request of the reviewing courts, submits written opinions on any issue on the right to information;

gj) provides necessary and continuous training to the coordinators for the right to information, the employees of public authorities, and stakeholders;

h) where the Commissioner concludes that the provisions of this law have been breached, the Commissioner shall notify the public authority of the outcome of the administrative investigation and, and if the case, proposes disciplinary measures for the responsible employee.

3. The Commissioner's decisions shall be published on the official website of the Commissioner's office.

Article 10

Powers of the coordinator for the right to information

(amended the point 1, added points 3, 4, 5 and 6 by law no. 78, dated 21.9.2023)

1. The head of the public authority shall assign one of the employees to act as the coordinator for the right to information. Immediately after the assignment or change of the coordinator for the right to information, the head of the public authority shall inform the Commissioner of the name and contacts of this employee.

2. The coordinator for the right to information shall assume the following powers:

a) providing access to every applicant to the public information in accordance with this law, by way of consulting the original document or obtaining a copy;

b) establishing, maintaining, publishing and updating the register of applications and responds within the period provided for in point 1 of Article 8 of this law;

c) coordinating the efforts for meeting the applications for information within the time period and way provided for in this law;

ç) registering the applications for information and assigning a serial number for each of them;

d) forwarding the application for information from a public sector body where the application has been lodged and it does not possess the information applied for;

dh) verifying the cases of making the information available to citizens in accordance with point 5, Article 13, of this law;

e) making the preliminary notifications under Articles 14 and 15, as well as communicating with the applicant, as appropriate for processing the application for public information.

3. During the conduct of disciplinary procedures against the employee designated as coordinators for the right to information, where they are found in violation of the provisions of this law, the public authority shall request the Commissioner's opinion on the case. In its final decision, the public authority shall also reason the acceptance or rejection of the Commissioner's opinion.

4. The employee assigned according to item 1 of this article, in addition to the monthly salary for the position they hold, shall also benefit a supplement for special-nature work as coordinators for the right to information. The supplement for special-nature work shall apply only for the duration of the assignment as coordinator for the right to information.

5. The Council of Ministers shall determine by decision the amount of the supplement for special-nature work and the criteria for its assignment, for coordinators of public authorities whose structure and level of employee salaries are subject to approval by the Council of Ministers, according to the applicable legislation.
6. The supplement under item 4 of this article for coordinators of public authorities whose structure and level of employee salaries is not subject to the Council of Ministers' approval, shall be determined by the body responsible for the structure and level of employee salaries, as provided by the applicable legislation.

CHAPTER III

ACCESS TO PUBLIC INFORMATION

Article 11

Application for information

(added point 6, by law no. 78, dated 21.9.2023)

1. The application for information shall be made in writing and shall be submitted in person, per post or e-mail, providing accurately the identity and signature of the applicant. The application shall always be registered with the Register of Applications and Responds, provided for in Article 8 of this law.
2. The application shall always be registered and a serial number shall be assigned to it. The serial number shall, along with the contact data of the coordinator for the right to information, be notified to the applicant having filed the application for information.
3. The applications for information shall be registered in accordance with the lodging sequence and processed without any distinction among them.
4. The application for information shall contain:
 - a) name and surname of the applicant;
 - b) postal or electronic address where the information shall be sent to;
 - c) description of the information applied for;
 - ç) format that the information is preferred to be obtained;
 - d) any data that the applicant deems could facilitate the identification of the information applied for.
5. As long as the application does not determine the format where the information has been applied for, it shall be provided in the most effective and lost cost fashion for the public sector body.
6. Exceptionally, requests for access to archival information stored in the permanent archives shall be handled in accordance with law no. 9154, dated 6.11.2003, "On the archives."

Article 12

Elucidating and processing the application for information

1. Where the public authority being addressed by the application for information is not clear about the contents and the nature of the request, it shall immediately, and under no circumstances later than 48 hours since the date of submission of the application, contact the application to make the necessary clarifications. The public authority shall always assist the applicant for elucidating the request.
2. Where after examining the application the public sector body finds out that it does not possess the required information, it shall, no later than 10 calendar days since the date of submission of the application, send it to the competent authority, simultaneously informing also the applicant. The sole reason justifying the sending of the application to the other public sector body is the absence of the information applied for.
3. The public sector body being addressed by the application for information shall inform the applicant that his application has been forwarded to another public sector body, also informing him about the contacts of the public sector body that the application has been forwarded to.

Article 13

Service costs

(amended the words in point 4, by law no. 78, dated 21.9.2023)

1. The services of the public administration are free of charge. Making information available may occur against a charge, set out and made public in advance by the public sector body in its internet site and in the premises of the public reception. The charge shall be the cost for the reproduction of the information applied for and, as appropriate, for sending it. The information applied for electronically shall be provided free of charge.
2. The reproduction costs shall not be higher than the real cost of materials, whereon the information is re-produced. The posting costs cannot be higher than the average cost for the same cost in the market.
3. The Commissioner for the Right to Information and Protection of Personal Data shall, periodically and in cooperation with the Ministry of Finance, consider the charges made public by the public sector bodies and, as appropriate, order their change.
4. The citizens registered appropriately in the social aid schemes as well as the beneficiary entities shall, in accordance with no. 111/2017, "On the legal aid guaranteed by the state", as amended, obtain the information free of charge up to a certain number of pages for every application and in the equivalent value as long as the information is provided in another format.
5. The Minister of Justice and the Minister of Finance shall, upon joint instruction, determine the number of pages within which the information is obtained free of charge under point 4 of this Article, as well as the cases of exclusion from the payment of the charge.

Article 14

Ways of making the information available

1. The entire applications for information shall, normally, be dealt with through the consultation of the information at the premises of the public sector body free of charge, through the unique governmental portal ealbania.al or, as appropriate, through the official internet site.
2. The applications pertaining to written documents shall be processed by making available to the applicant:
 - a) a full copy in the same format as the one used by the public sector body, except in specific cases;
 - b) a full copy of the information via e-mail, as long as the information exists or is convertible to such a format.
3. With regard to the applications referring to other formats, the information shall be provided in the most efficient way and at the lowest cost for the public sector body.
4. The negative decision concerning the requested format shall always be provided in writing and provided with grounds.

Article 15

Deadlines for obtaining the information

(amended the words in point 5, by law no. 78, dated 21.9.2023)

1. The public sector body shall process the application for information through making available the information applied for as soon as possible, however not later than 10 days since the day of its submission, unless a specific law provides for differently.
2. Where the public sector body receiving an application for information sends it to another body, the latter shall respond within 15 working days since the delivery of the application with the former body.
3. The deadline provided for in points 1 and 2 of this Article may be extended by not more than 5 working days due to one of the following reasons:
 - a) need to apply for and consider complex and voluminous documents;
 - b) need to extend the research to offices and premises being physically separated from the central office of the public sector body;
 - c) need to consult other public sector bodies prior to making a decision on fulfilling or refusing the application. The decision to extend the time period shall be notified immediately to the applicant.
4. The failure to process the application for information within the deadlines referred to above shall always be considered a refusal.
5. The provisions of this law shall apply also to the access to the archived information stored in the currently operational archives.

Article 16

Preliminary notifications for the applicant

1. Where the public sector body finds out that the processing of an application for information is subject to a high cost or it requires a longer time than the deadline provided for in point 1 of Article 14 of this law, the body shall immediately inform the applicant and propose to him the possibility of amending the application.
2. If the information is sought in electronic format and it is available in internet, the public sector body shall immediately indicate to the applicant the accurate address of the internet site where the information can be found. If the information is not sought in an electronic format, the public sector body cannot respond to the application by indicating to the applicant the accurate address of the internet site where the information is available electronically.
3. Upon receiving the application for information, the public sector body shall calculate the amount due to be paid for the re-production and, as appropriately, for sending the information and shall immediately inform hereof the applicant. The rules on the way of making the payment shall be set out in a joint instruction of the Minister of \justice and the Minister of Finance.

CHAPTER IV

RESTRICTION OF THE RIGHT TO INFORMATION

Article 17

Restrictions

(amended the words in the first sentence and words in the second sentence of point 5, by law no. 78, dated 21.9.2023)

1. The right to information may be restricted as long as it is indispensable, proportional and where making the information available would harm the following interests:
 - a) the right to privacy;
 - b) the commercial secrets;
 - c) the copyright;
 - ç) patents.

The restriction of the right to information due to the interests provided for in letters “a”, “b”, “c” and “ç” of this point shall not be applied where the holder of these rights has granted his consent to making the respective information available or, at the moment of making the information available, he has been considered as a public sector body based on the provisions of this law. Regardless of what has been foreseen in this point, the required information shall not be rejected as long as a higher public interest exists in favor of making it available.

2. The right to information may be restricted as long as it is indispensable, proportional and where making the information available would cause an evident and grave harm to the following interests:
 - a) national security, referring to the definition made by the legislation on classified information;

- b) prevention, investigation and prosecution of criminal offences;
- c) normal flow of the administrative review in the context of disciplinary proceedings;
- ç) normal flow of inspection and auditing procedures for the public sector bodies;
- d) working out the monetary and fiscal policies of the state;
- dh) parity of parties in judicial proceedings and normal flow of judicial proceedings;
- e) preliminary consultation or discussion internally or among the public sector bodies for developing public policies;
- ë) maintaining the international and inter-governmental relations.

Notwithstanding the provisions of the first paragraph of point 2 of this Article, the sought information shall not be rejected as long as a higher public interests exists in making it available. The restriction to the right to information due to the interest provided for in point 2, letter “c” and “ç” of this Article, shall not be applied as long as the administrative review in the context of disciplinary proceedings and the inspection and auditing procedures of the public sector bodies have been completed.

The restriction to the right to information due to the interest provided for in point 2, letters “d” and “dh” of this Article, shall not be applied as long as the respective data are facts, facts analysis, technical data or statistical data.

The restriction to the right to information due to the interest provided for in point 2, letter “e” of this Article shall not be applied as long as the policies have been made public.

3. The right to information shall be restricted as long as it is indispensable, proportional and as long as the dissemination of information would infringe the professional secret sanctioned by law.

4. The right to information shall be restricted even if, regardless of the assistance granted by the public sector body, the application remains unclear and it is not possible to identify the sought information.

5. The right to information shall not be restricted automatically as long as the sought information is found at documents classified “state secret”. Under these circumstances the public sector body having received the application for information shall, immediately start the procedure revising the classification at the public sector body having ordered the classification under the law no. 10/2023, “On classified information”. The public sector body shall immediately inform the applicant about the institution of the procedure revising the classification in accordance with the law and determine the extension of the time period for making the information available within 30 working days. The decision on fulfilling the application for information or not shall always be taken and grounded based on the criteria contained in this Article.

6. Where the restriction affects the information only partially, the remaining part shall not be rejected to the applicant. The public sector body shall clearly indicate the parts of the respective documentation having been rejected, as well as based on which point of this Article the rejection was ruled.

7. The provisions of this Article shall be implemented even to the access to the archived information of any type, regardless of the provisions of the law on the legal-administrative archives concerning the administrative contraventions.

CHAPTER V

ADMINISTRATIVE CONTRAVENTIONS AND SANCTIONS

Article 18

Administrative contraventions and sanctions

(amended letter a), amended the words in letter c), added letter ç/1), amended letter d), dh), e), ë), f), j), amended the words in letter ll), added letters m), n), nj) and o) of point 2 with law no. 78, dated 21.9.2023)

1. Failure to observe the provisions of this law shall ensue administrative accountability, referring to the categories provided for in point 2 of this Article.

2. The acts and omissions in compliance with this law and to the extent they do not consist a criminal offence shall be considered administrative contraventions and shall be subject to a penalty as follows:

a) refusal to make information available at variance with the provisions of this law shall be subject to a penalty of 50 000 up to 300 000 ALL;

b) failure to apply the transparency institutional program within the deadline provided for in point 1, Article 4, of this Law shall be subject to a penalty of 50 000 up to 100 000 ALL;

c) failure to review the transparency institutional program within the deadline provided for in Article 5 of this Law shall be subject to a penalty of 50 000 up to 100 000 ALL;

ç) failure to follow the procedures for revising the transparency institutional program in accordance with the provision of point 2, Article 5, of this Law shall be subject to a penalty of 50 000 up to 100 000 ALL;

ç/1) failure to publish acts within the period defined in item 3 of article 7 and failure to update the categories of information of the institutional transparency program according to item 4 of article 7 of this law shall be subject to a penalty of 25,000 to 50,000 ALL;

d) failure to establish, maintain, publish or update the Register of Applications and Responds within the deadline provided for in point 1, Article 8, of this law, shall be subject to a penalty of 25,000 up to 100 000 ALL;

dh) failure to fulfil the applications for information, which are registered in the Register of Applications and Responds, within the deadline and in the fashion provided for in Article 9 of this Law shall be subject to a penalty of 50,000 up to 300 000 ALL;

e) failure to enter the application for information into the register, failure to assign a serial number and provide the contact data of the coordinator for the right to information in accordance with the provisions of point 2, Article 11, of this law, shall be subject to a penalty of 50 000 up to 300 000 ALL;

ë) failure to send the application for information to another public body by the deadline provided for in point 2, Article 12, of this Law, shall be subject to a penalty of 50 000 up to 300 000 ALL;

- f) sending the application for information to another public sector body at variance with the requirements of point 2, Article 12, of this Law, while the body having received the application is in possession of the sought information, shall be subject to a penalty of 50 000 up to 300 000 ALL;
- g) failure to inform the applicant that his application has been sent to another body and the necessary contacts have been sent to the other body, at variance with the provisions of point 3, Article 12, of this law, shall be subject to a penalty of 50 000 up to 100 000 ALL;
- gj) failure to determine a charge in advance, failure to publish or setting out abusive charges for the re-production and sending the information, at variance with the requirements of Article 13, points 1 and 2, of this law, shall be subject to a penalty of 150 000 up to 300 000 ALL;
- h) failure to abide by the requirements of point 4, Article 13, of this law on making the information available free of charge shall be subject to a penalty of 50 000 up to 100 000 ALL;
- i) failure to follow the preference of the applicant concerning the fashion of making the information available and not providing any grounds at variance with the provisions of point 4, Article 14, of this Law, shall be subject to a penalty of 25 000 up to 50 000 ALL;
- j) failure to inform the applicant on the decision extending the time period for fulfilling the application for information, in accordance with the provisions of point 3, Article 15, of this Law, shall be subject to a penalty of 25 000 up to 300 000 ALL;
- k) failure to make the preliminary notifications in accordance with the Articles 16 of this Law, shall be subject to a penalty of 25 000 up to 50 000 ALL;
- l) harming or destruction of official documents to the effect of avoiding the right to information shall be subject to a penalty of 150 000 up to 300 000 ALL;
- ll) failure to transcribe the official documents concealment thereof or any other action or omission at variance with the current rules to the effect of hindering the assumption of the right to information shall be subject to a penalty of 150 000 up to 300 000 ALL;
- m) failure to notify the requester of the review procedure, failure to reason the decision or failure to communicate the final decision of the public authority, according to item 5 of Article 17 of this law, shall be subject to a penalty of 50,000 to 150,000 ALL;
- n) failure by the head of the public authority to assign the coordinator or failure to notify the Commissioner about this assignment, according to the provisions of point 1 of article 10 shall be subject to a penalty of 50,000 to 100,000 ALL;
- nj) actions or omissions, which may damage the outcome of the administrative procedure intended to examine complaints or of the procedure intended to establish, review, appeal and execute administrative contraventions or which may prevent their fair or orderly conclusion shall be subject to a penalty of 50 000 to 300,000 ALL;
- o) failure to implement the Commissioner's decision warranting the provision of the requested

information, in full or in part, as required by the provisions of item 6/1 of article 24 of this law, shall be subject to a penalty of 150,000 to 300,000 ALL.

3. The finding, examining, complaining and enforcement procedures concerning the administrative contraventions are those provided for in the law on administrative contraventions.

Article 19

Administrative liability

(amended article 19, by law no. 78, dated 21.9.2023)

1. The head of the public authority shall be subject to legal-administrative liability in respect of the administrative breaches provided for in letters “b”, “c”, “ç”, “ç/1”, “h”, “gj”, “m”, “n”, “nj” and “o” of point 2 of article 18 of this law.
2. In accordance with the provisions of law no. 44/2015 “Code of Administrative Procedures”, the head of the public authority may delegate his competence regarding the functions provided for in point 1 of article 4, points 1 and 2 of article 5, point 4 of article 7, points 1 and 2 of Article 13 of this law, to the highest employee of the public authority. In this case, the employee to whom the competence has been delegated, shall be legally liable for the administrative breaches provided for in item 1 of this article.
3. The coordinator for the right to information shall be administratively liable for administrative breaches provided for in letters “d” and “e” of point 2 of article 18 of this law.
4. Any person responsible, who by his actions or inactions violates the provisions of this law, shall be administratively liable for the administrative contraventions provided for in letters “a”, “dh”, “ë”, “f”, “g”, “i”, “j”, “k”, “l”, “ll” and “nj” of point 2 of article 18 of this law.

Article 20

Relationship with the Assembly

1. The Commissioner for the Right to Information and Protection of Personal Data shall report to the Assembly or to the parliamentary committees at least once a year or as often as required by them. He may also ask the Assembly to hear him about a case that he deems important. The report shall contain data and explanations on the implementation of the right to information in the Republic of Albania as well as transparency programs.
2. The notification on individual cases shall be prohibited, except the cases required upon a decision of the Assembly.
3. In the course of compiling the report, the Commissioner for the Right to Information and Protection of Personal Data shall collect data from the public sector bodies and non-profitmaking organizations the mission of which is the protection of fundamental human rights and freedoms, making references to the respective correspondence.

Article 21

Way of settling the pecuniary penalty

(amended the words in point 3, by law no. 78, dated 21.9.2023)

1. The penalty, spelled out as a fine, shall be settled in monthly instalments.
2. The monthly instalments shall be set out in such amounts that the employee and his family has a safe sustenance, at least at the level of the minimal salary, set out upon the decision of the Council of Ministers.
3. The Commissioner for the Right to Information and the Protection of Personal Data may, in connection with the violations provided for in letters point 2, Article 18, of this law, propose taking disciplinary measures against the responsible persons.

Article 22

Complaining against administrative sanctions

The person having been subject to an administrative sanction may, within 30calendar days since receiving the notification, file a complaint with the court in compliance with the Law no 10 279, dated 20/05/2010, “On administrative contraventions”.

Article 23

Collecting the penalty amounts

1. The decision of the Commissioner for the right to Information and Protection of Personal Data imposing the penalty shall be communicated to the head of the public authority and the finance office.
2. The penalties shall be enforced by the finance office of the public sector body where the contravener is employed within 6 months since the date of notification. Upon the expiry of this deadline, the pronounced decision is transformed into an executive title and it shall be compulsorily enforced by the enforcement office upon the request of the Commissioner.
3. The penalties shall be collected into the State Budget.

CHAPTER VI

POWERS AND PROCEDURES

FOR EXAMINING THE COMPLAINTS

Article 24

Procedures for examining the complaints

(added words in letter b) of point 5, amended the words in point 6, added point 6/1, by law no. 78, dated 21.9.2023)

1. Every person shall, where deemed that the rights provided for in this law have been violated, be entitled to file a complaint administratively with the Commissioner for the Right to Information and Protection of Personal Data, in compliance with this law and the Code of Administrative Procedures.

2. The administrative complaint with the Commissioner for the Right to Information and Protection of Personal Data shall be filed within 30 working days since the day when:

- a) the complainant received the notification about the refusal of access to information;
- b) the deadline provided for in this law for making this information available has expired.

3. Upon receiving the complaint, the Commissioner for the Right to Information and Protection of Personal Data forward it to the structure dealing with the right to information, the latter checking out the facts and the legal basis of the complaint. He may, to this effect, require the complainant and the public sector body, against which the complaint has been filed, to make written submissions and to be informed by any other person or source. Where deemed necessary, the Commissioner holds a public hearing with the involvement of the parties.

4. The Commissioner for the Right to Information and Protection of Personal Data shall, with regard to the complaint, make a decision within 15 working days since the day when the complaint has been lodged.

5. The Commissioner for the Right to Information and Protection of Personal Data shall decide:

a) rejection of the complaint if:

- i) the deadline provided for in point 2 of this Article has expired;
- ii) the complaint is not lodged in writing;
- iii) the name and address of the complainant is not shown;

b) accepting complaints and ordering public authors to provide the requested information, in full or in part, as well as propose declassification of the information, where appropriate;

c) rejection of the request, partially or fully;

ç) the deadline, within which the public sector body shall implement the order.

6. If the Commissioner for the Right to Information and Protection of Personal Data does not make the decision prior within the deadline provided for in point 4 of this Article, the complainant shall be entitled to approach the court.

6/1. The public authority shall be obliged to implement the Commissioner's decision warranting the provision of the requested information, in full or in part, except where the court decides to suspend its implementation.

7. The administrative procedure provided for in this Article does not affect the powers of the Ombudsman with regard to supervising and implementing the civil rights in accordance with the Law no 8454, dated 04/02/1999, "On Ombudsman".

Article 24/1

The obligation to cooperate

(Added by law no. 78, dated 21.9.2023)

1. Public authorities shall cooperate with the Commissioner by providing all the information required in pursuit of the Commissioner's duties.
2. Public authorities shall report every year, no later than January 31 of the following year, to the Commissioner regarding the activity for the implementation of the requirements of this law, according to the format approved by the Commissioner.

Article 25

Appeal before the court

The complainant and the public sector body shall be entitled to file a complaint against the Commissioner with the competent administrative court.

Article 26

Damages

Every person having sustained a damage due to the infringement of the provisions of this law shall be entitled to seek damages in compliance with the Law no 8750, dated 29/07/1994 "Civil Code of the Republic of Albania".

Article 27

Repeals

The Law no 8503, dated 30.6.1999, "On the right to information about official document", shall be repealed.

Article 28

Entry into effect

This law shall enter into effect 15 days after its publication in the Official Journal.

Approved on 18.9.2014

SPEAKER

Ilir Meta