

**INFORMATION AND
DATA PROTECTION
COMMISSIONER**

2023

ANNUAL REPORT

**INFORMATION AND
DATA PROTECTION
COMMISSIONER**

CONTENT

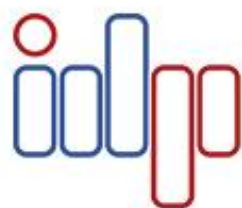
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ACRONYMS**TERMINOLOGY**

AFMIS	Public Finance Management Integrated System
AP	Public Authorities
AMS	Application Management System
EU	European Union
Police Directive	Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 “ <i>On the protection of natural persons in relation to the processing of personal data by the competent authorities with the purpose of prevention, investigation, detection, prosecution of criminal offenses or the execution of criminal convictions and on the free movement of these data</i> ”
DPO	Personal Data Protection Officer
GDPR	Regulation (EU) no. 2016/679 “ <i>On the protection of natural persons regarding the processing of personal data and on the free movement of this data</i> ” - General Data Protection Regulation
GPA	Global Privacy Assembly
HEI	Higher Education Institutions
ICIC	International Conference of Information Commissioners
CoE	Council of Europe
NCEI	National Council of European Integration
Law on Right to Information, as amended	Law no. 119/2014 “ <i>On the right to information</i> ”, amended by Law no. 78, dated 21.09.2023 “ <i>On some additions and amendments to law no. 119/2014 “On the right to information”</i> ”
Law on open data and re-use of public sector information	Law no. 33/2022 “ <i>On open data and reuse of public sector information</i> ”
Law on personal data protection	Law no. 9887/2008 “ <i>On the protection of personal data</i> ”, amended
Law no. 49/2022	Law no. 49/2022, dated 12.05.2022, “ <i>On the ratification of the Protocol amending the Convention “On the protection of individuals, in relation to the automatic processing of personal data (Convention 108+)”</i> ”
Law no. 45/2022	Law no. 45/2022, dated 28.04.2022 “ <i>On the ratification of the Council of Europe Convention “On access to official documents (Convention 205)”</i> ”
LSGU	Local Self-Government Units

CSO	Civil Society Organizations
TP	The Transparency Program, the totality of information and the ways of making it public by the public authority, according to the provisions of Articles 4 and 7 of the Law on the right to information, as amended
ESC	Educational Services Center
ERRRRI	Electronic Register of Requests and Responses for the Right to Information
Resolution of the Assembly	Resolution on the evaluation of the activity of the Commissioner on the Right to Information and Protection of Personal Data for the year 2023, approved on 08.06.2023
ISMS	Information Security Management System
SMIP	Pre-University Information Management System
Instruction no. 47/2018	Instruction no. 47, dated 14.09.2018 <i>“On determining the rules for protection of the security of personal data processed by large processing entities”</i>
Instruction no. 48/2018	Instruction no. 48, dated 14.09.2018 <i>“On the certification of information security management systems, personal data and their protection”</i>
Order no. 14/2015	Order no. 14, dated 22.01.2015 <i>“On the approval of the Model Transparency Program”</i>
Order no. 211/2018	Order no. 211, dated 10.09.2018 <i>“Model Transparency Program for Local Self-Government Units</i>
Order no. 187/2020	Order no. 187, dated 18.12.2020 <i>“On the Approval of the Revised Transparency Program”</i> .
Order no. 188/2020	Order no. 188, dated 18.12.2020 <i>“On the approval of the revised Register of Requests and Responses”</i>
DCM no. 145/2018	Decision of the Council of Ministers no. 145/2018 <i>“On the creation of the state database “Electronic Register of Requests and Responses on the right to information””</i>
Assembly decision no. 24/2023	Decision of the Assembly of the Republic of Albania, no. 24/2023 <i>“On some additions and changes in the decision of the Assembly no. 86/2018 “On the approval of the structure, organization and salary classification of the Commissioner for the Right to Information and Protection of Personal Data””</i>



INFORMATION AND
DATA PROTECTION
COMMISSIONER

ANNUAL STATISTICS

COMPLAINTS

1398

ERRRRI

222

REGISTERED CONTROLLERS

5956

DPO

435

73 DECISIONS

GIVING OPINION

39 RECOMMENDATIONS

16 LEGAL ACTS/ BYLAWS

106 HEARING
SESSIONS

30 OPINIONS

ON SITE INSPECTIONS

110

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I. COMMISSIONER'S MESSAGE AND VISION

The year 2023 marked another important step for the Office of the Commissioner towards the consolidation of the legal framework in the field of the right to information, while we await the completion of the process of its comprehensive modernization in the field of personal data protection.

The institution's contribution to strengthening the culture of transparency and accountability of public authorities and the integrity and accountability of controllers was intense and constant, and in parallel with the advancement of efforts to promote the practical exercise of these two fundamental rights and freedoms. There cannot be an advanced democratic society without guaranteeing the respect towards them, which affects the economic and social development of the country.

In order to accomplish its mission, the Office of the Commissioner is guided by the principle of strengthening and increasing the professional and ethical skills of the staff. The institutional approach is towards continuous education, embracing the most contemporary and innovative methods in order to efficiently exercise its activity.

Cooperation is a cornerstone in our relations, both with citizens and with public authorities, public and private controllers, civil society or stakeholders, taking into consideration their point of view. The maximum result can be achieved by interacting, discussing, exchanging experience and opinions, guaranteeing in any case the standards reached.

The impact on society of the Office of the Commissioner role has been achieved through its performance over the years, with clear objectives and concrete measures. Achieving success depends on how you reflect on the problems of the past, combined with best practices for effective decision-making. This work culture is required to be embraced by public authorities/controllers and private entities, in order to respect the rights of citizens.

Our focus remains on the encouragement to take proactive measures, the implementation of the principles for the protection of personal data in the integration of technology, as well as the increase of accountability for the participation of citizens in governance.

The organization of the 15th edition of the International Conference of Information Commissioners, on 3-5 June 2024 in Tirana, is an expression of trust, appreciation and an indication of the institution's achievement of contemporary standards in this field. This major event, which takes place for the first time in Albania and the Western Balkans region, aims to promote the empowerment of the individual's role through access to information in an increasingly interconnected world. The conference will bring together all the actors who give an active contribution to the consolidation of transparency, as a unique opportunity to extend this approach even more in our country.

The achievements so far motivate us to strengthen the collaborative environment, where quality information serves as a catalyst for a more developed and innovative economy, open and democratic society to guarantee the rights of citizens.

II. THE LEGAL FRAMEWORK

The legal framework that regulates the areas of responsibility, powers and functioning of the Office of the Commissioner is based on national and international acts, to which Albania is a party. This framework has been consolidated and expanded over the years, increasing both the weight of authority in the institutional architecture of the country, as well as our awareness and responsibility for the essential role we have in society to guarantee two fundamental rights. Below is the legislation on which the institutional activity is based:

- The Constitution of the Republic of Albania, Article 23 guarantees the right to information and Article 35 guarantees the protection of personal data;
- Law no. 8137/1996 “*On the ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms*”, amended;
- Law no. 9288/2004 “*On the ratification of the Convention “On the protection of individuals with regard to the automatic processing of personal data”*”, amended;
- Law no. 49/2022 “*On the ratification of the amending protocol of the Convention “On the protection of individuals with regard to the automatic processing of personal data”*”;
- Law no. 45/2022 “*On the ratification of the Convention of the Council of Europe “On access to official documents”*”;
- Law no. 9887/2008 “*On the protection of personal data*”, amended;
- Law no. 119/2014 “*On the right to information*”, amended;
- Law no. 108/2014 “*On the State Police*”, amended;
- Law no. 146/2014 “*On public notification and consultation*”;
- Law no. 19/2016 “*On additional public safety measures*”;
- Law no. 15/2016 “*On the prevention and fight against infections and infectious diseases*”;
- Law no. 60/2016 “*On reporting and protection of whistleblowers*”;
- Law no. 71/2016 “*On border control*”;
- Law no. 113/2018 “*On the ratification of the cooperation agreement between the Republic of Albania and Eurojust*”;
- Law no. 72/2019 “*On international coercive measures in the Republic of Albania*”;
- Law no. 33/2022 “*On open data and reuse of public sector information*”.

III. THE RIGHT TO INFORMATION

The Assembly of the Republic of Albania in the Plenary Session of 21.09.2023, approved the Law no. 78/2023 “*On some additions and amendments to law no. 119/2014 “On the right to information”*”, finalizing a several-year consultation process with citizens, civil society, interest groups and public authorities. The high number of public consultations is a clear indication of the importance of the legislation on the right to information for the further democratization of Albanian society, its recognition and use.

These changes and amendments address the problems identified during the implementation period of this law, by standardizing better the exercise of the right to information in practice. The modernization of the national regulatory framework in this field has the same spirit and approach as the Convention of the Council of Europe “*On access to official documents*”, approved by the Assembly by law no. 45/2022. Also, in April 2023, law no. 33/2022 “*On open data and reuse of public sector information*” entered into force, adding a new competence to the Office of the Commissioner in the supervision and promotion of this right. Through this law, a clear and specific policy is guaranteed in this direction, encouraging the wide availability and the possibility of reusing public sector information for private and commercial purposes. In this way, the complete and contemporary legislative framework of the right to information ranks Albania among the first countries in the world that offer the maximum guarantees for its exercise in practice.

Law no. 78/2023 entered into force in November 2023, and these changes are expected to bring citizens easier access to public information/documentation. Among the most important improvements are:

- determining the powers of the Commissioner in this field;
- determining the responsibility of every official/employee of the administration, who by their actions or inactions do not fulfill their legal obligations;
- the obligation of the public authority to implement the decision of the Commissioner when he has ordered the provision of information. Non-implementation of this decision-making will be punished with an administrative sanction, which will be applied to the head of the institution;
- clearly defining the obligation to publish the transparency program on the official website of the public authority and the obligation to reflect the date of the last update;
- the coordinator for the right to information, in addition to the monthly salary, also benefits from an allowance for a special nature of work;
- revising the minimum limit of sanctions (fines), establishing a more fair and proportional relationship with the income in the public administration.

The 5th National Conference “*The right to information - Openness, Transparency, Digitization*”, which also celebrated the 15th anniversary of the establishment of the institution, served as a platform for discussion and exchange of experiences with a focus on the improved regulatory framework of the field, with the participation of representatives of public authorities, international partners, the academic world, civil society organizations and

the media. Throughout the years of its operation, the authority has managed to be functional and independent in decision-making, making a worthy contribution in the areas of responsibility.

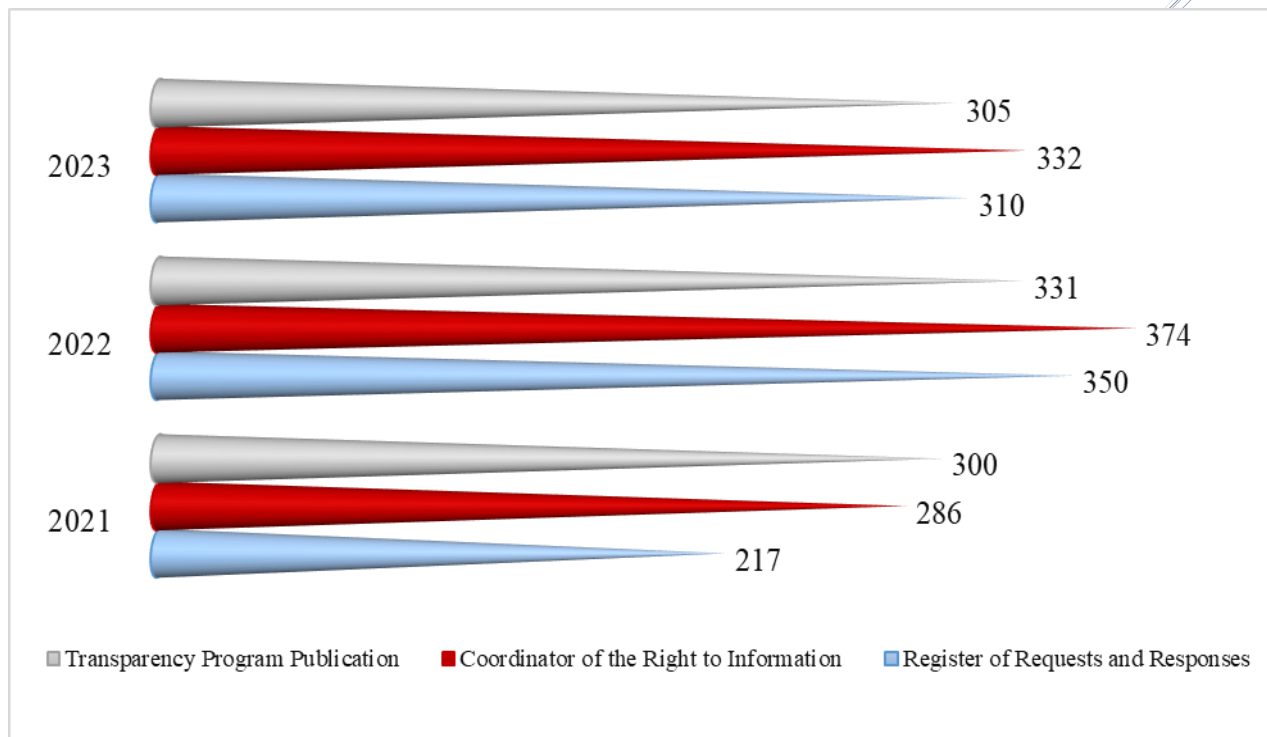


The right to information, as one of the basic human rights, acts as a precondition for an open government, which guarantees the transparency and accountability of public authorities in a democratic society. The presentation of the situation on the fulfillment of the obligations of the legislation in the field, the level of proactive transparency and access to public information, were the main elements of the agenda of this Conference. It also included the presentation of the government portal for open data *opendata.gov.al*; as well as the innovations of Convention 205 of the Council of Europe “*On access to official documents*”.

III.1 TRANSPARENCY MONITORING

Within the framework of legal duties and powers, the monitoring of transparency programs and the updating of the register of requests and responses on the official websites of public authorities has been continued. This activity included all their categories: independent, central and dependent institutions, of the justice system, local self-government units, public companies where the state owns the majority of shares, as well as professional orders. Throughout 2023, there has been a reduction in the number of public authorities compared to the previous year, where this figure is 332 PAs, due to the restructuring of a part of them, especially in the justice system (court and prosecution offices). It turns out that the coordinator for the right to information has been appointed in all PAs and their data is also updated on the *pyetshtetin.al* portal; 305 public authorities have published/updated the transparency program and in 310 PAs the register of requests and responses is functional/updated.





From online monitoring, 33 on-site inspections have been carried out, mainly at institutions dependent on the central government and independent institutions, with the aim of:

- fulfilling the obligation to review the transparency program, referring to Article 5 of the law and order no. 187/2021;
- fulfilling the obligation to fill in the categories of information that are made public without request, referred to Article 7 of the law;
- fulfilling the obligation to create, maintain and make public the register of requests and responses, referring to Article 8 of the law and order no. 188/2021.

Based on the inspections carried out, as well as the state of proactive transparency at the time of monitoring the official websites, the public authorities were introduced to the situation with the implementation of the transparency program and were given a second deadline for addressing the findings. At its conclusion, these PAs were re-monitored, where concrete engagement and a significant improvement of proactive transparency were found. 24 hearings were held against the public authorities that did not take measures to fulfill their obligations, in order to make as objective a decision as possible. At the end of the hearings and the re-monitoring process, the Commissioner concluded with 9 ordering decisions for non-implementation/non-updating of the transparency program, accompanied by an administrative sanction for the responsible person.

For the consolidation of an open and transparent environment for the public, the Office of the Commissioner approved the Roadmap for the implementation of the institutional transparency program. This document defines detailed rules for the information which needs to be published on the official website of the PA, in the simplest and most complete way possible for citizens.

Kreu Autoriteti - Informacione - Publikime - Programi i Transparencës - Kontakt

Rekomandim për zbatimin e programit institucional të transparencës TË AUTORITETEVE PUBLIKE

1 Objekti dhe Qëllimi

Ky rekomandim përcaktim rregullat të detajuara për zbatimin e detyrimit të publikimit të informacionit me karakter publik, nga autoritetet publike në faqen zyrtare të internetit.

Rregullat e parashikuara në këtë rekomandim kanë për qëllim garantimin e njohjes së qytetarëve me informacionin publik pa kërkesë, në mënyrën më të thjeshtë dhe më të plotë të mundshme referuar ligjit nr. 119/2014 "Për të drejtën e informimit", (në vijim LDI).

2 Fushëveprimi

Rregullat e përcaktuara në këtë rekomandim, zbatohen për të gjitha autoritetet publike sipas përkufizimit në pikën 1 të nenit 2 të ligjit 119/2014 "Për të drejtën e informimit".

3 Faqja zyrtare e Autoritetit Publik

Autoriteti publik bën publik në faqen zyrtare në internet aktivitetin e tij. Faqja e internetit të autoriteteve publike duhet të konceptohet dhe organizohet në mënyrë që publiku të konsultojë me lehtësi informacionin dhe të ofrojë lundrim miqësor në tërësi dhe të tij. Çdo autoritet publik duhet të publikojë në faqen zyrtare minimalisht programin e transparencës sipas parashikimeve të LDI-së veçanërisht të neneve 4, 5, 6 si dhe të zbatojë modelin e programit të transparencës të miratuar nga Komisioneri për të Drejtën e Informimit dhe Mbrojtjen e të Dhënave Personale.

4 Programi i Transparencës

Ikona e Programit të Transparencës duhet të vendoset në një pozicion të dukshëm dhe lehtësisht të aksesueshëm, në ballinën e faqes, pranë menue kryesore. Në brendësi të rubrikës "Programi i Transparencës", autoriteti publik publikon në formate lehtësisht të kuptueshme dhe aksesueshme modelin e miratuar nga Zyra e Komisionerit për të Drejtën e Informimit dhe Mbrojtjen e të Dhënave Personale.

5 Përmbajtja e informacionit

Autoriteti publik detyrohet të publikojë menjëherë çdo informacion publik të prodhuar apo të mbajtur prej tij (në programin e transparencës sipas kategorive përkatëse), çdo herë që ky informacion pëson ndryshime. Informacioni publik pa kërkesë duhet të jetë: i plotë, i saktë, i përditësuar, i thjeshtë në konsultim, i kuptueshëm, lehtësisht i aksesueshëm dhe i pajtueshëm me dokumentet origjinale. Përpara publikimit të informacionit autoriteti publik vlerëson nëse ka ndonjë kufizim ligjor në përputhje me nenin 17 të LDI-së.

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Kreu Autoriteti - Informacione - Publikime - Programi i Transparencës - Kontakt

6 Përgjegësia, metodat, dhe formali i publikimit të informacioneve

Përgjegësia administrative për vënien në zbatim të programit institucional të transparencës është e stulluarit të autoritetit publik me përjashtim të rasteve kur titullari e ka deleguar këtë kompetencë tek nëpunësi më i lartë civil, sipas klasifikimit të ligjit nr. 152/2013, "Për nëpunësin civil", të ndryshuar. Programi institucional i transparencës miratohet, publikohet dhe përditësohet sipas modelit të miratuar nga Komisioneri për të Drejtën e Informimit dhe Mbrojtjen e të Dhënave Personale.

Informacionet mbledhen nga struktura të ndryshme të Autoritetit Publik dhe i dërgohen për publikim personit - strukturës përgjegjëse për publikimin e informacionit në faqen zyrtare të autoritetit publik.

Informacioni i publikuar në Programin e Transparencës në faqen zyrtare të internetit të autoriteteve publike duhet të ketë menyrë alternative që të aksesohet edhe nga personat që nuk dëgjojnë dhe personat që nuk shikojnë.

7 Frekuenca e publikimit

Perioda kohore e publikimit dhe e përditësimit të informacionit publik në programin e transparencës është menjëherë pas finalizimit nga struktura përgjegjëse për miratimin e tij. Për sa i përket akteve ligjore e nënligjore ato publikohen pas hyrjes në fuqi apo botimit të tyre në fletoren zyrtare.

Në çdo rast, në faqen zyrtare vendoset data e përditësimit të fundit të informacionit.

8 Detrimi për zbatim

Ky rekomandim ju vjen në ndihmë autoriteteve publike për të qartësuar procedurat e publikimit në faqet e internetit të kategorive të informacionit /dokumentacionit të parashikuar në nenin 7 të LDI-së.

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KOMISIONERI PËR TË DREJTËN E INFORMIMIT DHE MBROJTJEN E TË DHËNAVE PERSONALE

■ Self-declaration of public authorities

Upon the entry into force of the amendments to the law on the right to information, one of the added obligations for public authorities is the reporting every year regarding the statistics according to the table below. These data express in figures the activity for the period January-December 2023 of 304 of the 332 public authorities that have self-declared in January 2024.

No. of PAs	No. of requests for public information registered by the coordinator	No. of requests sent for handling to the coordinator of another PA	No. of requests that have been fully answered	No. of requests that have received partial answers	No. of requests outside the scope of the law, but treated as a functional duty by the PA	No. of pending requests	No. of rejected requests
304	12323	1025	10831	583	2109	52	218

III.1.1 Proactive transparency in the education sector

Based on the importance of the education system, the Office of the Commissioner focused its supervisory activity, among other things, on monitoring the proactive transparency of public authorities in this sector. In addition to the provisions of the law on the right to information, the transparency of higher education institutions is also guaranteed by special legislation, law no. 80/2015 “*On higher education and scientific research in institutions of higher education in the Republic of Albania*” and DCM no. 781/2018 “*On guaranteeing transparency in public institutions of higher education*”.

Regarding the above, 12 public HEIs and 6 authorities of the public education system were monitored to verify the level of implementation of the transparency program, and in the end the Commissioner came up with 18 recommendations. By re-monitoring the official websites, a large part of them updated the missing information, where in particular, for HEIs it contained more detailed data on:

- the academic senate, the rector and the rectorate;
- the academic staff assembly, permanent commissions or ethics council;
- the administration board, the administrator;
- scientific research centers and Erasmus+;
- university health structures;
- information on admission fees, scholarships and tuition fees.

In this way, it is even easier for students and all interested parties to get detailed information about the services offered by HEIs, affecting the reduction of the number of requests or their presence at the physical counters. However, in order to strengthen the culture of transparency, in the light of technological developments, these public authorities are required to continue to reflect in the transparency program even those categories/types of information that are not provided by the law “*On the right to information*”. A transparent and accountable higher education institution contributes to improving the educational and social level of the entire community.

III.2 Proactive Transparency Indices

The Office of the Commissioner, for the fourth year in a row, carried out the annual monitoring of public authorities, drawing up 2 transparency indices, for Central and Dependent Institutions and Local Self-Government Units, for measuring the level of proactive transparency. In contrast to previous years, all public authorities are included and monitored in these indices, according to the defined methodology.

III.2.1 Proactive Transparency Index of Central and Dependent Institutions

The level of proactive transparency was verified for 242 institutions of the categories: independent, central and dependent, of the justice system, public companies where the state owns the majority of shares, HEIs, as well as professional orders. The measuring system used in this monitoring refers to 10 main indicators, which assess the functional level of proactive transparency. The total number of indicator evaluation points is 10 (ten), where

based on the following indicators, the total evaluation amount for each institution is calculated:

- publication of the transparency program;
- publication of the authority structure publication;
- publication of the functions and duties of the public authority;
- publication of the Head's CV;
- publication of legislation;
- data of the coordinator for the right to information;
- publication of audit and monitoring reports (e.g. SAI reports, or internal audit reports);
- publication of budget data for the financial year 2023;
- publication of the register of public procurement forecasts for 2023;
- the register of requests and responses updated during 2023.

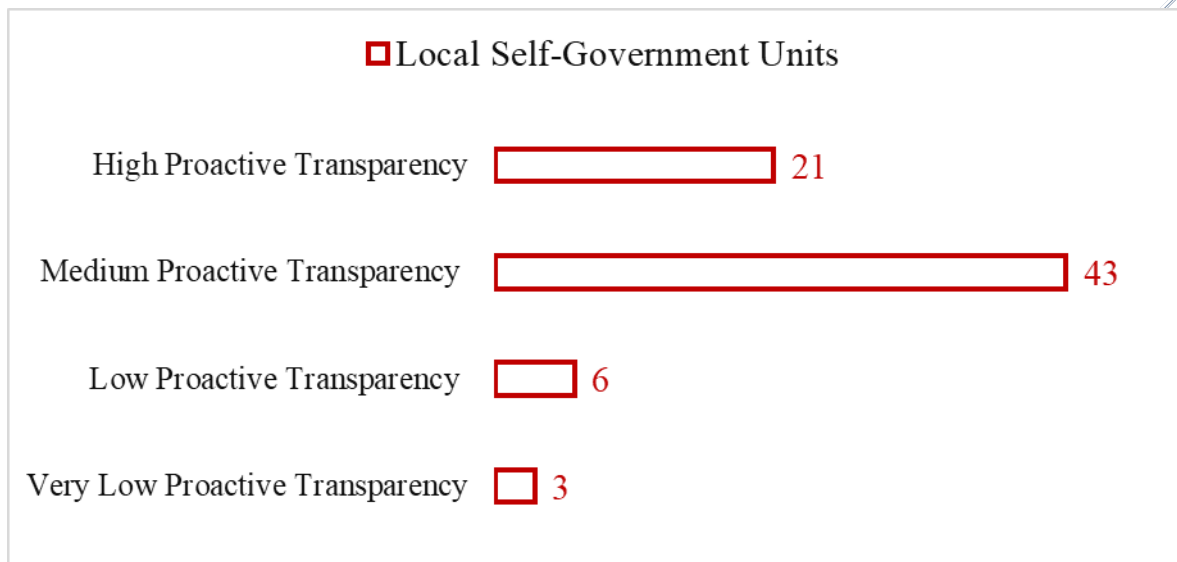
At the end of this monitoring, we note that 92 PAs were classified with high proactive transparency, 125 were classified with medium proactive transparency, 21 were classified with low proactive transparency and 4 were classified with insufficient proactive transparency. Analyzing the figures with the previous year, an increase in the number of PAs included in the first group with high performance is found, from 12% to 38% in relation to the total.

III.2.2 Proactive Transparency Index of Local Self-Government Units

In this monitoring, 61 local self-government units and 12 region councils were included, where the measuring indicators of proactive transparency of central institutions were used for the latter. Whereas, for the monitoring of LSGUs, the measuring system of 10 main indicators was implemented, as follows:

- publication of the transparency program;
- publication of municipal council decisions;
- publication of the Head's CV;
- publication of the structure;
- publication of audit and monitoring reports;
- publication of the PBA and the register of public procurement forecasts;
- data of the coordinator for the right to information;
- publication of legislation;
- the register of requests and responses updated during 2023;
- the coordinator for notification and consultation with the public.

At the end of this monitoring, it turned out that 21 LSGUs were classified with high proactive transparency, 43 were classified with medium proactive transparency, 6 were classified with low proactive transparency and 3 were classified with insufficient proactive transparency.



They estimate an increase in the number of LSGUs included in the first group with high proactive transparency, from 21% during 2022 to 29% for 2023, in relation to the total, which also marks the most obvious improvement made by previous monitoring.

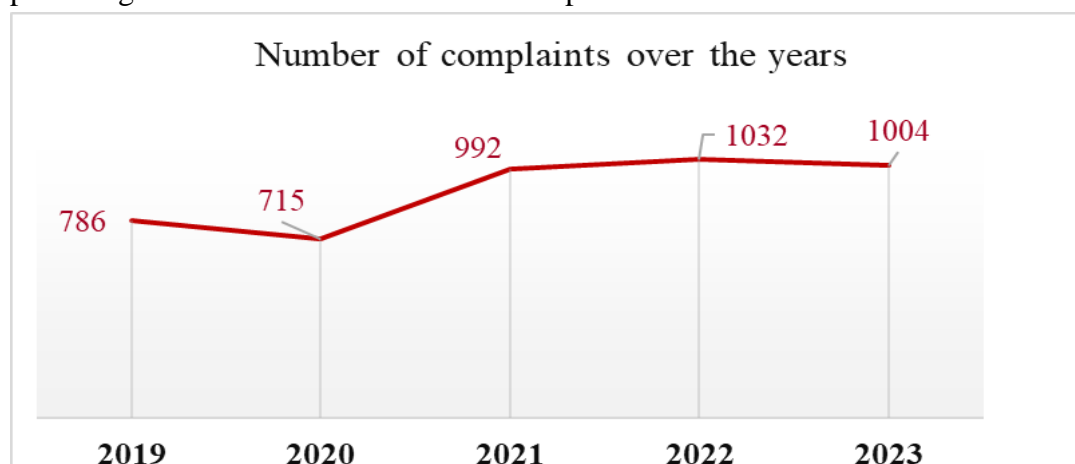
Both of these reports are published on the official website of the Office of the Commissioner and can be consulted at the link <https://idp.al/raporte-monitorimi-2023/>.

III.2 SUPERVISORY PROCESS

III.2.1 Handling of complaints

The Office of the Commissioner administered 956 complaints for 2023, as well as continued the administrative review of 48 procedures carried over from 2022 (a total of **1004** complaints). These figures show a slight decrease in the number of complaints for the last 2 years, which reflects the tendency to improve the proactive transparency of public authorities.

In nominal figures, 291 complaints were filed against the LSGUs and 665 complaints against other PAs. It turns out that the specific weight of complaints for non-provision of information continues to lean towards LSGUs in relation to other PAs, even though this percentage is lower compared to 2022 and 2021.

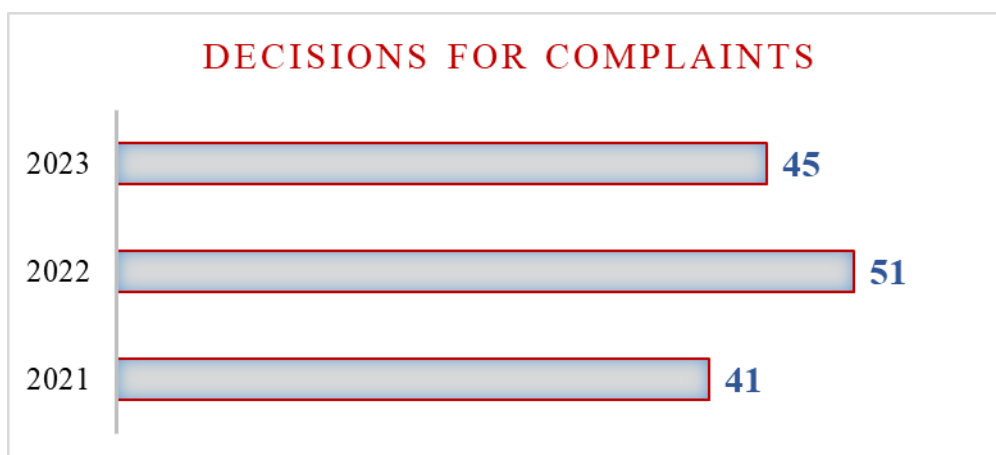


Referring to the administered data, as far as they can be identified, the submitted complaints are grouped into four categories, according to the chart below.

	2021	2022	2023
Journalists	409	456	395
Citizen	322	343	367
CSO	231	196	171
Lawyers	30	37	23

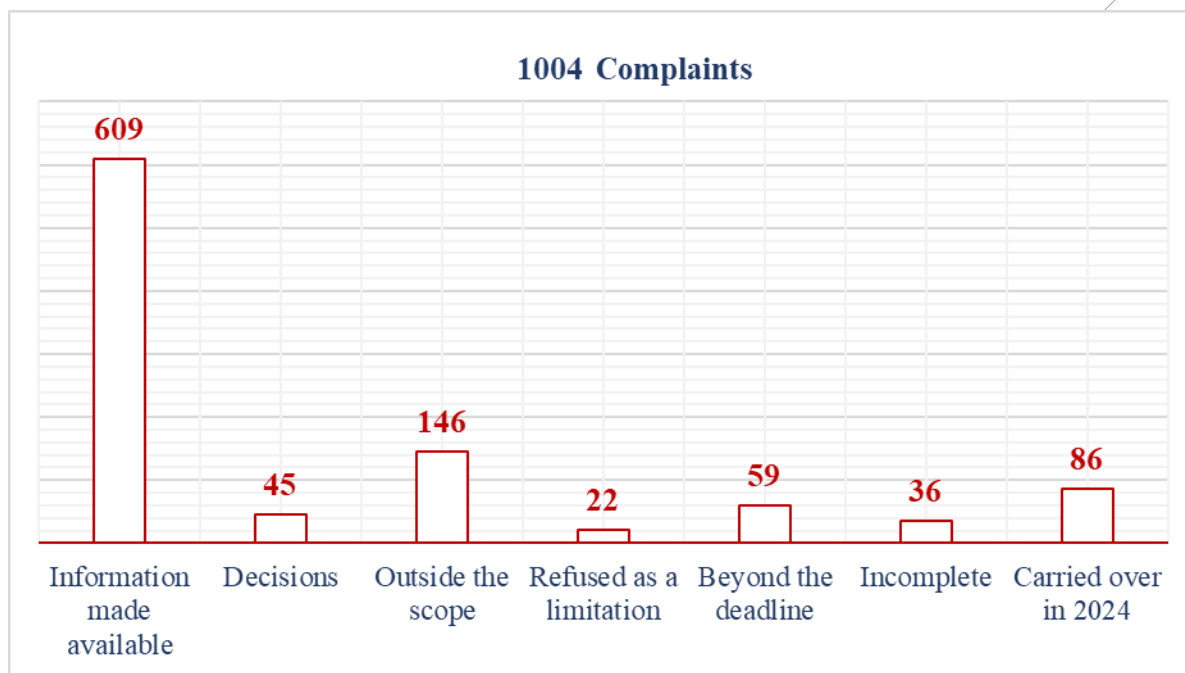
III.2.2 Decision making

From the total of 1004 complaints, for 609 of them the requested information/documentation was made available to the complainants, during the administrative investigation process by the Office of the Commissioner. Also, the institution made 45 decisions for 46 complaints. From these decisions, 41 decisions were given to issue information, 3 decisions to overturn, and 1 decision with administrative sanction.



Meanwhile, 146 complaints have resulted outside the scope, about issues of an individual nature, or are handled by other specific laws. This figure represents 14% of the volume of submitted complaints, and there is a decrease compared to last year, when this category represented 20% of the total. The Office of the Commissioner finds improvement in relation to the understanding of the legislation in this field by information seekers - citizens, civil society organizations and the media. This fact should encourage even more efforts/awareness forms to clarify the difference between a request for public information and that of a personal nature, a request for giving an opinion, or for a media statement (interview).

In addition, 22 complaints were rejected based on the limitations of the law, 59 complaints were submitted beyond the deadline, 36 were incomplete, and another 86 were carried over for review in 2024. As part of the administrative review process for filed complaints, 30 inspections to public authorities and 45 hearings were held.



Citizens or interest groups focused their search for information/documentation on state budget funds, public-private partnerships/concessions, procurement, environment, cultural heritage, territorial planning, economic aid, judicial decisions, statistical data on the activity of public authorities, etc. Among the main issues verified by the review of complaints, we mention the following:

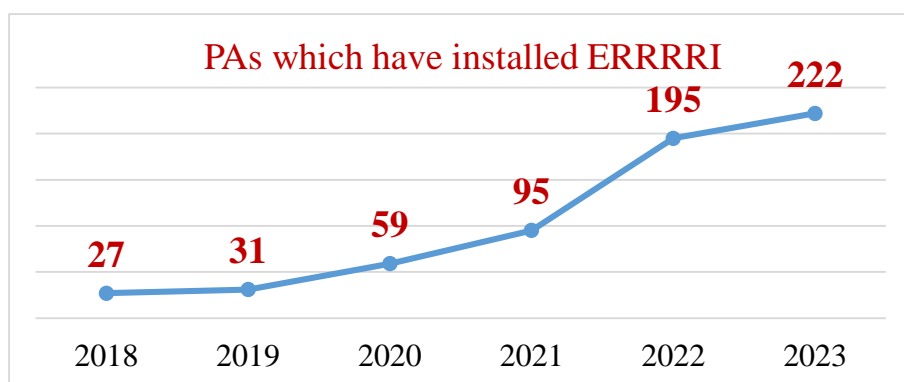
- i. Ambiguity from the PA regarding the copyright of subjects who participate in an administrative procedure. These cases are not handled in accordance with the provisions of Article 17 or the specific legislation that regulates copyright;
- ii. PAs refuse to make available the requested information, claiming damages that can be caused to the Albanian state by third parties (processes that can be attacked in court/arbitration);
- iii. In public contracts, confidentiality provisions continue to be provided for the information/documentation related to them, and in case of non-implementation, sanctions are provided for the PA;
- iv. Applicants continue to use the provisions of the law beyond its scope and purpose for administrative issues/practices of an individual character, such as: access to personal data, documentation related to building permits, ownership, recruitment procedures, etc.;
- v. There are continuous complaints from lawyers for access to the standardized documentation, which serves as evidence in court proceedings, thus bypassing the law on advocacy, or the Code of Administrative Procedures;
- vi. There are continuous requests in the form of questions or statements in the media addressed to public authorities/leaders in excess of the purpose of the law.

Like every year, the list of administered complaints is published on the official website of the Office of the Commissioner and on the *pyetshtetin.al* portal, as a function of transparency for the public, which can be easily consulted by citizens or interest groups.

III.3 ELECTRONIC INSTRUMENTS

The Electronic Register of Requests and Responses for the Right to Information (ERRRRI), established according to DCM no. 145/2018, enables the exercise of the right to information upon request and eventually to complain to the Office of the Commissioner. This way ensures the direct involvement of the coordinator and guarantees the traceability of the process, leaving no room for abuse and/or avoiding the fulfillment of legal obligations.

During 2023, ERRRRI was installed in 27 new authorities, bringing the number of PAs to 222, from 195 at the end of 2022. Regular trainings were held with coordinators on how to use it. In the meantime, the Office of the Commissioner in cooperation with NAIS has continued the work to maintain the information request and complaint service through the unique government portal AMS/e-albania. This system is functional for 163 public authorities and helps citizens, as an alternative way to get information of a public nature.



III.4 OPEN DATA AND REUSE OF INFORMATION, NOTIFICATION AND PUBLIC CONSULTATION

Public sector information constitutes an extraordinary source of data that can contribute to the improvement of the economy and the internal market. Their further processing can have a transformative effect and bring significant benefits to society, especially, in the creation of services and the opening of suitable and high-quality jobs. Law no. 33/2022 “*On open data and reuse of public sector information*” entered into force in April 2023, tasking the Office of the Commissioner with the competence of promotion, protection and oversight of this right. For this purpose, a dedicated sector operates in the organic structure of the institution. In cooperation with the Ministry of Infrastructure and Energy (MIE) and the National Agency of Information Society (NAIS), the authority is engaged in the process of drafting bylaws. At the same time, work continued on identifying open data that public sector bodies have in existing documents or that they generate newly and their publication according to the required standards. On the other hand, the Office of the Commissioner is focused on increasing the awareness of PAs, as an important process not only in the technical aspect, but also for the added value in the economy that the implementation of this law will bring.

Another competence assigned to the supervisory authority is the review of complaints arising from Law no. 146/2014 “*On notification and public consultation*”. This is a process that enables the participation of citizens from the drafting stage of draft acts of a national or local nature, as well as policies of high public interest. During 2023, no complaints from interested parties were administered, but there were administrative practices/written communication with institutions or interest groups.

IV. PROTECTION OF PERSONAL DATA

The Office of the Commissioner plays a key role in consolidating the culture of respecting the basic rights and freedoms of citizens, since the protection of personal data and their privacy is primary and necessary in the conditions of technological progress. In both the public and private spheres, significant changes are taking place in the way individuals interact or socialize, influenced by the digitization of services in an increasingly global economy.

The role of the Office of the Commissioner extends in three directions: awareness, monitoring and supervision, and during this year intensive activity was carried out in fields and sectors that process categories and large amounts of personal data, with a high impact on the privacy of the individual. Cooperation in the *citizen-controller-supervisory authority* triangle is essential for the processing processes to be developed responsibly and transparently, in order to guarantee this right. Processing processes related to modern technology highlight the importance of the security aspect of personal data, especially when the risk of cyber-attacks is evident and threatening in their illegal spread. This situation has also been a factor for the authority to guide controllers in the implementation of appropriate technical-administrative measures, especially in Information Security Management Systems (ISMS).

On the other hand, this supervisory activity is also exercised, focusing on the obligation of controllers to implement the most modern standards, as a result of the alignment of national legislation which will take place soon with the European one - GDPR and the Police Directive.

In this perspective, importance has also been attached to the consolidation of the background of the Personal Data Protection Officer (DPO). Its role is essential within the organizational structure of the controller/processor, so that the latter can implement legal obligations and guarantee the rights of the subject of personal data/citizen. This new approach has materialized through the creation of a special communication network between the Office of the Commissioner and the DPOs of the various controllers that exercise their activity in the Republic of Albania. The technical aspect of this relationship is the operation of the Register of Personal Data Protection Officer, which at the end of 2023 contains the data of 435 DPOs, both public and private controllers, from fields and sectors such as: that of telecommunications, banking and finance, insurance, health, education, tourism, etc.

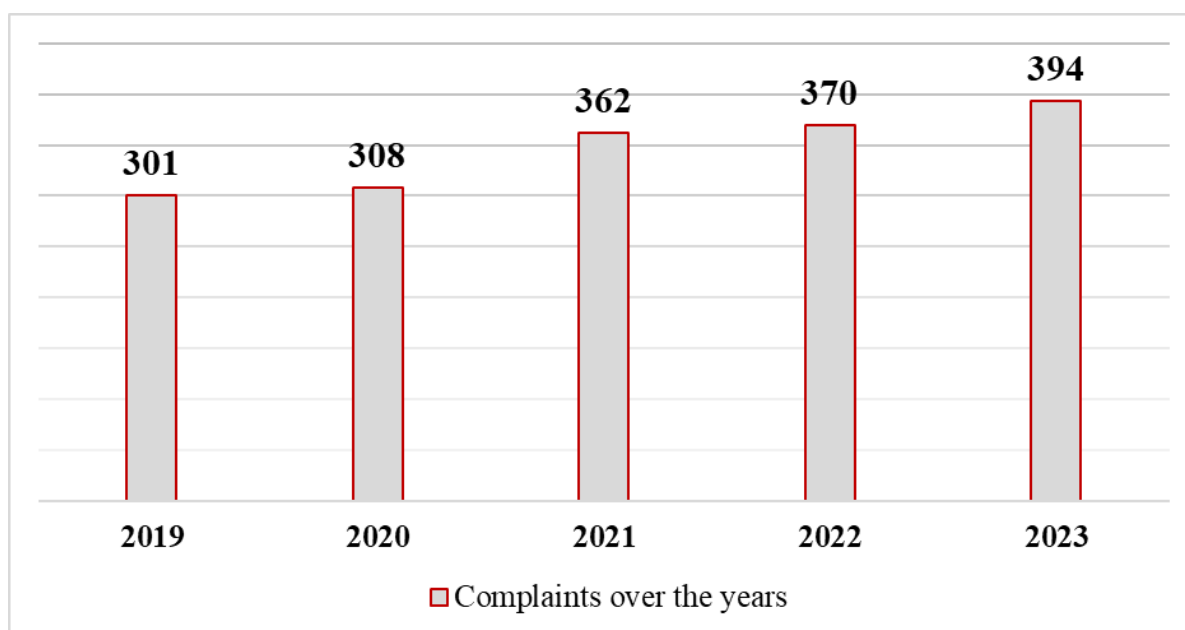
It remains important to understand the importance of the role of the Personal Data Protection Officer, since, among other things, his appointment will constitute one of the main obligations of the modernized legislation in this field, which continues to be under process. In view of the process of integration of the country into the EU and the concrete situation where the controllers operate in the processing of personal data, it is necessary to finalize the new legislation as soon as possible. The Office of the Commissioner continues to encourage all actors and factors involved in this process to speed up the procedures for its approval.

IV.1 MONITORING AND OVERSIGHT

IV.1.1 Handling of complaints

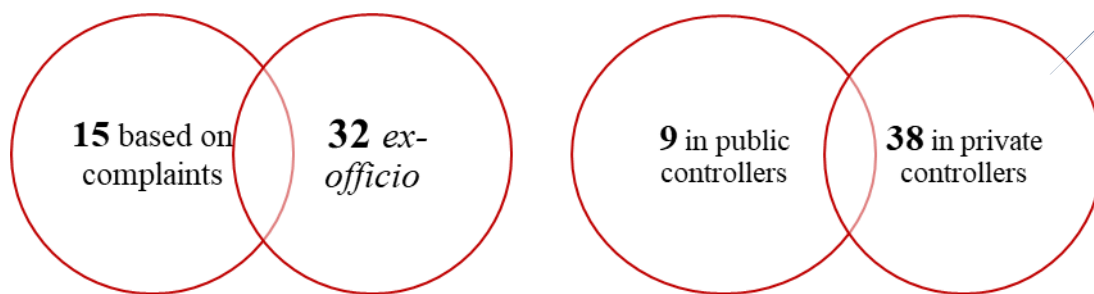
During 2023, 394 complaints from citizens were administered, confirming once more the understanding of personal data subjects/citizens about the importance of protecting this fundamental right. From the assessment of the object of complaints, we mention the following main typologies:

- *illegal dissemination of personal data;*
- *exercising the right of access for correction/deletion of personal data;*
- *direct marketing in relation to unsolicited communications;*
- *provision of services by notary offices.*



IV.1.2 Administrative investigation

The Office of the Commissioner carried out 47 administrative investigations in different controllers, of which 32 on the institution's initiative – *ex officio* and 15 investigations were carried out for the verification of citizens' complaints. 9 administrative investigation procedures were carried out in public controllers and another 38 in private controllers. Part of this process is also the development of 37 hearings with the involved parties.



The main sectors where administrative investigation procedures took place are:

- *non-banking financial sector;*
- *education sector;*
- *the real estate administration and mediation sector;*
- *postal services sector;*
- *direct marketing sector;*
- *law enforcement bodies (in process), which includes the prosecution system - in function of the Cooperation Agreement with Eurojust; as well as the General Directorate of the State Police.*

IV.1.2.1 Administrative investigations in implementation of the Resolution of the Assembly

Pursuant to the Resolution of the Assembly for 2023, administrative investigations were conducted:

- *with the thematic object on the implementation of technical-organizational measures for the safe processing of personal data, in particular, for information security management systems (ISMS).*

Digitalization of services has automatically increased the number of processing processes by controllers, both in the public and private sectors of the economy, simultaneously expanding the categories/types of personal data processed through ICT systems. This supervisory activity is based on the verification of compliance with the principles and legal criteria governing the processing of personal data, where the purpose of SMSI is to prevent their illegal dissemination.

This complex of measures (SMSI) is based on the identification, analysis and mitigation of risks associated with the security of personal data, taking into account ICT systems for data processing, manual forms of processing, physical security of environments, personnel and equipment. In particular, ICT standards must guarantee:

- i. *"confidentiality"* -that personal data are accessible only to authorized persons;
- ii. *"integrity"* -that the data are accurate, complete and maintaining their processing methods;
- iii. *"availability"*- to create access to the authorized user to the data and the processing systems;
- iv. *"reliability"* -that every activity/action on the data is traceable and controllable.

Also, it is necessary for SMSI to include a set of binding rules and documents for controllers, such as Personal Data Impact Analysis, Information Security Policy, Data Archiving System Control, as well as provide ongoing personnel training. Taking into account this object, administrative investigations were conducted in:

- *non-banking financial sector*, 3 inspections conducted in private controllers, at the end of which, the Commissioner issued 1 Report and 2 Recommendations;
- *administration and mediation of real estate sector*, 9 inspections were conducted in private controllers, at the end of which, the Commissioner issued with 4 Recommendations and 2 Decisions.

Regarding the other recommendation of the Resolution, were conducted administrative investigations:

- *with the thematic object on compliance with some legal obligations, such as: informing and obtaining consent from citizens, notification in the Electronic Register of Controllers, security measures, etc., applicable to both public and private controllers.*

Each controller/processor is obliged to implement the legal provisions aimed at guaranteeing citizens a higher control over their personal data. This relationship is crucial for the practical exercise of the right of access, requesting blocking, correction and deletion of personal data or addressing a complaint to the Office of the Commissioner in case of non-fulfillment. In this regard, administrative investigations were conducted in:

- *in the education sector*, 13 inspections, mainly in private controllers, at the end of which the Commissioner issued 2 Reports, 1 Order to delete personal data (photos/videos of children published on social networks), 5 Recommendations and 5 Decisions;
- *in the direct marketing sector*, 10 inspections in private controllers, at the end of which the Commissioner issued 5 Reports, 1 Recommendation and 4 Decisions;
- *in the postal service sector*, 7 inspections (4 in the public controllers and 3 in the private controllers), at the end of which the Commissioner issued with 2 Recommendations and 2 Decisions.

Some of the main problems identified during this administrative activity are as follows:

- controllers do not have specific regulations for the processing, collection, storage and security of personal data;
- specifically, controllers have no strategy or plan for SMSI, which should include all components of a comprehensive information security management system;
- controllers fail to clearly inform data subjects about the purpose and manner of their data processing (through the official website, or various forms they apply, the use of CCTV, etc.), the person processing the data, the legal rights that they enjoy, or the term of data retention;

- the controllers have not taken the appropriate measures to guarantee the confidentiality of the data being processed;
- controllers do not have a specific storage period of personal data;
- controllers fail to respect the obligation to notify and/or update the Office of the Commissioner, whenever processing processes or categories of personal data are added;
- controllers fail to foresee obligations in accordance with the relevant legal norms regarding delegation of processing processes to third parties (in the capacity of processor);
- controllers do not pay attention to the necessity of continuous training of employees who have access to personal data and supervise the processing processes.

The Office of the Commissioner, assesses as a whole, that there is a need for controllers to demonstrate a more robust commitment to deepening their knowledge of legislation in this field, particularly in aligning with European standards, in order to fully guarantee the rights of the citizens.

IV.1.2.2 Other administrative investigations

In addition to the above, importance has also been given to legal supervision for controllers who administer important state databases, with a large content of personal data. Administrative investigations aimed at verification of processing, storage and security of personal data, were conducted in the following controllers:

- a. Ministry of Finance and Economy for the management of the AFMIS system and other databases;
- b. Educational Services Center (ESC) for managing the SMIP system;
- c. as well as the Aleat company.

Among the main issues identified during the administrative investigations carried out by the above-mentioned controllers include:

- access to the AFMIS database by administrative users through personal (citizen) accounts created for the purpose of benefiting from the services offered on the unique e-Albania government portal;
- MoFE has not taken measures in accordance with legal principles and criteria, for the processing of user data during authentication in the AFMIS system;
- access to the SMIP database by administrative users through personal (citizen) accounts created for the purpose of benefiting from the services offered in the unique e-Albania government portal;
- ESC fails to demonstrate full control over personal data processed through SMIP, as well as to determine the necessary technical and organizational conditions for the fulfillment of obligations by processors;
- ESC has not taken appropriate measures, regarding the exercise of powers in the capacity of the controller, as well as the assignment of obligations in the written contract with the processors;
- the ALEAT controller fails to inform data subjects about the premises where the CCTV camera system is installed;

In conclusion, the Commissioner issued 3 Recommendations for these controllers.

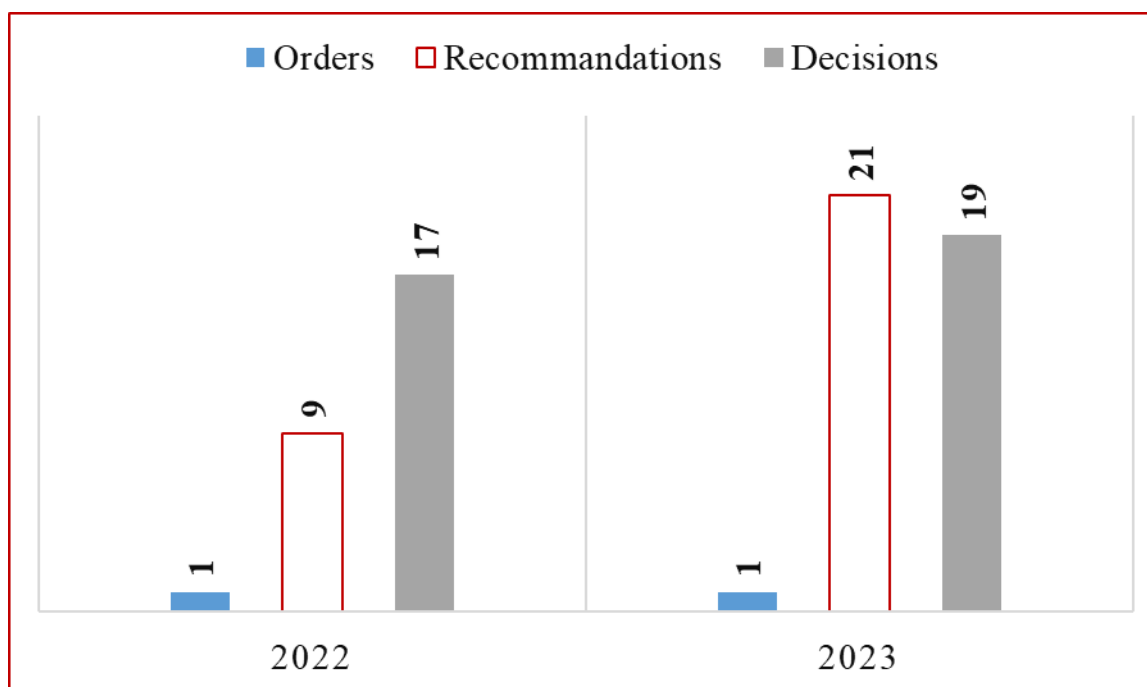
IV.1.2.3 Investigations for monitoring the implementation of previous decision-making

In the framework of the verification of the implementation of measures in the previously issued decisions of the Commissioner, nine administrative investigations were conducted on private controllers. At the conclusion of this process, administrative sanctions were imposed on four of them for failing to fulfill obligations such as: lacking a regulatory basis for legal data processing, failure to guarantee the rights of data subjects/citizens, and lacking appropriate technical and organizational measures for data security. Whereas, for the other controllers, it was determined that obligations were met within the specified deadlines, indicating a positive awareness of the importance of protecting citizens' personal data.

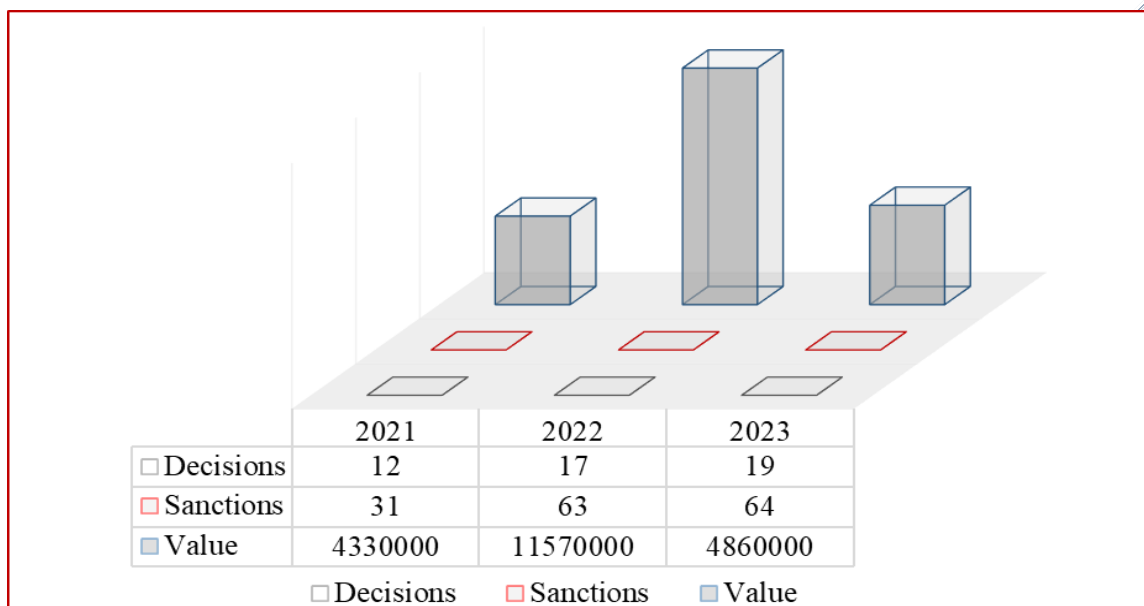
IV.1.3 Decision-making

In summary figures for 2023, the Commissioner issued:

- ✓ 1 Order;
- ✓ 21 Recommendations;
- ✓ 19 Decisions, resulting in 64 administrative sanctions.



The approach of the Office of the Commissioner, even through these acts, primarily aims to raise awareness among controllers/processors regarding the methods, forms, and approaches to guarantee this fundamental right and freedom of the individual. Technological development highlights the necessity of increased investments, not only for improving services, but also for implementing measures to protect data during their provision.

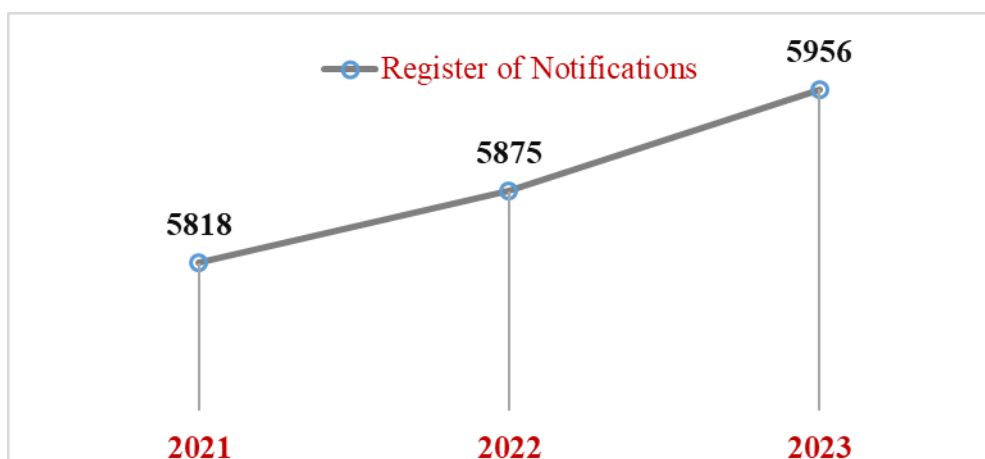


IV.2 INTERNATIONAL TRANSFERS

The Office of the Commissioner reviewed 12 cases of transfer authorizations to several countries with inadequate personal data protection, primarily from the banking sector. However, controllers are now focused on fully implementing the regulatory framework to ensure the fair and legal processing of individuals' personal data, especially when such processing is requested outside the territory of the Republic of Albania. Following evaluation, the authority concluded that these cases did not qualify for transfer authorization of personal data.

IV.3 REGISTER OF NOTIFICATION

In fulfillment of the legal obligation, 121 controlling entities provided notification about their processing of personal data. Of these, 81 were registered for the first time and the remaining 40 updated/changed the status of the previous notification. At the end of 2023, the total number of controlling entities registered in the Register of Notifications of Controllers, as 5956.



V. THE ROLE OF THE OFFICE OF THE COMMISSIONER IN THE DOMESTIC CONTEXT

The Office of the Commissioner, in the capacity of an independent institution overseeing the implementation of legislation safeguarding fundamental rights and freedoms, maintains a constant commitment and fruitful cooperation with the Assembly of Albania and other public/state administration institutions. This ongoing interaction is vital not only for fostering a culture of administrative communication but also for achieving the authority's objectives in its two main areas of responsibility.

V.1 RELATIONS WITH THE ASSEMBLY OF ALBANIA

V.1.1 Implementation of the Resolution

The annual reporting process to the Assembly concluded with the approval of the "*Resolution for the assessment of the activity of the Commissioner for the Right to Information and Protection of Personal Data for 2022*". In this document, the legislative institution provided positive evaluations for the achievement of the objectives of the Commissioner's Office, as well as made relevant recommendations for 2023.



At the regulatory level, the Assembly reiterated the necessity to conclude procedures for the approval of the legal framework in alignment with the objectives of the institution's activity. Regarding the right to information, these recommendations aimed at deepening supervision and monitoring of law enforcement, enhancing proactive transparency of public authorities by verifying the implementation and updating of the Transparency Program and the Register of Requests and Responses. Additionally, they encouraged the installation of the Electronic Register of Requests and Responses for the Right to Information in as many public authorities as possible, leveraging the integration offered by AMS/e-Albania.

Regarding the area of responsibility for protecting personal data, the Assembly recommended monitoring the legal processing of data by public controllers, with a focus on the activity of the law enforcement authorities, as well as in the private sector of non-banking financial services, real estate brokerage, or thematic monitoring of controllers in postal service, direct marketing, and education sectors regarding the implementation of specific legal obligations (information/consent/notification/security measures, etc.).

In terms of promotion and awareness, recommendations included expanding the network of data protection employees and enhancing their professional capacities to fulfill legal obligations, cooperation with citizens and interest groups to raise awareness about the modernized legal framework in both fields of institutional activity and incentivizing its implementation in practice.

Finally, in the framework of international cooperation, the Assembly recommended playing an active role in fulfilling the function of the member of the Executive Committee of the International Conference of Information Commissioners and in other organizations where the Office is a part, as well as taking preparatory measures for the successful realization of the 15th edition of the ICIC Conference in Tirana.

Finally, in terms of international cooperation, the Assembly recommended the continuation of playing an active role in fulfilling the function of a member of the Executive Committee of the International Conference of Information Commissioners and other relevant organizations where the Office is involved, as well as taking preparatory measures for the successful realization of the 15th edition of the ICIC Conference in Tirana.

All these recommendations and requests have been fully implemented, and their progress is reflected in this report.

V.1.2 The role of the institution in the activity of the Assembly

The Office of the Commissioner has demonstrated continuous, active, and high-quality commitment in addressing the issues reviewed by the Assembly, particularly those related to its areas of responsibility, aimed at achieving contemporary regulatory standards in safeguarding the rights of citizens.

In the framework of the review process of changes/improvements to the law on the right to information, the institution participated in the meetings of the Commissions for Legal Affairs, Public Administration and Human Rights, Committee on Economy and Finance, as well as the National Security Committee. The Assembly approved in the plenary session on September 21, 2023, Law No. 78/2023 *"On some additions and changes to Law No. 119/2014 "On the right to information"*.

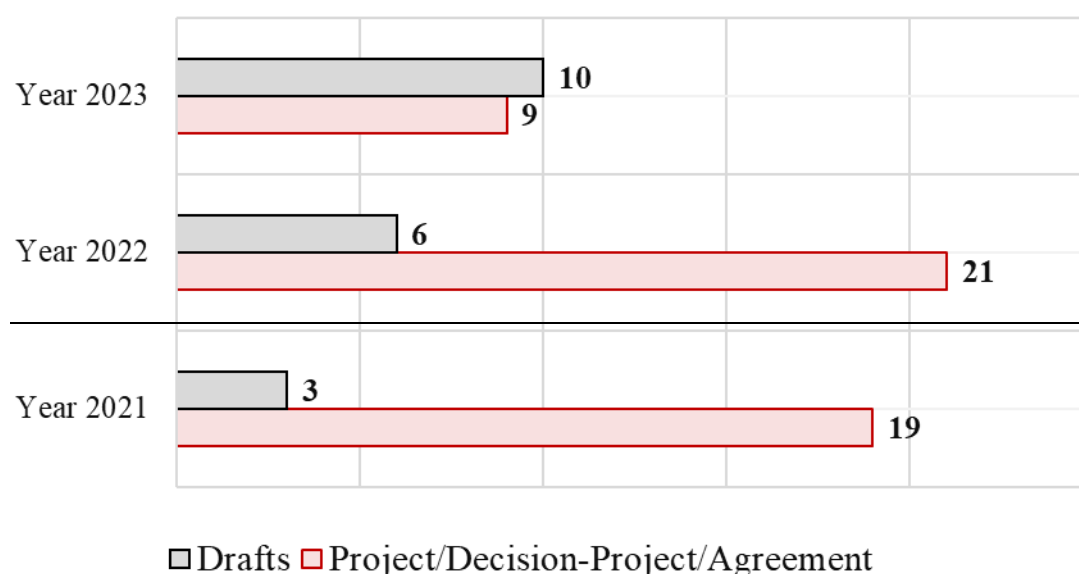
The Commissioner played an active role in discussions during meetings of the National Council of European Integration, emphasizing the significance of the institution's areas of responsibility in advancing the EU integration process.

All the obligations stipulated in the Assembly Decision No. 134/2018 in terms of periodic reports on the level of implementation of the Resolution, as well as the progress made in implementing the Commissioner's Decisions and Recommendations for public controllers have been followed and fulfilled.

V.2 COMPLIANCE OF REGULATORY ACTS WITH PERSONAL DATA PROTECTION LEGISLATION

The constant approach of the Office of the Commissioner to align the national regulatory framework with that of personal data protection is not only a legal obligation, but also a crucial practice for safeguarding this fundamental right by public controllers (institutions/bodies). Throughout 2023, the Office provided opinions on 16 legislative and regulatory acts, as well as 30 opinions on issues/projects presented by public or private controllers. This activity is guided by the objective of implementing GDPR standards in Albanian legislation, with a particular emphasis on principles such as accountability, integrity, confidentiality, and data security.

The data presented in the table below indicate a noticeable trend over recent years, highlighting an increasing awareness among public controllers regarding the compliance of specific legislation with principles of personal data protection, particularly when these acts involve data processing activities.



This effort to harmonize legislation considers the need to balance social changes/transformations and technological advancements while upholding individuals' fundamental rights. Among the significant draft-acts for which opinions were provided in 2023, please refer to the following link: <https://idp.al/viti-2023-dhenie-mendimi-per-projekt-aktet/>.

VI. THE ROLE OF THE OFFICE OF THE COMMISSIONER IN INTERNATIONAL RELATIONS

Since its establishment of the institution, the Office of the Commissioner has expanded its commitment and role within the framework of international participation, initiatives, and processes, marking a significant dimension of its activity.

VI.1 THE EUROPEAN INTEGRATION PROCESS

Albania's membership in the European Union is a national strategic objective. The Office of the Commissioner, as part of the Chapter "*Political criteria*", Reform in Public Administration, Chapter 23 "*Judiciary and fundamental rights*", Functioning of Democratic Institutions and Chapter 10 "*Information Society and media*", has given its contribution in all stages of the process of opening negotiations. This progress summarizes a set of activities, reports, collaborations and meetings, which in response to the challenges of integration, aim to achieve within the medium-term and long-term strategic objectives which enhance the development of democratic institutions, transparency in decision-making process at all levels, as well as strengthening the rule of law.

VI.1.1 Screening process of the alignment of legislation with the EU *acquis*

The European Commission Screening Report (Albania Screening Report), published in July 2023, marked the conclusion of the screening process for aligning legislation with the *acquis communautaire*. In relation to the responsibilities of the Office of the Commissioner, this report highlights the following:

CHAPTER "REFORM IN PUBLIC ADMINISTRATION"

- *"The future legislative framework for access to public information should strengthen the powers of the Commissioner for the Right to Information and Protection of Personal Data by providing mechanisms for the implementation of decisions and the mandate to carry out comprehensive inspections. Additionally, the role of coordinators for the right to information within public authorities should be strengthened"*.

CHAPTER 23 "THE JUDICIARY AND FUNDAMENTAL RIGHTS"

"Fundamental Rights" section - General Framework

- *"It is of particular importance to strengthen the capacity of independent human rights bodies, including People's Advocate, the Commissioner for Protection from Discrimination and the Commissioner for the Right to Information and Protection of Personal Data"*.

"Personal data protection" section

- *"Albania needs to align the Law on the Protection of Personal Data with the General Regulation of the European Union for the Protection of Personal Data (GDPR) 2016/679 and with the Police Directive 2016/680;*
- *the law should ensure the organizational autonomy of the Commissioner for the Right to Information and Protection of Personal Data, and empower him to adopt binding decisions;*

- *in terms of law enforcement, the capacities and powers of the Commissioner must be enhanced to efficiently cope with the new responsibilities arising from the law that is expected to be adopted;*
- *awareness of the right to protection of personal data, as a fundamental right, is still at low levels among both public institutions and the general public".*

VI.1.2 Roadmaps

Following the conclusion of the Screening process and the analysis of current the legal acts and the current capacities of the institutions and actors involved, political and strategic documents have been approved outlining key measures to address the findings of the EC Review Report for Albania:

- Roadmap to the Rule of Law - Chapter 23 "Judiciary and fundamental rights" (DCM No. 736, dated 13.12.2023);
- Roadmap for Public Administration Reform (DCM No. 737, dated 13.12.2023).

The Office of the Commissioner, based on these acts, has foreseen concrete measures and activities for the fulfillment of the recommendations provided by EC Review Report for the period 2024-2030.

VI.1.3 European Commission Progress Report

The European Union continues to emphasize the necessity of adopting legislation for the protection of harmonized personal data, enhancing the independence and powers of the Commissioner, as well as raising awareness to guarantee respect for this fundamental right, particularly among public institutions. These recommendations have been consecutively addressed in the two EU Progress Reports for Albania for 2022 and 2023, where it is cited:

2022

"Enhancing data protection, in particular by adopting the revised law on the protection of personal data, in accordance with the EU General Regulation on the Protection of Personal Data, by strengthening the Office of the Commissioner for the Right to Information and Protection of Personal Data, raising awareness, including public institutions."

2023

"Improve data protection, in particular by adopting the revised Law on personal data protection in full alignment with the EU acquis, by strengthening the independence and capacity of the Information and Data Protection Commissioner, and by awareness raising measures."

The *aforementioned* recommendations, as far as they are within the legal scope of the institution, have been fulfilled through the implementation of the following measures, among others:

- *Playing an active role in finalizing the approval procedures of the draft Law "On the protection of personal data," aligned with the GDPR and the Police Directive.*
- *Conducting ex-officio sectoral investigations for public controllers regarding the implementation of obligations outlined in legislation for the protection of personal data.*
- *Organizing awareness activities with public and private controllers across various fields and sectors.*
- *Monitoring the implementation of acts previously issued by the Office of the Commissioner.*

VI.1.4 Periodic reports in the framework of the integration process

The technical commitment of the institution towards the EU integration process includes:

- active participation in the Inter-institutional Working Groups for European Integration (IWGEI) pertaining to the above-mentioned chapters;
- participation in the EU-Albania bilateral meeting for Chapter 10 "*Information society and media*", featuring a Presentation "*On the regulatory framework on open data and the reuse of public sector information*";
- preparation of information on the activity of the institution in the framework of drafting and submitting contributions I, II and III of the Albanian government to the European Commission's Report on Albania for 2023;
- preparation of information on the activity of the institution within the framework of the 14th EU Subcommittee "*Justice, Freedom and Security*" meeting;
- preparation of information on the activity of the institution within the framework of the meeting of the Public Administration Subcommittee (PAR-Special Group);
- preparation of the contribution to the National Plan for European Integration 2024-2026;
- preparation of the contribution to the National Program for the European Union Accession (NPEUA) 2024-2030;
- preparation of information within the European Integration Semester Package (EISP) 2024;
- preparation of contributions addressing additional questions within the relevant chapters for the report of the second assessment cycle of Albania on the implementation of "*The United Nations Convention Against Corruption*" (UNCAC).
- preparation of contribution and information on additional questions within the preliminary findings of the "*Competitiveness Outlook 2024*" Report of the OECD.

VI.2 EU Peer Mission Review

The Office of the Commissioner was one of the independent Albanian institutions selected for audit within the EU Peer Mission Review. Its purpose was to identify administrative capacities, specifically, the legal regulation of status, financial autonomy, staff recruitment or the decision-making process; relations with the legislative and executive powers; as well as the perception of the public's trust in institutional independence. Following this process, the Peer Mission Review drew up the Report. Some of the main findings of the report are presented below:

“The legal framework explicitly provides for the independent operability of the Information and Data Protection Commissioner, excluding the power to determine the organizational structure (autonomy to independently create the organizational structure). The legal framework anticipates the necessary means to ensure both rights. However, there are some issues when it comes to the effective implementation of recommendations rendered.”

Following the above, EU experts have underlined that:

Under Article 37 of the Law No. 9887/2008, the Assembly determines the organizational structure of the Commissioner. Such practice does not fall in line with the international standards as it hinders the autonomy of the Commissioner.

The report contains positive evaluations regarding the professional performance of duties both by the Commissioner himself and by the staff, as well as the high reputation held by the office among the public and other institutions. However, it emphasizes that:

Concerning the capacities of the Commissioner, the current staff number is not complete in order to manage the workload and having new additions will be necessary having into account the upcoming legal changes. Given that the proper performance of duties in the field of data protection requires specialized legal and technological expertise, and while the remuneration for such profiles is relatively low in the public sector, the Commissioner should be given discretion to reward his professional staff members.

This Report in its entirety, once again, brings to attention the essential role of the Commissioner's Office in the Albanian institutional architecture, mandated for legal supervision to guarantee these two fundamental rights.

VI.3 PARTICIPATION IN INTERNATIONAL FORUMS AND NETWORKS

VI.3.1 International Conference of Information Commissioners (ICIC)

"Interaction between states: The global role of the right to information for the consolidation of democracy, inclusiveness and development" was the central theme of the 14th edition of the International Conference of Information Commissioners (ICIC). As the main annual meeting that brings together the community of professionals in this field, its focus was on

strengthening the transparency and integrity of public authorities. This activity was attended by representatives from over 85 member/observer authorities of the organization from all continents, as well as from partner organizations, the academic world, civil society, media, etc.

- The Office of the Commissioner has been selected as the organizer of the 15th edition of this forum, in 2024. The Commissioner, Mr. Besnik Dervishi hold a welcoming speech emphasizing the significance of hosting the conference in Tirana and the Western Balkan region for the first time. "We are guided by the common vision of promoting the exercise of the right to information and transparency in an increasingly interconnected environment. We believe that these values are essential for the development of democratic societies".

During the proceedings of Closed Session of ICIC, reports on the previous year's activities were presented, and the Annual Report was approved. Additionally, respective reports from Working and Regional Groups detailing developments in this field were provided. The Office of the Commissioner is actively involved in two Working Groups: "*Promotion of proactive transparency*" and "*Training*". Proposed amendments to the Johannesburg Charter were approved by the membership of the Conference, elections were conducted for new members of the Executive Committee for the 2023-2026 term, and progress in ICIC-UNESCO strategic cooperation was reviewed.

During the Open Session proceedings, the participants discussed important issues, such as: strengthening the role and activity of supervisory institutions, access to information as a response to the modern challenges of democracy, or the role of this right in promoting economic and social development. Moreover, other topics of interest were: transparent public procurements that affect the effectiveness of costs for the economy; misinformation, risks and use of artificial intelligence; as well as the comparison of different regulatory models and the need to improve/strengthen legal standards.

VI.3.2 Global Privacy Assembly (GPA)

The Global Privacy Assembly held its 45th edition with the motto "*Ripples, Wave, Current*", with the participation of representatives from 169 member/observer authorities. During the proceedings of the Closed Session, the following documents were approved, which will promote the strengthening of the regulatory base in this field:

- ✓ Resolution on artificial intelligence in employment matters;
- ✓ Resolution on generative artificial intelligence systems;
- ✓ Resolution for achieving global standards in the protection of personal data;
- ✓ Resolution on personal health data;
- ✓ Resolution on the protection of personal data with a gender perspective;
- ✓ Resolution on the establishment of the GPA library;
- ✓ Resolution on the "Prize for human rights and privacy".

The proceedings of this Session also focused on the discussion of the impact of technology and digitalization on the processing of personal data; improving governance and guaranteeing rights through the use of new technologies or strengthening international cooperation through

the exchange of best practices. The GPA membership discussed and approved the annual reports of the respective Working Groups of the organization, and 11 other authorities/organizations were accepted with full rights or with observer status.

During the Open Session, discussions focused on 9 different panels, addressing topics of significant interest to privacy professionals and beyond. Representatives from academia, civil society, businesses, and the media etc., participated in discussions on various subjects. These included strategies and policies for technology, challenges associated with the use of artificial intelligence within regulatory frameworks, enhancing interaction between data protection authorities and regulatory institutions in other fields, and the relationship between financial services and personal data protection. Other topics included risk assessment in data protection, international data transfer mechanisms, the importance of cooperation, as well as the need for authorities to take more action to ensure the highest standards of personal data protection.

VI.3.3 Cooperation with Eurojust

The Office of the Commissioner plays a crucial role in overseeing the implementation of obligations concerning the protection of personal data within the activities of Albanian prosecution structures, as outlined in the "Agreement on cooperation between the Republic of Albania and EUROJUST," ratified by the Assembly through Law No. 113/2018. This agreement mandates regular exchanges between the Office of the Commissioner and EUROJUST regarding its implementation and ongoing developments in in this field and the security of personal data. For this purpose, the Personal Data Protection Officer of EUROJUST and the Albanian authority are required to report to each other at least once a year.

To achieve this goal, the staff of the Commissioner's Office, along with representatives from the General Prosecutor's Office, took part in a study visit organized at EUROJUST's headquarters, facilitated by the EU TAIEX instrument. During this visit, experiences and best practices were shared with the counterpart Authority of the Kingdom of the Low Countries. The insights gained from this study visit will contribute to the drafting of the Annual Report in compliance with the provisions of this Agreement.

VI.3.4 Regional Cooperation

- In the framework of the implementation of the Cooperation Agreement between the Office of the Commissioner for the Right to Information and Protection of Personal Data and the Agency for Information and Privacy of Kosovo (AIP), during 2023, the second meeting was held with the participation of the relevant staff, which it was aimed at strengthening professional cooperation, exchanging/discussing cases from administrative practice, as well as planning initiatives for the future. According to the agenda, the two-day event encompassed various sessions and focused on the regulatory framework and activities of the AIP, as well as the duties and responsibilities of component structures of the Kosovo authority. In this perspective, the Office of the Commissioner was engaged in providing assistance for the implementation of the

regulatory framework in the field of the right to information, particularly in the drafting and updating of the Transparency Program, taking into consideration the experience of Albania in this domain. On the other hand, from the examination of practical cases in the field of personal data protection, it was agreed to intensify cooperation, also in the context of the development of joint investigations. During the meeting, the contribution of the Office of the Commissioner to AIP's membership in the International Conference of Information Commissioners (ICIC) was evaluated. Additionally, it was discussed about the harmonization of efforts for the widest possible recognition of Kosovo's authority within international organizations in both these fields.

- With the initiative of the branch in North Macedonia of the German Development Agency (GIZ), a meeting on the protection of personal data in the Western Balkan region took place in Skopje. Present in this meeting were senior officials of the authorities from North Macedonia, Albania, Kosovo, Montenegro, Bosnia-Herzegovina and Serbia, who exchanged experience with two experts from the Croatian Data Protection Agency.
- Discussions focused on the ongoing process of digitization of public services and those offered by the private business sector in relation to respecting the right to protect personal data. Another crucial issue that was addressed in the meeting was the relationship between the GDPR and the countries of the Western Balkans, along with the process of aligning internal legislation of each state, the assessment of the impact on privacy and security aspects, particularly for sensitive data. Additionally, the representatives of the authorities had the opportunity to assess the needs for the continuous development of institutional capacities in this field and to cooperate for the design of a regional cooperation strategy for data protection.

VI.3.5 Participation in other forums

- The meeting with the topic "*The right to information about official documents, the standards of the Council of Europe*" for the exchange of good practices in this field was held in Poland. The Office of the Commissioner participated in this activity as a representative of the International Conference of Information Commissioners and its Executive Committee, to present the experience in implementing the standards of the Convention "*On Access to Official Documents*", otherwise known as the EC Tromsø Convention (205). Another important issue that was discussed in the activity was the activity in the framework of bilateral and multilateral cooperation to promote the adoption of these contemporary standards not only in the geographical space of the Council of Europe, but also beyond. This activity was held in the framework of the Warsaw 2023 Human Rights Conference of the Organization for Security and Cooperation in Europe (OSCE).
- The Office of the Commissioner participated in the 2nd Case Handling Workshop (CHW), hosted by the counterpart Authority of Germany. The focus of the discussions and the exchange of experiences was the comparison of the models of the legislation concerning the right to information and the functioning of the supervisory institutions. Representatives of the Office presented two presentations on "*Proactive and effective transparency of Public Authorities*" and "*Public information in court cases*".

The Office of the Commissioner, within the framework of international relations, has regularly participated in activities, meetings, trainings or seminars organized by:

- ✓ ICIC Executive Committee;
- ✓ Consultative Committee of Convention 108 of the Council of Europe (T-PD);
- ✓ Consultative Committee of Convention 205 of the Council of Europe;
- ✓ European Data Protection Board (EDPB);
- ✓ European Conference of Personal Data Protection Authorities (ECPDPA);
- ✓ International Working Groups of ICIC "Transparency by design" and "Training";
- ✓ The conference on the occasion of September 28 – the International Day of the Right to Information organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the University of Oxford in Britain;
- ✓ Case Handling Workshop of the European Conference of Personal Data Protection Authorities;
- ✓ International Working Group on Data Protection in Technology (Berlin Group).

VII. AWARENESS AND PROMOTION OF RIGHTS

The technological environment and growing complex digitization of services has naturally promoted the awareness-raising and promotional aspect within the activities of the Office of the Commissioner, emphasizing education and proactive communication with citizens or interest groups. This activity aimed to strengthen the knowledge on the practical exercise of rights, while simultaneously guiding the implementation of contemporary standards provided by the modernized legislation in both areas of institutional responsibility.

VII.1. INTERNATIONAL DAYS OF RIGHTS

■ 28 January – Day of Personal Data Protection

To commemorate this Day, the Office of the Commissioner collaborated with both public and private media outlets to broadcast a video prepared for the occasion. This video contained awareness messages aimed at educating the public about the importance of protecting personal data. Additionally, various public controllers, including central and dependent institutions, as well as independent or local self-government bodies, published the promotional electronic poster on their official websites, further promoting the exercise of this fundamental right. Recognizing the significance of safe internet usage, the Office of the Commissioner also published a poster on its social media platforms/networks, with a particular focus on raising awareness among the younger generation.



Moreover, in cooperation with the University College of Business, an open lecture was held with the participation of students and its academic and administrative staff. The attendees were introduced to the legal framework of the field, including the rights of citizens and the obligations of controllers/processors, as well as the main challenges in this field. Practical advice was provided through concrete examples regarding individual behavior in terms of personal data protection, emphasizing responsibility in processing processes as one of the important elements in increasing the quality, security, and transparency of services.

■ September 28 – Day of Right to Information

In collaboration with the Municipality of Tirana, an awareness campaign for this Day was organized. The Municipality, being a significant public authority responsible for providing information and setting service standards for citizens, was deemed a valuable and committed

partner by the Office of the Commissioner in implementing legislation in the field. The meeting aimed to address enhancements to the law on the right to information, proactive transparency, and consolidation of the coordinator's role. The activity served to raise awareness among officials and employees regarding their duties with professionalism, and to strengthen transparency, responsibility, accountability, and good governance practices.

The Day of the Right to Information, internationally named "International Day of Universal Access to Information" (IDUAI), has been officially recognized by the General Assembly of the United Nations since 2019.

VII.2 Awareness Raising Activities

The familiarization of citizens or interest groups with the regulatory framework of the areas of responsibility constitutes one of the main components of the institutional activity, as the fulfillment of the objective of promoting the culture of respect for fundamental rights and their exercise in practice.

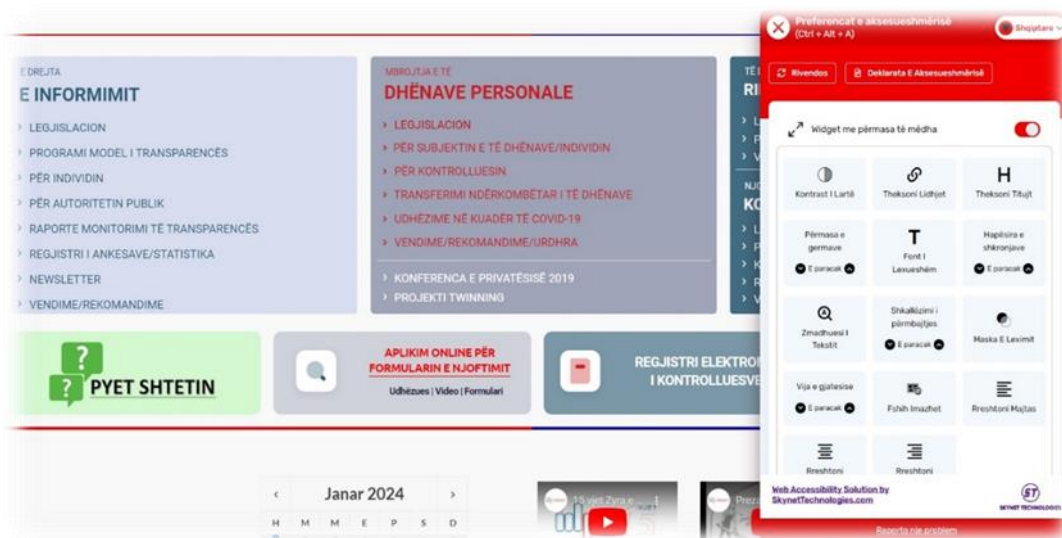
- In cooperation with the Albanian Center for Sustainable Development (ASDO), with the support of the Swiss embassy in Tirana, the “Cyber security and data protection” project was implemented. In its framework, round tables discussions were held with representatives of the banking and financial sector, health, education, real estate, media and civil society. The aim of the project was to get acquainted with the major regulatory reform in the EU in the field of personal data protection and the challenges in the implementation of Albanian legislation aligned with that of the Community. The selection of these sectors was influenced by the volume, quantity and great type of citizens’ personal data, including sensitive ones, that they process. This activity, combined with technological development, brings into focus the aspect of strengthening security, in the light of an environment increasingly vulnerable to cyber-attacks. In terms of their specific activity, cases from practice were dealt with, guiding the necessary regulatory and technical approach to guarantee the rights of citizens. At the closing meeting of the project, it was emphasized that it was one of the best experiences that the Office of the Commissioner has had over the years, precisely because of the importance of safe and high-standard use of personal data by public and private controllers. The project’s outcome is *the inso.al* platform, which aims to educate and raise public awareness on cyber security, data protection, and the possibility of providing training for professionals in these fields.
- In the framework of the cooperation with the OSCE Presence in Albania, training activities were conducted in the municipalities of Malësi e Madhe, Gjirokastra and Kavaja for the implementation of the obligations under the legislation on the right to information and that on the protection of personal data. This initiative included 3 elements: raising awareness among citizens, meetings with representatives of institutions that operate in these municipalities, on the monitoring and supervisory activity of the authority, as well as the exchange of best practices in the framework of transparency and accountability with the public. Special attention in these activities was paid to the modernization and innovations of the legislation.
- The Office of the Commissioner developed the activity for the presentation of the Instruction "On the processing of personal data in the context of election campaigns", with the participation of representatives of independent authorities, civil society

organizations and the media. This document aims to guide political entities in guaranteeing the protection of voters' personal data during the election campaign period. The Office of the Commissioner cooperated with the Central Election Commission so that this Instruction was included in the set of election documents for the structures and actors involved in this process. Within the "Integrity Week", the Office of the Commissioner and the Ministry of Justice organized the discussion forum at the Faculty of Law of the University of Tirana. Experts on anti-corruption policies, on the right to information, as well as students and academic staff participated in this activity. At the same time, representatives of the UNODC Regional Office for South-Eastern Europe (structure against drugs and crime), which contributes to supporting the implementation of the UN Convention against corruption in our country, attended the meeting, as well. The attendees were introduced to the role and functions of the national anti-corruption coordinator, as well as the legal framework that guarantees the transparency of public authorities and the exercise of the right to information by citizens. Likewise, the representatives of the UNODC Office presented their activity in terms of the fight against corruption in the South-Eastern Europe region.

- In 2023, the Office of the Commissioner for the Right to Information and Protection of Personal Data initiated the implementation of the "Proactive Transparency of Independent Institutions" project. The first meeting took place at the Water Supply and Wastewater Treatment Regulatory Authority (ERRU). This initiative aims, through open and direct communication, to promote the improvement of the instrument of the Transparency Program of these public authorities, the accountability in their operation and the participation of citizens in decision-making. This project will be extended to other independent authorities in the following years.
- The Office of the Commissioner participated in the Innovation Fest 2023 Fair (Innovation Fest), contributing through two presentations on *"Ensuring success in e-commerce: navigating the challenges of cyber security and data privacy for sustainable growth"* and *"Connecting with each other through the diaspora. Data privacy – an important factor for e-commerce"*. They dealt with the legislation in force on the protection of personal data, the functions of the institution, as well as aspects related to the processing of personal data during the provision of services by the ICT sector. Also, the authority was represented throughout the days of the "InnFest 2023" development with a dedicated stand featuring awareness materials/publications.
- The Office of the Commissioner participated in the next edition of the "Tirana International Fair". This activity served as a platform for information, communication and promotion of cooperation between citizens, public/state institutions and the business community, for the provision of innovative services and further economic development of the country. As part of the agenda of the Fair, the Office of the Commissioner developed the activity on "Security of personal data in Albania and the challenges of digitalization". The focus was on information and familiarization with the regulatory framework in this field, the progress of the process of alignment with the GDPR of the national legislation, as well as the supervisory role of the authority. Interspersed with examples from practice, the presentations addressed the interaction between implementing contemporary standards and the challenges posed by technological/digital transformation in the provision of services with quality and accountability, both in the public and private sectors. Even in this activity, the institution had its dedicated stand.

- During 2023, the 15th and 16th edition of the "Information and Privacy" Magazine were published, respectively, for the first and second 6-month period.
- The Office of the Commissioner published on the official website 12 "Right to Information" newsletters, monthly informative summary on the activity, supervision for the implementation of the law on the right to information.

The institution pays special attention to the support of people with disabilities, regardless of the problems they encounter, within the framework of boosting social responsibility.



Pursuant to the Cooperation Agreement with the Institute of Hearing-Impaired Students and the Institute of Sight-Impaired Students, the official website of the Office of the Commissioner was set up, which enables not only the awareness aspect, but also the necessary technical access to information/documentation for the two areas of responsibility for these categories of citizens. In this way, the institution is one of the first in the country to implement this approach and standards.

VII.3 COOPERATION WITH CIVIL SOCIETY ORGANIZATIONS

- As a partner in the service of public interest, cooperation with civil society is essential in the exchange of experiences in order to strengthen the rule of law and democratic society. Continuing the tradition established over several years, the Commissioner invited to a meeting representatives from non-governmental organizations (NGOs) and investigative media outlets, to discuss and assess the activities undertaken in the field of the right to information during 2023. The innovations of the improved legislation, widely consulted with civil society, investigative media outlets and interest groups, were the focus of the meeting. It was also discussed their active contribution to the consolidation of the culture of accountability and transparency within public authorities. During the meeting, attendees expressed appreciation for the work and approach of the Office of the Commissioner as well as addressed specific issues and problems that are sensitive within their respective areas of activity. On the other hand, it was discussed about the use of all opportunities for the fulfillment of legal obligations by public authorities.
- The Office of the Commissioner cooperated with investigative organizations and media "Destiny Center for Excellence", "Together for Life", "Balkan Investigative Reporting

Network" (BIRN) and "Civic Attitude" for the development of the project "Support for the participation, responsiveness and empowerment of civil society". Funded by the European Union, the component of the project on awareness of the right to information was developed by holding training meetings in Elbasan, Korça, Tepelena, Gjirokastra, Shkodra and Lezha, with the participation of local representatives of civil society organizations or interest groups and citizens. The focus was on raising awareness and promoting the right to information, as well as the importance of the public consultation process in the framework of control and participation in governance.

- With the theme "The right to information in Albania: the decisions of the Commissioner for the Right to Information and Protection of Personal Data", a forum was held to deal with institutional activity from the perspective of academic studies. It was attended by representatives from the academic realm, civil society, as well as coordinators for the right to information of central and independent institutions. The researchers shared with the attendees the findings of the project, which dwelt on the activity of the institution for reviewing complaints and especially, the decision-making of the Commissioner, in order to establish practice and regulatory standards in this field. This activity was held within the joint project of the Albanian-American Foundation for Development, the Research Expertise program from the Academic Diaspora and the Faculty of Law of the University of Tirana.
- The Office of the Commissioner has made an active contribution also in the framework of:
 - "Forum IX for Media Development", organized by the Presence in Albania of the Organization for Security and Cooperation in Europe;
 - the joint table of the High Judicial Council with the support of the Center for Public Information Issues convened to discuss the "Standard Instruction of the court's relation with the public and the media";
 - the Institute for Democracy and Mediation activity to discuss amendments in the law on public notification and consultation;
 - trainings, in cooperation with the "Faktoje" organization, for the General Directorates of Taxes and Customs;
 - cooperation with the Institute for Democracy and Mediation within the BAT project.

VII.4. OTHER ACTIVITIES

- The Office of the Commissioner was invited to the Civil Society Forum held in Tirana on the eve of the Berlin Process Leaders' Summit for the countries of the Western Balkans. The institution participated in the panel on "*Overcoming digital obstacles*", alongside representatives of regulatory institutions of our region, international organizations, civil society, academic circles and the media. The Office of the Commissioner presented the innovations of the harmonized data protection legislation, which, among other things will affect the improvement of digital services and promote the implementation of higher standards in terms of security aspects.
- In commemoration of the 75th anniversary of the Universal Declaration of Human Rights of the United Nations, a discussion table was held under the lead of the OSCE Presence in Albania. Representatives of public institutions and civil society organizations participated in this activity. The meeting provided an opportunity to raise civil society's

awareness of its crucial role in promoting and advocating the implementation of the recommendations of national human rights institutions.

- The Office of the Commissioner is one of the beneficiary authorities of the “European Union for Good Governance” project, according to the following components:
 - i. strengthening the institutional capacities and coordinators for the right to information for the effective implementation of Law No. 45/2022 “On the ratification of the Convention of the Council of Europe “On access to official documents” and Law No. 33/2022 “On open data and reuse of public sector information”;
 - ii. providing assistance to guarantee the effective implementation of the modernized Convention of the Council of Europe “On the protection of individuals with regard to the automatic processing of personal data”;
 - iii. support coordinators for the right to information, as well as central and local institutions, to improve the handling of requests for information for a more effective implementation of the law on the right to information.

With regard to the implementation of the project, the Office of the Commissioner has cooperated with the relevant structures, in order to improve the institutional performance after the approval of the new regulatory framework.

VIII. LEGAL ACTIVITY, ADMINISTRATIVE AND JUDICIAL PROCEDURES

VIII.1 REGULATORY ACTS

VIII.1.1 The amended law on the right to information

During 2023, the Office of the Commissioner in cooperation with the Ministry of Justice finalized the process of public consultation on amendments to the law on the right to information, through the closing meeting where representatives of civil society organizations, media etc. participated.



Subsequently, the Assembly of the Republic of Albania approved the Law No. 78, dated 21.09.2023 “*On some additions and amendments to Law No. 119 dated 14.09.2014 “On the right to information”*”. These improvements aim to strengthen the rules and procedures of the current legislation in this area, offering optimal solutions in familiarization with public information, as well as to consolidate the culture of accountability of the public administration. Also, these changes reflect the standards of the Council of Europe Convention “On access to official documents” (Tromsos Convention 205).

VIII.1.2 Draft law on the protection of personal data

The project for the protection of personal data aligned with Regulation 2016/679 and EU Directive 2016/680 continues to be in the finalization phase of its approval. Due to the importance of this draft law, as a prerequisite law for the integration of the country, the contribution of the European Commission was necessary. During 2023, joint meetings were held between the staff of the Office, the Ministry of Justice, EC experts and those of the EU Delegation in Tirana, with the aim of discussing and reaching an agreement on the draft law that will be presented to the Assembly for approval. The Office of the Commissioner continues to play an active role in this process and considers its approval as soon as possible a necessity.

VIII.1.3 Instruction 463/2020

The Office of the Commissioner in cooperation with the Ministry of Interior finalized the process of updating Annex I of Joint Instruction No. 463/2020 “*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*”, amended in accordance with the requirements of the institutions to become part of it.

VIII.1.4 Instruction “On the processing of personal data in the context of election campaigns”

The Office of the Commissioner drafted the Instruction “*On the processing of personal data in the context of election campaigns*”, approval of which coincided with the period before the start of the electoral campaign for the 2023 local elections. This initiative of the institution comes as a necessity for addressing the electoral changes in the digital age, the exercise of the right to vote by Albanian citizens, in harmony with the guarantee of another fundamental right and freedom, the protection of personal data. This instruction is based on the legislation of the EU and especially, that of the Council of Europe, *specifically, the document with the same title*, as well as the best international practice in this field. The instruction aims to properly guide electoral subjects (political parties or candidates) on how to guarantee the protection of voters’ personal data. Respecting the rules in this process is essential to maintain the trust of citizens, guaranteeing them control over their personal data and ensuring the smooth running of the process in all its stages. Taking into consideration the possible risks that the illegal processing of personal data may bring, the Office of the Commissioner encourages all electoral subjects to implement the legislation of the field during the period of election campaigns.

VIII.2 STRATEGIC DOCUMENTS

VIII.2.1 Institutional Strategy 2022-2025

Within the framework of the Institutional Strategy 2022-2025 and its Action Plan, the Monitoring Report on the implementation of the objectives foreseen for the 2022-2023 period was drafted, which corresponds to 31 specific measures, among which:

- 27 have been fully put in place;
- 4 are currently in process.

VIII.2.2 Integrity Plan 2022-2025

Within the Integrity Plan 2022-2025, the Monitoring Report on the implementation of the objectives foreseen for 2023 was drafted, which corresponds to 21 specific measures, among which:

- 9 have been fully put in place by September 2023;
- 12 have been partially put in place.

VIII.2.3 Cross sectoral Strategy

The Office of the Commissioner is an institution involved in several main cross-sectoral strategies in the country through objectives related to the field of activity for which it is responsible/supportive in their implementation.

- **National Strategy for Development and European Integration 2022-2030,**

where the institution contributed during its activity to the completion of the challenge *“Protecting citizens’ data according to the highest standards of data protection and strengthening/promoting proactive transparency in order to enhance the accountability and responsibility of public authorities”*, in the chapter *“Strengthening human rights”*.

- **Intersectoral Juvenile Justice Strategy 2022-2026, Action Plan and Passport of Indicators,**

where the institution is responsible and fulfilled during its activity measure 1.1.10: *“National awareness campaign for the promotion of children’s rights in order to prevent victimization, protection of personal data and discrimination of children in contact/conflict with the law”*, through implementation of activity 1.1.10.1: *“National awareness campaign with a focus on promoting the protection of the children’s personal data, especially children who are victims, children in contact/conflict with the law, as well as in the country’s education system (teachers, pupils, students, academic/administrative staff)”*.

- **Strategy for Public Legal Education 2019-2023 and Action Plan 2019–2023,**

where the institution is responsible and contributed during its activity to the fulfillment of specific objective 4.1: *“Enhancing the public’s access to legal information and the continuous enrichment of their legal knowledge in accordance with specific needs”*.

- **Intersectoral Anti-Corruption Strategy and its Action Plan 2020-2023,**

where the institution is responsible and put in place during its activity the 3 measures foreseen in objective A.1: *“Enhancing transparency in state activity and improving citizens’ access to information”*. Also, the Office of the Commissioner has given its contribution to the drafting of the measures of the specific objective *“Strengthening the transparency and accountability of public institutions in all sectors and levels”* in the new draft of ISAC and the Action Plan 2024-2030.

- **National Agenda of Children’s Rights 2021–2026,**

where the institution is responsible and fulfilled during its activity the specific objective IV.1: *“Promotion of children’s rights in the digital world”*.

- **Budgetary Support Contract for Good Governance IPA 2020,**

where the institution is responsible and fulfilled Indicator No. 7: *“Transparency of state activity and access to information for citizens”*, with a target for 2023: *“At least 25 additional institutions use the Electronic Register of Requests and Responses for the Right to Information compared to 2022”*. At the end of 2023, the number of public authorities that have functional ERRRI is 222, so 27 more than predecessors.

At the same time, the Office of the Commissioner has made an active contribution to the preparation of concrete objectives/measures/activities during the drafting process of the Cross-Sectoral Strategy for Public Administration Reform 2024-2030, the National Migration Strategy 2024-2030 (NSM) and their Action Plans.

VIII.3 JUDICIAL PROCESSES

In 2023, the institution has been a party to 42 court proceedings before the Administrative Court of the First Instance of Tirana, related to cases that have the object of implementing the legislation on the right to information.

Law enforcement cases “On the right to information”

Court cases	42
Complaint overruled	10
Complaint admission	3
Termination of proceedings against the Commissioner’s Office	2
Partial admission of the complaint	4
Case remanded to complement the lawsuit	2
Suspended cases	2
Cases underway	19

From the statistics analysis over the years, we emphasize that the decision-making of the Commissioner in implementation of the legislation on the right to information, in general, has been confirmed in court. This fact is positive in terms of the establishment of jurisprudence, evaluating the approach of the Office in this field in almost a decade of activity. However, due to the importance that these cases have in terms of public interest, the delay in their examination by the court constitutes a concern. In practice, for the citizens, this prolongation directly hinders the obtaining of information and the loss of its importance in relation to time. Whereas, for the institution, this situation affects the possibility of establishing and applying a precedent in dealing with cases with the same object, which can also affect the increase in administrative costs.

On the other hand, those cases for which the Commissioner’s decision-making has not been confirmed in court, and these lengthy processes, cause concern for the institution to re-evaluate the decision given earlier, while during this period the approach to the examination of cases with the same object has been the same.

The institution has been a party to 24 court proceedings before the Administrative Court of the First Instance of Tirana, for cases related to the legislation regarding the protection of personal data.

Law enforcement cases
“On the protection of personal data”

Court cases	24
Complaint overruled	11
Partial admission of the complaint	2
Case underway	10
Suspended cases	1

The Office of the Commissioner is a party to 73 court proceedings for cases that have been under review over years at the Tirana Administrative Court of Appeal. In 2023, this court has issued a decision on only two cases.

IX. BUDGETARY MANAGEMENT

IX.1 ORGANIZATIONAL STRUCTURE AND DEVELOPMENT OF HUMAN RESOURCES

Based on the increased regulatory powers in both areas of responsibility, Decision of the Assembly of the Republic of Albania, No. 86/2018 *“On the approval of the structure, organizational structure and salary classification of the Commissioner for the Right to Information and Protection of Personal Data”*, amended by Decision No. 24/2023, approved the structure and organigram of the Office of the Commissioner. Among the main elements of these changes, we mention the addition of new units, such as:

- *Directorate of Monitoring in the Field of Criminal Justice and Public Security, which is responsible for the implementation of the law in this sector, to which the EU has reserved a special Directive;*
- *The Audit Unit for the Protection of Personal Data, whose tasks and functions are to guarantee the standards and the quality of the activity in the implementation of the legislation of the field and the analysis of the impact on personal data (data protection impact assessment);*
- *Special sector with the aim of monitoring the implementation of Law No. 33/2022 “On open data and reuse of public sector information”.*

In order to respond to the increase in the work flow in qualitative and quantitative terms and which are dictated by the tasks imposed by the modernization of the legislation, pursuant to Law No. 97/2023 *“On the 2024 budget”*, the Office of the Commissioner was approved a total number of 60 employees.

During 2023, to fill vacant position in the organigram, the respective procedures were developed with regard to the recruitment of employees with integrity and adequate professional skills, a process which is ongoing.

In the framework of the development of professional capacities, periodic trainings were attended in cooperation with ASPA and foreign partners, according to the areas of responsibility. In addition, the staff has also participated in trainings organized by local or foreign public/non-public organizations, making possible the exchange of experience and familiarization with the best practices.

IX.2 BUDGET MANAGEMENT

Pursuant to Law No. 84/2022 *“On the 2023 budget”* and upon the changes from the Normative Acts during the year, the funds allocated to the Office of the Commissioner amounted to **110.322** (in thousands). The actual implementation of the budget accounts for **108.335** (thousand ALL), or at the level of **98.1%**. The greatest part of expenditures is made up of salaries in the amount of 70.177 (in thousand ALL) or 99.7% and contributions for social/health insurance in the amount of 11.014 (in thousand ALL) or 98.9%.

BUDGET AND IMPLEMENTATION

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No.	Item line	2023 Annual Plan (modified)	% to total	Actual 2023	% of actual to plan per category
1	Salaries	70.382	64%	70.177	99.7%
2	Social Insurance	11.130	10%	11.014	98.9%
3	Goods and other services	22.220	20%	20.738	93%
4	Investments	6.000	5.4%	6.000	100%
5	Transfers to family budgets	240	0.2%	240	100%
6	Membership fees	100	0.01%	66	67%
7	Special funds	250	0.02%	100	40%
	Total	110.322		108.335	98.1%

Current expenses were affected in the amount of 20.738 (ALL) or 93%, which includes a part of the expenses for the organization of the 15th International Conference of Information Commissioners, which will be held in Tirana on 3-5 June 2024. In view of the normal development of the institutional activity, part of the awareness activities and the provision of the necessary infrastructure, have been financed by the donations accumulated from the previous years.

IX.3 INCOME FROM SANCTIONS

In 2023, the administrative sanctions were imposed in the amount of ALL 5 135 000. The sanctioned money is placed in the government budget 100% and collected either voluntary or through bailiff services.

Total sanctions in 2023	5 135 000
For violation of the provisions of the law on the protection of personal data	4 860 000
For violation of the provisions of the law on the right to information	275 000

In 2023, the total amount of administrative sanctions collected is ALL 1 310 000, of which ALL 810 000 from sanctions imposed in 2023 and ALL 500 000 from sanctions imposed in the previous years.