

**VI National Conference on the Right to Information**  
**Building Trust: Promoting Transparency, Accountability, and Integrity in**  
**Anti-Corruption Policies**

Dear Prime Minister,

Esteemed ambassadors,

Honorable ministers and heads of independent institutions,

Respected representatives of Civil Society, Media and Coordinators,

Today, the VI National Conference on the Right to Information is being held, focusing on Building Trust – Promoting Transparency, Accountability, and Integrity in Anti-Corruption Policies.

I would like to thank all of you for your participation in this Conference, the coordinators for their daily contributions, the representatives of civil society and the media who keep us constantly alert, and especially, Minister Pirdeni and her staff for their contribution to co-organizing this event.

We can consider ourselves one of the countries with the most comprehensive legal framework for the right to information.

We have one of the best laws in the world, and last year's improvements further strengthen its implementation. Additionally, we have an international act on the right to information, which few countries have incorporated into their legislation: Convention 205 of the Council of Europe 'On Access to Official Documents,' which is almost 100% aligned with the EU legal framework regarding open data and the re-use of public information, all approved in the last two years, along with the law on public notification and consultation.

Without denying in any way what has been done well, including by public authorities, as today we have more information circulating than at any other time, we believe that the path to achieving the highest standards of transparency is still long and difficult.

And I would ask you to give me a reason why we should not claim such a thing.

The Commissioner's Office is consistently committed to sharing its experience in international activities, from close collaboration with Italian and German authorities, working groups, or activities organized by the UN, OECD, OSCE, or the Council of Europe, to the latest, hosting the most important global event in the field of the right to information, the XV International Conference of Information Commissioners (ICIC).

The screening process showed that our public administration is more than capable of handling the challenges of the country's European integration, and we, as the Commissioner's Office, have made our modest contribution in several areas.

Transparency, as a strategic objective in itself, but not only that, transparency also in its role as the front line in the fight against corruption, clearly defines the challenge for each of our institutions.

Transparency and the fight against corruption are closely linked because they exclude each other; every transparent process makes corruption nearly impossible, just as every corrupt act fundamentally involves a lack of transparency.

Throughout a year, as reported by the public authorities themselves, over 12,000 information requests are submitted to them. This is not an exaggerated figure. The Commissioner's Office has handled over 7,300 complaints in recent years, with a trend of about one thousand complaints per year.

The most important instrument for the right to information remains the Transparency Program, which should be the main source of information and consists of the information made available to the public by the public authorities themselves.

Therefore, returning to the capacity of our public administration, on one hand, there is commitment and will—an extensive and highly regarded legal framework—but on the other hand, let us examine concretely where the issues lie in the practical implementation of public information access, proactive transparency, and accountability to citizens.

1. Public authority leaders do not take care of publishing and updating information in the Transparency Program. Social media networks (X [formerly Twitter], Instagram, Facebook/Meta) are updated with real-time information, but not the transparency programs, which are a legal obligation.
2. There is observed resistance, as well as ignorance/lack of awareness from the administration regarding the proactive publication of public information, starting from the biographies of leaders/members of cabinets, updated legislation, regulations, budget execution data, the list of signed contracts, and extending to information about the provision of services to citizens. Moreover, the law on the right to information stipulates in Article 7 (Transparency Program) the minimum level of proactive transparency required from public authorities, allowing them, depending on the specifics of their activities, to also publish any other information they consider useful to citizens in the last section of the transparency program. Unfortunately, this legal provision does not seem to be adhered to by Public Authorities.
3. Overall, there is a lack of awareness, often accompanied by negligence. This is clearly reflected during the process of reviewing administrative complaints, where over 70% of complaints (out of about 1,000 per year) are resolved and information is obtained only at the beginning of the review or administrative investigation process by the Commissioner's Office. This situation incurs unnecessary costs related to the public perception of transparency in public authorities and, in general, the implementation of the right to information. It also results in administrative costs in terms of time and human resources, but the most significant cost is in the EU integration process and Evaluation Reports, where transparency and accountability of the public administration are basic criteria.
4. There is still frequent change of coordinators, their appointment at the executive or lower management level, and restricted access to other structures within the public authority. The ongoing recommendation is to empower the coordinator for the right to information, as the face of the public authority in relation to citizens, through direct access to the head, and, as much as possible, to establish a dedicated position/structure for this function.
5. During the handling of complaints by coordinators, concerns have been raised, and delays are observed caused by high-level officials or certain structures in verifying the final response. This leads to violations of the deadlines established by the law on the right to information regarding access to information, which has a direct cost for the transparency of the public authority.

**6.** There continues to be ambiguity from public authorities regarding the concept of confidentiality in public contracts, which is not handled in accordance with the provisions of Article 17 of the law. Public contracts often include confidentiality clauses for information/documentation related to them, and in cases of non-compliance, sanctions are stipulated for public authorities. *To avoid this issue, it is necessary to specify the legal basis on which the authorization for this limitation is based in the confidentiality clauses, as well as to clarify which part of the information is covered by these clauses, keeping in mind that it should not override the legal provisions for the right to information, except where otherwise specified in the specific law.*

**7.** Public authorities refuse to provide the requested information, claiming that it could cause damage to the Albanian state from third parties (processes that could be challenged in court/arbitration), without referencing the legal basis for this claim or conducting the necessary test of necessity, proportionality, and public interest when limiting the information. Undoubtedly, this is a process that requires increased attention and more in-depth expertise from public authorities, but in any case, it does not constitute a legal reason to restrict a constitutional right due to this lack of knowledge on the part of officials.

**8.** There continue to be instances of misinterpretation of the copyright of subjects involved in an administrative procedure, going beyond the provisions of Article 17 of the law or the specific legislation regulating copyright.

**9.** Frequently, information requests are delegated from one public authority to another, even though the requested information is available from the public authority that delegated it. We rely on the principle of good faith, accepting the response provided, which is also based on the principle of loyalty that should govern the entire public administration, and especially the relationship between Public Authority and Commissioner.

**10.** There is a noted lack of coordination between the internal structures of public authorities or even in forwarding journalists' requests to the media office, which relate to questions, interviews, or media statements from officials. Public authorities themselves should take organizational measures to handle interview requests, statements, or questions from journalists in a differentiated manner, rather than passing these on to the coordinator for the right to information, as we are no longer dealing with public information in the sense of the law on the right to information, but with information of public interest.

**11.** Public authorities do not implement specific legislation regulating certain areas, such as the law on advocacy, the law on cadaster, etc., leading to an unnecessary burden on the Office of the Commissioner, as well as bureaucracy and delays in services to citizens.

**12.** Difficulties in the implementation of the public notification and consultation process are more pronounced on the part of municipal councils, which need to coordinate with municipal administrations and publish information in the Transparency Program on the official website.

To improve proactive transparency and avoid some of the listed issues, we are studying several effective international models that focus on proactive digital transparency.

The implementation of the right to information globally is not a matter of administrative sanctions but rather a matter of culture, awareness, citizenship, and accountability.

A public official who refuses to make information public without a legal basis, or due to a lack of a transparency culture, or a lack of professionalism, or if they have something to hide.

I would like to say a few more words about the last point. In our experience, it is very rare for information to be withheld for this reason. Usually, refusals occur due to negligence, a lack of professional analysis, or even arrogance, if you will.

But the perception in all these cases is that there is something to hide

And even worse. Information that is not classified, or for which there are no limitations, will be made public sooner or later, especially when it becomes the subject of media investigation. The issue then becomes how it is presented to the public, where it is often misused, exploited for illegitimate interests, used for political warfare, or even for elements of disinformation.

Therefore, this should not happen.

We conduct several monitoring sessions each year of the Transparency Program of public authorities. This is summarized at the end in the Transparency Index instrument, where each public authority receives its assessment regarding proactive transparency. However, we are convinced that only a few small interventions are needed to achieve a significant improvement in the state of the right to information and transparency, such as:

1. Public authorities should provide responses;
2. ASPA should develop training programs for all levels, from initial admissions to the TND level;
3. Responses to requests should be proactively accessible, and efforts should continue with digitalization through the installation of an electronic registry tool or even the implementation of the *e-transparency* program that measures the performance of public authorities;
4. Reducing the number of complaints when information is provided only after the start of an administrative review by the Office of the Commissioner;
5. The Transparency Program is just the starting point for proactive information, where, in particular, in the section "Any Other Information," the public authority should reflect all its activities.

These are some very simple and feasible measures, easily achievable with no cost, but only a matter of will in implementing the law. In the future, preferably within this year, we will begin a pilot project to audit several public authorities to assess the impact and performance in proactive transparency.

International partners are invited to join us.

Today is the time to commit to a new challenge: the transparency of public authorities, which strengthens accountability, and to involve citizens as well as, as many actors from civil society, the media, and the academic world in their irreplaceable roles, in the effort to build a transparent climate that rejects corruption.

Best of luck!