

ANNUAL REPORT 2024

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ABBREVIATIONS

TERMINOLOGY

NAIS	National Agency for Information Society
PA	Public Authorities
EU	European Union
Police Directive	Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 “On the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data”
GDPR	Regulation (EU) No. 2016/679 “On on the protection of natural persons with regard to the processing of personal data and on the free movement of such data” (General Data Protection Regulation)
GPA	Global Privacy Assembly.
ICIC	International Conference of Information Commissioners
CoE	Council of Europe
Right to Information Law (RIL)	Law No. 119/2014 “On Right to Information”, as amended
Law on Open Data and Reuse of Public Sector Information	Law No. 33/2022 “On Open Data and Reuse of Public Sector Information”
Personal Data Protection Law	Law No. 124/2024 “On Personal Data Protection”
Law No. 49/2022	Law No. 49/2022, dated 12.05.2022, “On the Ratification of the Amending Protocol to the Convention “On the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108+)””
Law No. 45/2022	Law No. 45/2022, dated 28.04.2022 “On the Ratification of the Council of Europe Convention “On Access to Official Documents (Convention 205)”
LGUs	Local Self-Governance Units
CSOs	Civil Society Organizations
TP	Transparency Program. The set of information and the way it is made public by the public authority, as provided in articles 4 and 7 of the Right to Information Law
REKPD	Electronic Register of Requests and Responses for the Right to Information

I. LEGAL FRAMEWORK

The Information and Data Protection Commissioner is a public legal entity and an independent supervisory authority, responsible for monitoring and supervising the implementation of relevant laws, as per areas of responsibility, within the areas of processing of personal data, right to information, and reuse of public sector information.

The institution operates under the following legal framework:

- Constitution of the Republic of Albania, Article 23 which guarantees right to information, and Article 35 which guarantees personal data protection;
- Law No. 8137/1996 “On the Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms”, as amended;
- Law No. 9288/2004 “On the Ratification of the Convention "On the Protection of Individuals with regard to Automatic Processing of Personal Data", as amended;
- Law No. 45/2022 “On the Ratification of the Council of Europe Convention “On Access to Official Documents”;
- Law No. 49/2022 “On the Ratification of the amending protocol to the Convention “On Protection of Individuals with regard to Automatic Processing of Personal Data”;
- Law No. 119/2014 “On the Right to Information”, as amended;
- Law No. 124/2024 “On Personal Data Protection”;
- Law No. 33/2022 “On Open Data and the Reuse of Public Sector Information”.
- Law No. 146/2014 “On Public Notification and Consultation”;
- Law No. 15/2016 “On the Prevention and Control of Infections and Infectious Diseases”;
- Law No. 60/2016 “On Whistle-blower and Whistle-blower Protection”, as amended;
- 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 Restrictive Measures in the Republic of Albania” as amended.

II. COMMISSIONER'S MESSAGE AND VISION

This Annual Report presented to you, covers the consultative, regulatory, decision-making, oversight and advocacy functions of the Commissioner, and seeks to present the objectives and achievements, for a truly integrated protection of each individual's data, as well as, to consolidate the obligation of Public Authorities to account for their activity, by transforming the dark recesses of the administration with glass walls, completely translucent to the rays of transparency.

Transparency of administrative action is a pillar of our democratic system, an instrument of active and responsible civic space.

Being informed and aware of public administration's actions makes us active protagonists of public life, effective scrutinizers of the correct use of resources, and confident supporters of institutions.

And we can do this, with the continued commitment of the staff of the Information and Data Protection Commissioner's Office, though still limited in number and demanding increase proportionate to the growing responsibilities of the institution, but with a speedy upgrade in professional and technical skills, whom I would like to appreciate and thank for having successfully faced the challenges during 2024.

I would also like to extend my thanks to all institutions, starting from the Assembly, which has supported and cooperated with us, in various ways.

The adoption of the new Law on Personal Data Protection, fully aligned with the EU General Data Protection Regulation (GDPR), should be highlighted, while its implementation constitutes the greatest challenge to guarantee the highest standards of personal data protection.

An important event for the Commissioner's Office was the organization of the International Conference of Information Commissioners (ICIC) in Tirana. In recognition of its contribution, our country was also entrusted with the presidency of the Conference's Steering Committee.

Institutional cooperation, continuous interaction with citizens, civil society organizations, media, academia, and synergy of different forms for the protection of conferred rights, international cooperation, the high responsibility awareness in carrying out the tasks entrusted to the Commissioner, allow for a forward-looking perspective necessary to understand, even prior to regulation, a reality in constant evolution such as the digital one.

The Commissioner's Office will continue to be a lab of thought, training and enhancement of professional competence of its staff, coordinators and data protection officers, through various activities and projects in a genuine and open dialogue.

Only by looking beyond the horizon we can actually defend rights such as the right to personal data protection and the right to information, mindful that they occur in constant dialectics with technological evolution.

Ultimately, it is the foresight that should have the right to regulate a future *that enters us, to be transformed within us, long before it happens.*

ALBANIA

ICIC XV

"I wanted to thank you again for your wonderful, warm hospitality and congratulate you on a very successful ICIC Conference event. Your entire staff should all be given extra applause (and even a day off!) for all of the hard work they clearly put in to bring together over 200 participants for great discussions on a number of important topics."

"Thank you very much to the IDP Albania and the entire XV ICIC organization team – it was an amazing event in a beautiful country!"

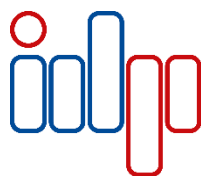
"Much appreciation goes to you and your team for wonderful hospitality accorded to us and excellent management of the conference. We believe the conference was very successful and all the members have been benefited from this conference. Growing but beautiful city of Tirana and Kruja and many other places, which we could explore within short period of time. Mountains and some places look similar to our country. We loved the place. Regards and thank you again."

"On behalf of the FOI Philippines, we'd like to congratulate Commissioner Besnik Dervishi and the rest of the team for the successful hosting of ICIC. I must say it was a very well organized and sincere conference."

"Our XV ICIC Edition was a great success."

We thank the member authorities, cooperation partners, and our host for this edition IDP Albania, for making this gathering possible, focused on strengthening the promotion and guarantee of access to information worldwide."

"It was an extremely interesting discussion and experiencing; Albania was very special!"



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

ANNUAL STATISTICS

1396

COMPLAINTS

247

ERRRRI

355

COORDINATORS

441

DPO

44 DECISIONS

45 RECOMMENDATIONS

84 HEARING SESSION

OPINIONS PROVIDED

64 LEGAL / SUB-LEGAL ACTS

40 OPINIONS

130

ON SITE INSPECTIONS

III. RIGHT TO INFORMATION

III.1 MONITORING OF PROACTIVE TRANSPARENCY

Monitoring the proactive publication of information includes the systematic supervision and evaluation of public authorities' efforts to inform citizens, in accordance with legal provisions, through the publication of information in the Transparency Program on their official websites.

During the exercise of our oversight functions, it has been observed that, overall, public authorities are aware of the importance of informing citizens and updating information whenever changes occur, but there is still work to be done and continuous efforts are required from the entire administration to meet the necessary standards.

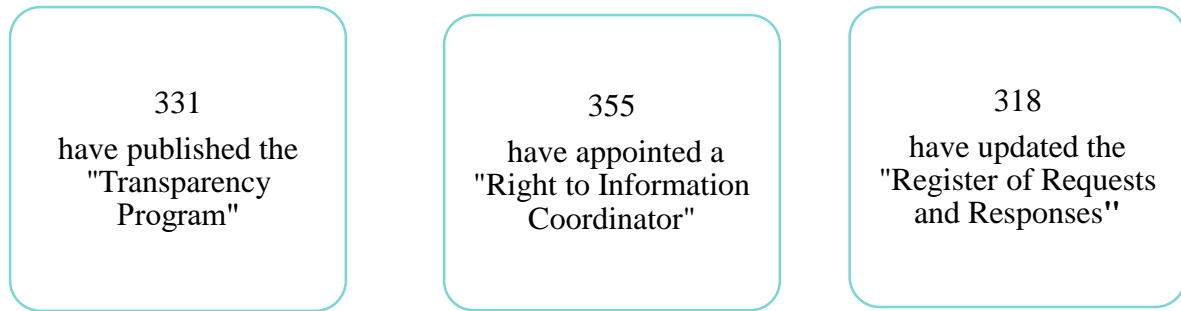
Progress has also been noted in the latest SIGMA Monitoring Report "Public Administration in Albania 2024, Assessment against the Principles of the Public Administration", which highlights that:

"The Albanian public administration has made progress in establishing a strong legal framework on access to information with the contribution of the Commissioner for the Right to Information and Personal Data Protection, who has shown effectiveness in ensuring the full handling of requests for information. The Commissioner has shown effectiveness in handling complaints against public authorities' refusal to make information available. However, there is room for improvement in terms of access to information, as public authorities often respond to requests only when the requester has had to file a complaint with the Office of the Commissioner for Right to Information and Personal Data Protection."

The Commissioner's Office, within the framework of the duties and powers defined by law, throughout 2024, continued to monitor the Transparency Programs published on the official websites of all public authorities, and also monitored the publication and updating of the Register of Requests and Responses. The monitoring includes all public authorities at the central level, including independent institutions, subordinate institutions, the justice system, local government institutions, as well as other institutions, such as joint-stock companies (JSCs), where the state owns the majority of shares, higher education institutions, as well as professional associations. During 2024, there has been an increase in the number of public authorities, compared to the previous year. This is due to the restructuring of some of them, as well as the establishment of new ones by law. Since new authorities were newly created in the past year, the Commissioner's Office focused its work on monitoring proactive transparency in these authorities too. Specifically, the Commissioner issued 25 Recommendations regarding the implementation and publication/updating of information in the Transparency Programs of these institutions, which can be found on the official website <https://idp.al/rekomandime-2024-ddi/>.

During 2024, 355 public authorities were monitored, where it was found that in each of them has already appointed a coordinator for the right to information, whose details have also been updated on the portal pyetshtetin.al. A total of 331 public authorities have published their

transparency program and updated it with information, while the Register of Requests and Responses has been updated by 318 authorities.



The Commissioner's Office, in addition to conducting online monitoring, also carried out administrative investigations within these public institutions. Specifically, during 2024, 15 administrative investigation processes were conducted with the objective of: Identify cases of violations with regard to the failure to establish, maintain, publish or update the Register of Requests and Responses. As a conclusion to the above-mentioned administrative procedures, for those public authorities that had not taken measures to fulfil the aforementioned legal obligations—or had not notified the Commissioner's Office of substantial obstacles to fulfilling this duty—the Commissioner deemed it necessary to hold 12 hearing sessions in order to reach an objective decision. At the end of the administrative investigation and re-monitoring process, it was found that 4 public authorities failed to meet the legal obligation. For this reason, the Commissioner's Office issued 4 Decisions ordering the setup, maintenance, publication and updating of the Register of Requests and Responses, and issued an administrative sanction of "fine" to the responsible persons, according to the relevant legal provisions.

During 2024, the Commissioner's Office also conducted 12 inspections at public authorities with the objective of assessing:

- The fulfilment of the obligation to make publicly available on their websites, categories of information that are proactively disclosed, referring to Article 7 of Law No. 119/2014 "*On the Right to Information*", as amended.
- The fulfilment of the obligation to implement the institutional Transparency Program according to Order No. 187/2020 of the Right to Information and Personal Data Protection Commissioner "*On the Adoption of the revised Transparency Program Template*", as amended.
- The fulfilment of the obligation to appoint a Coordinator for the Right to Information, referring to paragraph 1, Article 10, of Law No. 119/2014 "*On the Right to Information*", as amended.
- The fulfilment of the obligation to setup, maintain and publish the Register of Requests and Responses, referred to in Article 8 and letter b), paragraph 2, of Article 10 of Law No. 119/2014 "*On the Right to Information*", as amended, as well as Order No. 188/2020 of the Right to Information and Personal Data Protection Commissioner "*On the adoption of the Register of Requests and Responses Template, as amended*".

Also, during 2024, for those public authorities that had failed to implement the Transparency Program or to notify the Commissioner's Office of substantial barriers to meet such obligation, in order to make an as objective decision as possible, the Commissioner conducted 5 hearing sessions. Based on the inspections and hearings conducted, as well as the state of proactive transparency at the time of monitoring the official website, the public authorities were informed of the state of implementation of the Transparency Program and were given a second deadline to address the identified shortcomings. At the end of the deadline set by the Commissioner's Office, the public authorities were re-monitored, where a total of 14 of them were found to have engaged to improving proactive transparency and supplementing information in the Transparency Programs, while 3 public authorities, at the end of the calendar year, continue to be under administrative review process.

Also, based on Order No. 211, dated 10.09.2018 of the Right to Information and Personal Data Protection Commissioner, "On Transparency Program Template for Local Self-Governance Units" which entered into force on 01.01.2019, the Commissioner's Office has sent to 61 local self-governance units an official letter for the review of the Transparency Program, which must be done through the same procedure through which the approval is made. The deadlines for the review of the Transparency Program may vary depending on the nature of each public authority, but in no case can they be longer than 5 years.

On the other hand, at the end of the annual monitoring, for the fifth consecutive year, the Commissioner's Office drafted 2 Transparency Indexes, one for the Central and Subordinated Institutions and one of the Local Self-Governance Units, as a tool for measuring proactive transparency.

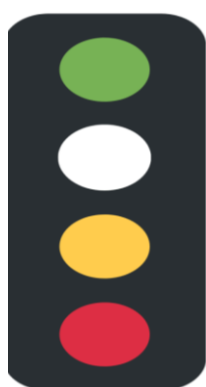
III.1.1 Proactive Transparency Index of Central and Subordinate Institutions

The level of proactive transparency was verified amongst a total of 251 central institutions: "Central Institutions" (including constitutional, independent and central institutions established by a special law) "Subordinated Institutions", "Justice System Institutions", (divided into courts and prosecution offices), as well as "Other Institutions" (including higher education institutions, Joint-Stock Companies, etc.). The measurement system used in this monitoring refers to 12 key indicators, which objectively assess the functional level of proactive transparency of central and subordinate public authorities. The total indicator assessment score is 12 (twelve). Based on the score of each indicator, the total sum of assessment for each institution is calculated.

- *Publication of the Transparency Program;*
- *Publication of the structure of the public authority;*
- *Publication of the functions and duties of the public authority;*
- *Publication of the Head's CV;*
- *Publication of legislation;*
- *Details of the Right to Information Coordinator;*
- *Publication of audit and monitoring reports (e.g. SAI Reports or Internal Audit Reports);*
- *Publication of budget data for the financial year 2024;*

- *Publication of the Public Procurement Forecasts Register for 2024;*
- *Register of Requests and Responses updated during 2024;*
- *List of services provided by the PA;*
- *List of documents administered by the PA, with retention periods.*

At the end of the proactive transparency monitoring, we noted that 112 central and subordinate public authorities are scored with high proactive transparency and are marked with a green light on the traffic light, 111 public authorities scored with medium proactive transparency and are marked with a white light on the traffic light; 26 public authorities scored with low proactive transparency and are marked with a yellow light on the traffic light; and 2 public authorities scored with insufficient proactive transparency and are marked with a red light on the traffic light.



112, (or 45%) public authorities with a *high level of transparency*.

111, (or 44%) public authorities with *sufficient transparency level*.

26, (or 10%) public authorities with *low transparency level*.

2, (or 1%) public authorities with *insufficient transparency level*.

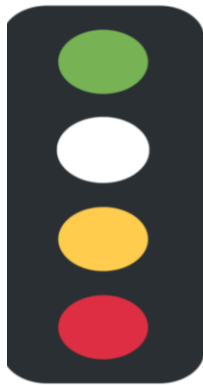
Compared to last year's findings, we can highlight the increase in transparency among public authorities with a green light from 38% last year to 45% this year, which marks the most significant improvement made out of all previous years in the proactive transparency of central and subordinated public authorities.

III.1.2 Proactive Transparency Index of Local Self-Governance Units

This monitoring included 61 basic Local Self-Governance Units (municipalities) and 12 Regional Councils. To measure the transparency of Regional Councils, the same indicators used to measure the transparency of Central and subordinate institutions were mainly used. In the monitoring conducted for the basic local self-governance units (municipalities), the measurement system of 12 main indicators was used, which are listed below:

- *Publication of the Transparency Program;*
- *Publication of the Structure;*
- *Publication of Municipal Council Decisions;*
- *Publication of the Head's CV;*
- *Publication of Legislation;*
- *Details of the Right to Information Coordinator;*
- *Publication of SAI audit reports;*
- *Publication of the MTBP 2024 -2026/budget 2024;*
- *Publication of the 2024 Fiscal Package;*
- *Requests and Responses Log updated during 2024;*
- *Services in the field of infrastructure and public services;*
- *Public consultation coordinator.*

At the end of the proactive transparency monitoring, we found that 30 local self-governance units scored with high proactive transparency and are marked with a green light on the traffic light, while 30 local self-governance units scored with medium proactive transparency and are marked with a white light on the traffic light; 13 local self-governance units scored with low proactive transparency and are marked with a yellow light on the traffic light; no local self-governance unit scored with very low proactive transparency, i.e. marked with a red light on the traffic light.



30, (or 41%) LGUs with a *high level of transparency*.

30, (or 41%) LGUs with *sufficient transparency level*.

13, (or 18%) LGUs with *low transparency level*.

0, (or 0%) LGUs with *insufficient transparency level*.

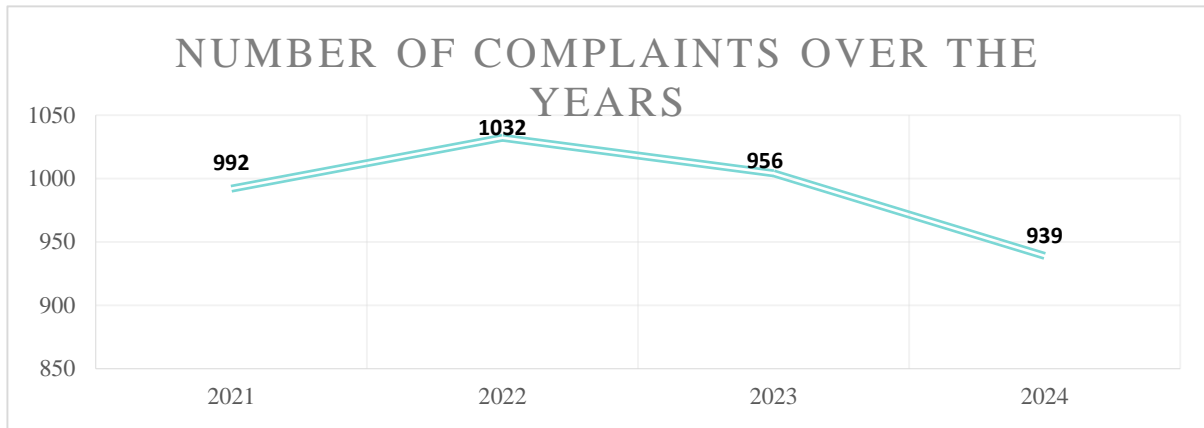
Compared to last year's findings, there is an increase in transparency among local self-governance units with a green traffic light from 29% last year to 41% this year, which marks the most significant improvement made out of all previous years in the proactive transparency of public authorities of local self-governance.

Both of these reports are published on the official website of the Commissioner's Office and can be found under the link: <https://idp.al/raporte-monitorimi/>.

III.2 HANDLING OF COMPLAINTS ON THE RIGHT TO INFORMATION

The Complaints Review Directorate at the General Directorate of the Right to Information in the Commissioner's Office for 2024 administered a total of 939 complaints, and continued with the administrative review of 86 procedures carried over from 2023. (a total of 1025 complaints). These figures show a slight decrease in the number of complaints for the last 2 years, which may also be related to the trend of improving proactive transparency of public authorities.

Specifically, a total of 332 complaints were filed against 61 Local Self-Governance Units and a total of 607 complaints were filed against other public authorities. It turns out that even this year the specific weight of complaints for information denial continues to lean towards the LGUs compared to other PAs.

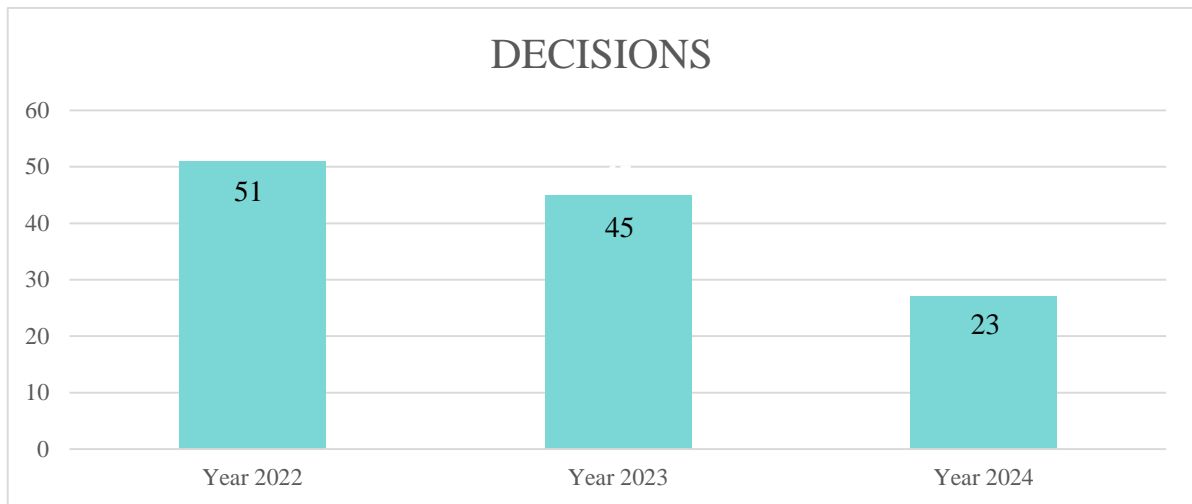


Referring to the data administered, to the extent that they can be identified, the complaints submitted are clustered into three categories, according to the table below.

Plaintiffs	Year 2022	Year 2023	Year 2024
Citizens	343	367	393
CSOs	196	171	181
Journalists	456	395	365

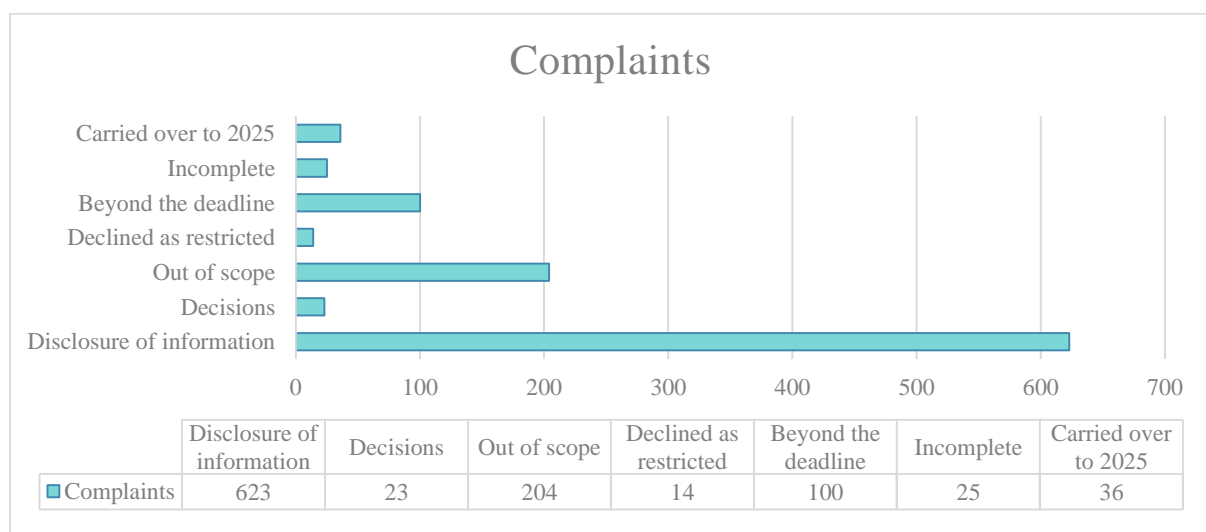
Out of a total of 1025 complaints, for 623 of them the requested information/documentation was made available to the complainants during the administrative review process before the Commissioner's Office.

Meanwhile, the institution has issued 23 decisions on 23 complaints. Of these, 11 decisions ordering the disclosure of information, 5 rejection decisions, 2 inadmissibility decisions, and 4 decisions imposing an administrative fine, were issued. With the amendments to the law on the right to information, the Commissioner's Office has issued 1 (one) decision, imposing sanctions to the head of the Public Authority for failure to implement the Commissioner's decision.



Also, this year, both interest groups and citizens focused on requesting information based on current developments, related to state budget funds, health care system, concession contracts, public procurement, environment and territorial planning, food control, etc. Consequently, the Commissioner's decision-making for this year has been focused on these specific areas. Meanwhile, 204 complaints were found to fall outside the scope of the law, mainly for issues of an individual nature, or that are dealt with by other specific laws. The administrative investigation concluded that there is an improvement in the understanding of the Right to Information Law among information seekers, but, since specific legislations fail to resolve concrete issues, they turn to the Commissioner's institution as an independent institution to address their issues. Such a trend should further encourage more efforts/awareness-raising to clarify the difference between a request for public information and one of an individual nature, a request to express an opinion, or a media statement (interview).

Also, 14 complaints were rejected on grounds of restrictions of the law, 100 complaints were submitted beyond the legal deadline, 25 were incomplete, and 36 others were carried over for review in 2025. As part of the administrative review process for the filed complaints, 26 inspections were conducted at public authorities and 30 hearing sessions were held.



Among the main issues identified by the Commissioner's Office during the review of complaints, we mention:

- i. Public Authorities have continuously raised concerns this year about voluminous requests which spread over a long period of time, and demand more time and resources to handle. Under the current conditions, PAs are unable to timely fulfil their obligations arising from the Right to Information Law.
The Commissioner's Office has always understood the difficulties encountered due to voluminous requests or lack of staff, but has never exempted the PAs from the responsibility to comply with transparency-related duties.
- ii. Lack of clarity by the side of Pas regarding the copyright of entities participating in an administrative procedure. Such cases are not handled in accordance with the provisions of Article 17 or specific legislation on copyright.
- iii. Public contracts continue to include confidentiality provisions for information/documentation related to them.
Despite advice provided by Commissioner's Office through detailed reasonings (in decisions, requests for submissions, during hearing sessions or various training sessions) regarding the failure to provide valid grounds for declining information, in many cases, the position of the PAs identified as problematic, was persistently maintained.
- iv. Applicants file requests with a general scope and despite the assistance provided by PAs, it remains impossible to identify the required information.
- v. Applicants continue to use the provisions of the law beyond its scope and purpose for administrative issues/files of an individual nature, such as: access to personal data, documentation related to construction permits, ownership, recruitment procedures, etc.
- vi. Complaints continue from lawyers and some citizens for access to classified documentation, for evidentiary purpose in court proceedings, thus bypassing the law on advocacy or the Administrative Procedures Code.
- vii. Requests in the form of questions or statements in the media addressed to public authorities/heads have persisted, although out of the scope of the law.

III.3 OPEN DATA, RE-USE OF PUBLIC INFORMATION AND PUBLIC CONSULTATION

Open data stimulates innovation by removing barriers to accessing, using, and sharing data. Open data includes everything from government information, public statistics, to scientific, research, and other data. The concept of open data aims to promote transparency, innovation, and the effective use of information to solve problems and advance society.

Open data plays a critical role in promoting transparency, driving innovation, improving decision-making, empowering citizens, improving public services, fostering collaboration, and promoting equality and inclusion. By unlocking the value of data and making it accessible to all, open data contributes to creating more transparent, accountable, and inclusive societies.

Open Data is a concept that defines data that is free to use, process and distribute by everyone without restrictions of any kind. In order to establish rules to facilitate the reuse of existing documents held by public sector bodies, Law No. 33/2022 “On Open Data and Reuse of Public Sector Information” was adopted, which is aligned with the Directive (EU). This law establishes the legal framework for open data, based on the key principles of transparency and fair competition.

The law entered into force in April 2023, complementing the regulatory framework in the field of right to information, from the perspective of technological progress and the digitalization of services, promoting transparency and accountability.

This law aims to create a legal basis for promoting the reuse of open data in our country, further encouraging innovation in the provision of high-standard public products and services. The adoption of this law also enables the reuse by citizens and interest groups of documents held by public sector bodies or public enterprises.

With the entry into force of this law, the Office of the Commissioner is the institution responsible for the protection, supervision and promotion of the right to reuse documents, as well as for the procedure for reviewing complaints for failure to implement this law. Pursuant to this mandate, over the last year, the Commissioner’s Office continued to deliver awareness-raising activities to public authorities regarding their obligation to publish documents/data which they publish on their official websites, as open data, referring to their field of activity, which facilitates the public in finding and reusing them. However, much work remains to be done, both in terms of awareness-raising and preparation or standardization of documents in the appropriate format for reuse.

In order to complete the legal framework on open data and the reuse of public sector information, the Commissioner's Office will offer its cooperation to the institutions responsible for completing the implementing regulations of Law No. 33/2022, dated 31.03.2022, " *On Open Data and Reuse of Public Sector Information* ".

Special attention has been paid to training of persons designated as contact persons for open data for the publication on the official websites of public sector bodies and public enterprises of the list of documents provided in the form of open data, as well as the manner of handling requests for reuse. Communication and exchanges with interest groups and citizens will continue to be the focus of the Commissioner's Office efforts, as will training and awareness raising on the new open data and reuse of public sector information legal framework.

In terms of technological developments, ensuring data quality is a critical and essential process for the success of open data policy. The Commissioner's Office will work in this regard with public sector bodies and public undertakings to increase the institutional capacities of the structure responsible for open data of public sector bodies and public undertakings for the efficient implementation of this law.

III.3.1 Commissioner's Office activity in the field of open data

Drafting and approving implementing regulations of Law No. 33/2022 “On Open Data and Reuse of Public Sector Information”.

One of the characteristics of open data referred to in Article 11 of Law No. 33/2022 “On Open Data and Reuse of Public Sector Information” is that “the reuse of documents is open or under the terms of the license”. The purpose of the open data license is to provide legal certainty that the data which is subject of license can be freely used by everyone in any possible way, with the main condition that the source of the data is mentioned in the manner required in the license.

In accordance with Article 11 and Article 22 of Law No. 33/2022 “On Open Data and Reuse of Public Sector Information”, the Commissioner’s Office, in cooperation with the responsible institutions and the Ministry of Economy, Culture and Innovation, has completed the process of drafting the Guideline “On the Standard License for the Reuse of Public Sector Information”, which was signed by the Minister and the Commissioner and entered into force upon publication in the Official Gazette in February 2025 .

Law No. 33/2022 “On Open Data and Reuse of Public Sector Information” introduces the concept of high-value data categories, defined as data that is associated with significant benefits for society and economy when reused. The Ministry of Infrastructure and Energy in cooperation with Commissioner’ Office has issued the sub-legal act, Decision of the Council of Ministers No. 444 dated 03.07.2024 “On Expanding the Thematic Categories of High-value Data Sets”. This act is issued pursuant to paragraph 2, of Article 16 of Law No. 33/2022 “On Open Data and Reuse of Public Sector Information”. The adopted sub-legal act is in line with European Commission Regulation 2023/138/EU, dated 21 December 2022, which establishes a list of specific high-value data and measures for their publication and reuse, achieving a partial approximation of this Regulation.

In order to achieve full approximation of this act, as well as in fulfilment of the obligations of Article 17 of Law No. 33/2022 "On Open Data and Reuse of Public Sector Information", the Commissioner's Office is coordinating the work with the public bodies responsible for each category of high-value data, for the drafting of sub-legal acts to define specific sets of such data.

Strengthening the capacities Commissioner's Office staff for effective implementation of the modernized legal framework.

In October, the cooperation between the Commissioner's Office and the project "European Union for Good Governance" began. The first part of this project, October 2024 - January 2025, is dedicated to the effective implementation of Law No. 33/2022. The Commissioner's Office is cooperating with the experts of this project with the aim of drafting the documents required under this law by public sector bodies and public enterprises, as well as organizing the following trainings.

Providing practical support to public authorities on the implementation of the new regulatory framework in the field

The Commissioner's Office during 2024 has collaborated with public sector bodies and public enterprises with the aim of raising their awareness of the implementation of Law No. 33/2022 "On Open Data and Reuse of Public Sector Information". During this year, 214 institutions have been communicated with, of which 153 are public sector bodies and public enterprises and 61 local units/municipalities, with the aim of fulfilling the main obligation of this law, the publication of the "List of existing documents that can be provided in open data format." Following this process, referring to the un clarities and responses provided by public sector bodies, communication and provision of support and assistance with these institutions has been established, with the aim of achieving the publication of documents of public sector bodies and public enterprises as open data.

III.3.2 Commissioner's Office activity in the field of public consultation

Law No. 146/2014 "On Public Notification and Consultation" aims to regulate the relationships that are created in a transparent, comprehensive, timely and effective public consultation process between central and local public bodies and interested parties, in the decision-making process of draft acts, such as draft laws, national and local strategic documents, as well as policies of high public interest. Public consultation is the mechanism that enables the involvement of the public, interest groups, business, the academia, experts and media in the decision-making process, by ensuring their involvement throughout the policy-making process, with the aim of creating high-quality content policies that reflect the needs of society and ensure development.

Law no. 146/2014, "On Public Notification and Consultation" in Article 21 provides for administrative remedy in cases of infringement of the rights provided for by the law on public notification and consultation. When the draft act is approved without respecting the rights provided for by the law, the latter provides for the possibility of administrative legal remedy. According to the law, the parties may complain to the institution itself that carried out the public consultation process, and to the Commissioner for the Right to Information and Personal Data Protection, depending on the stage where complaint process is.

- Parties may appeal within the institution if the act has not yet been approved.
- The parties may appeal to the Office of the Commissioner for the Right to Information and Personal Data Protection within 30 days from the date of the acts' approval.

During 2024, 2 complaints were filed with the Commissioner's Office based on Law No. 146/2014 "On Public Notification and Consultation". The Commissioner in handling complaints based on the Law "On Public Notification and Consultation", does not have the right to take administrative decisions, including imposing disciplinary measures or fines, but is simply given an advisory role to the responsible public body.

III.4 REPORTING BY PUBLIC AUTHORITIES ON THE IMPLEMENTATION OF THE REQUIREMENTS OF THE RIGHT TO INFORMATION LAW

Based on Article 24/1 of Law No. 119/2014 “*On the Right to Information*”, as amended, “Public authorities shall cooperate with the Commissioner by providing him with all the information he requires for the fulfilment of his duties. Public authorities shall report annually, no later than 31 January of the following year, to the Commissioner regarding the activity for the implementation of the requirements of this law, according to the format approved by the Commissioner”.

This arrangement serves the oversight that the Commissioner exercises over public authorities, the identification of issues in the implementation of the law, as well as the increase of the accountability of public authorities. The cooperation of the public authority with the Commissioner constitutes one of the most important aspects in terms of guaranteeing the right to information and fulfilling the purpose of the law.

The Commissioner's Office approved Order No. 209 dated 13.12.2024 "On the Approval of the Reporting Format of Public Authorities for the Year 2024 "On the Implementation of the Requirements of the Right to Information Law".

In order to fulfil this obligation, during January 2025, the Commissioner's Office sent to all coordinators for the right to information the reporting form of data regarding requests for information received during 2024.

The table below shows the data collected by the Commissioner's Office based on self-declarations made by public authorities.

Total no. of Public Authorities	355
No. of Authorities that have reported	351
Total number of requests for public information, registered in the Register of Requests and Responses, period January - December 2024	11549
Request from journalists ¹	3129
Request from civil society representatives ²	1540
Requests delegated to another Authority	611
Requests that have received a full response	9289
Requests denied	191
Requests that have received partial/limited responses	688

In cases of denied or partial/limited responses, the data reported regarding the legal grounds for restriction/denial of information are as follows:

The right to private life	43
Trade secret	20

¹As far as they can be identified.

²As far as they can be identified.

Copyright	7
Patents	1
National security	27
Prevention, investigation and prosecution of criminal offences	88
Conducting an administrative investigation within the framework of a disciplinary proceeding	3
Formulation of the state's monetary and fiscal policies	3
Equality of parties in a judicial process and the proper conduct of the judicial process	9
Prior consultation and discussion within or between public authorities for the development of public policies	22
The conduct of international or intergovernmental relations	6
Other	162

The above data shows that there is an increase in the number of public authorities that have reported to the Commissioner's Office regarding the implementation of the requirements of Law No. 119/2014 *"On the Right to Information"*, as amended. This fact reflects an increase in the awareness and cooperation of public authorities with the Commissioner's Office. A decrease in the number of requests for information from 12323 requests declared for 2023 by 304 public authorities, to 11549 requests for information declared for 2024 by 351 authorities was found.

In the 2024 reporting, a new request from the Commissioner's Office was to identify the category of information seekers, where for 2024, it results that a total of 3129 requests for information were made by journalists, and a total 1540, by civil society representatives.

Public authorities, through the questionnaire format, were also given the opportunity to express whether the recent legal amendments to Law No. 119/2014 *"On the Right to Information"*, as amended, specifically regarding the liability of any person who, by his actions or omissions, violates the provisions of this law, had influenced the faster handling of requests for information and the provision of the most complete answers, where many responses have shown that the legal amendments regarding administrative liability have had a positive impact on the faster handling of information requests and the provision of the most complete responses.

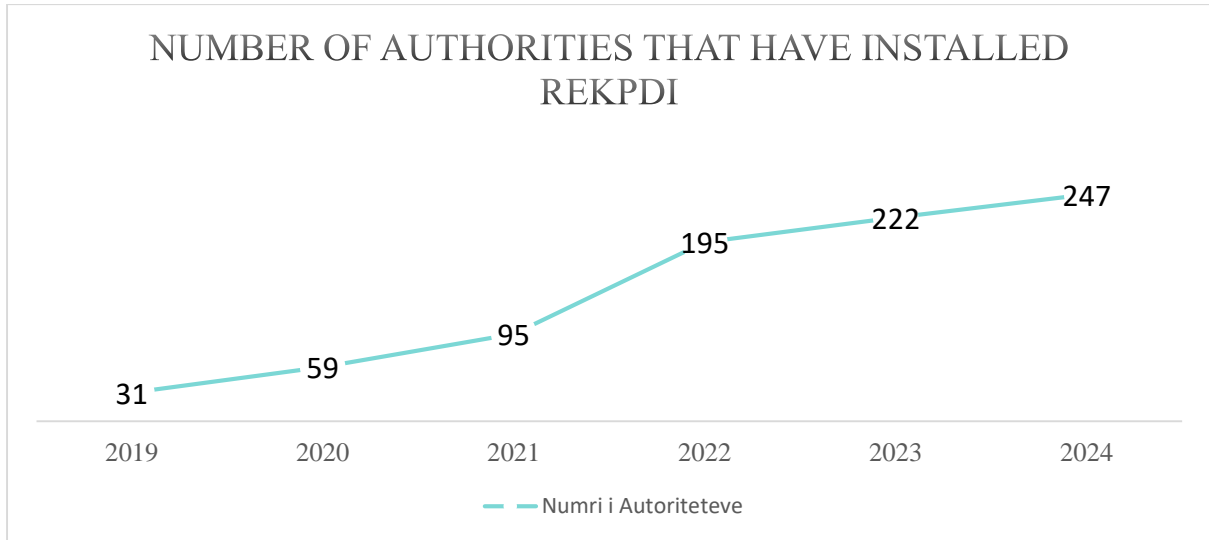
The Commissioner's Office, through the reporting, asked public authorities to express their needs regarding various instructions or training from this office, needs which will be addressed throughout 2025.

III.5 ELECTRONIC REGISTRY OF INFORMATION REQUESTS AND RESPONSES ON PYETSHTETIN.AL PORTAL

The Electronic Registry of Information Requests and Responses (REKPDİ), integrated into the pyetshtetin.al portal according to the DoCM no. 145/2018, enables the exercise of the right to information upon request and eventually of a complaint to the Office of the Commissioner. This method ensures the direct involvement of the coordinator and guarantees the traceability of the process, leaving no room for abuse and/or avoidance of fulfilling legal obligations.

In 2024, REKPDI was installed in 25 new authorities, bringing the number of PAs to 247. In parallel, regular trainings were held with coordinators on how to use it. Through it, 208 requests for information were sent by citizens and interest groups, while 18 complaints were filed with the Commissioner's Office.

Meanwhile, the Commissioner's Office, in collaboration with the Albanian National Agency for Information Society, has continued to maintain the information request service via e-Albania. This system is functional for 163 public authorities and helps citizens obtain public information through a single government channel.



IV. PERSONAL DATA PROTECTION

IV.1 MONITORING AND SUPERVISION

In an increasingly digitalized world, data protection and privacy have become important issues for individuals, businesses, and countries, as technology continues to evolve and touch every aspect of our daily lives. With the massive growth in data generated by individuals and businesses, the protection of personal information in Albania, as well as globally, has become a priority. For this reason, privacy and data security are an inseparable part of technological developments and have a direct impact on the trust of users and society in general.

Data protection, as defined by law, refers to the practices, policies and processes designed to protect personal data from misuse, loss, unauthorised access or disclosure. While controllers and individuals share and store data online, they expose personal, financial and health (sensitive) data to a range of risks. Ensuring strong data protection measures is essential to prevent identity theft, fraud and breaches that can cause breach of trust, financial consequences and reputational damage.

Privacy in technology relates to the ability of individuals to control their personal data, including how it is collected, stored and used. With the increasing dependence on online platforms, social media, etc., the volume of personal data being processed is extraordinary. This creates the need for clear privacy policies and safeguard measures to avoid unauthorized data collection and use.

In this context, it is essential that any controller that collects and processes personal/sensitive data understands the importance of data protection, recognizes the rights under privacy law, and implements secure and responsible practices for the processing of personal data.

As technology continues to transform the global and national landscape, the importance of data protection and privacy under data protection legislation cannot be underestimated. Stakeholders such as individuals, businesses, etc., must collaborate to ensure that personal information is protected through effective policies, technological innovations, and increased commitment to maintaining privacy in the digital realm. Proactive investment in data security, as well as following data protection legislation and guidelines, not only reduces risks, but also promotes a safe environment for technology development in Albania.

Technological developments and data processing through digital services go hand in hand with the adoption of the new Law on Personal Data Protection in Albania, fully aligned with the EU General Data Protection Regulation (GDPR) and the Police Directive, which aims to provide a clear and secure framework for the protection of personal data, ensuring that they are collected, processed and stored in accordance with international standards.

IV.2 COOPERATION WITH EUROJUST

Pursuant to Article 19 of the Agreement with EUROJUST, the Commissioner's Office, in its capacity as the institution responsible for oversight in the field of personal data protection, shall

be obliged to regularly exchange views with EUROJUST on the state of implementation of the provisions of this Agreement and further developments in the field of data protection and data security. To this end, the parties (the Commissioner's Office and the Eurojust DPO) shall report at least once a year on the state of implementation of the provisions of this Agreement relating to the personal data protection.

The Commissioner's Office conducted the monitoring process at the General Prosecutor's Office and the Prosecutor's Offices of General Jurisdiction (Tirana, Elbasan, Lezhë) and the Special Structure Against Corruption and Organized Crime (SPAK), with a focus on knowledge about personal data processing processes, identifying the level of implementation of duties under the personal data protection legislation, as well as taking precautionary measures to improve deficiencies, in implementing the obligations of the Agreement with EUROJUST.

At the conclusion of this monitoring process, the Commissioner's Office has drafted the Annual Monitoring Report addressed to EUROJUST *"On the Cooperation Agreement between the Republic of Albania and EUROJUST, regarding the implementation of personal data protection obligations"*, for the year 2023.



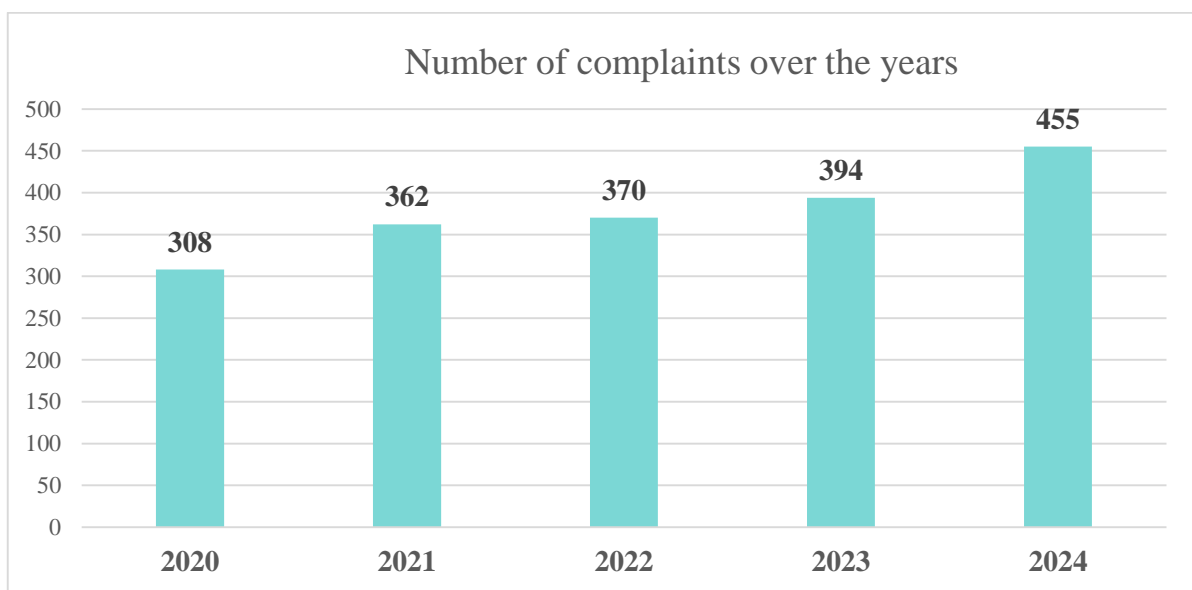
This report has been drafted within the framework of the implementation of the Cooperation Agreement between the Republic of Albania and EUROJUST, ratified by Law No. 113/2018, dated 20.12.2018, reflecting the current situation regarding the protection and safeguarding of personal data, the measures taken and the strategies used in support of the personal data protection legislation, in order to guarantee the safety, protection and privacy of data processed by the prosecutorial system during the exchange of information with EUROJUST.

It is worth noting that this report was produced for the first time by the Commissioner's Office, and was sent to EUROJUST, which welcomed and positively assessed it, and was also identified by the European Commission at the Data Protection Academy in Brussels, as one of the good practices that reflect the work done by the Republic of Albania.

IV.3 COMPLAINT HANDLING

During 2024, a total of 455 complaints from citizens'/data subjects were handled, from which review, their scope is categorized into the following:

- Violation of the personal data subjects' rights (access/rectification and erasure);
- Dissemination of personal data without the consent of the personal data subject;
- Unfair and unlawful processing of data;
- Dissemination of personal data in media and online portals;
- Placing cameras in public and private spaces;
- Direct marketing in relation to unsolicited communications, via telephone or email;
- Exceeding the deadline for collecting personal data for a specific purpose.



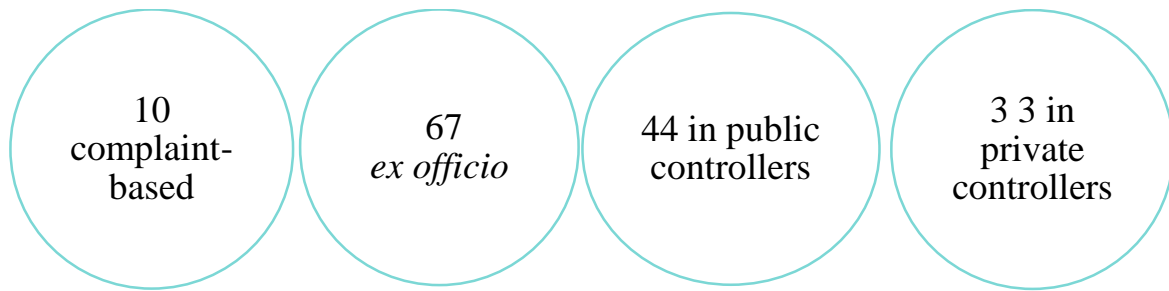
Based on this data, it results that for this year, the number of complaints (455) submitted to the Commissioner is on a significant upward trend, compared to the previous year, where 394 complaints were registered, which shows the importance that individuals are attaching to the control and protection of their personal data.

IV.4 ADMINISTRATIVE INVESTIGATION

During 2024, administrative investigations were conducted on public and private controllers, with the aim of verifying the compliance of their processing activity with the personal data protection legislation.

In total, 77 administrative investigations were conducted, of which 10 based on complaints and 67 on the initiative of the Commissioner's Office (*ex-officio*). Regarding the areas of activity, 44 administrative investigation processes were undertaken by public controllers and 33 by private controllers.

77 Administrative Investigations



IV.4.1 Administrative investigations pursuant to the Assembly Resolution

In implementation of the Assembly Resolution for 2024, we are engaged in developing administrative investigation processes in several main directions:

- *Implementation of legislative obligations on personal data protection in areas and sectors such as education, health care, tourism, banking system, etc.;*
- *On technical and organizational measures for the secure processing of personal data (SIPS);*
- *On implementation of the recommendations made earlier;*
- *At the the prosecution offices, regarding implementation of the legislation in the field and obligations arising from the cooperation agreement with EUROJUST.*

Implementation of personal data protection legislation duties in areas and sectors such as education, health care, tourism, and banking system

In the education sector, 20 administrative investigations were conducted in public (16) and private (4) controllers with regard to the implementation of the personal data protection law. In conclusion, the Commissioner's Office has issued 4 Recommendations; as well as a Unifying Recommendation on compliance with legal obligations concerning personal data protection for controllers of upper secondary education.

In the health care sector, 16 administrative investigations were conducted among public controllers. On their conclusion, the Commissioner issued a Unifying Recommendation on compliance with legal obligations related to personal data protection in health care and specialty centres.

In the tourism sector, 6 administrative investigations were carried out, mainly among private controllers. At their completion, the Commissioner issued 6 Recommendations.

Administrative investigations with thematic scope on the implementation of technical and organizational measures for the secure processing of personal data

The attention of the Commissioner's Office has been focused on conducting administrative investigations into the necessity of information security management systems (ISMS).

- In the technology service sector, 5 administrative investigations were conducted, specifically for SMSI. In conclusion, the Commissioner issued 3 Recommendations and 2 Decisions.
- In the banking sector, 2 administrative investigations were carried out with a focus on technical-organizational measures for the protection of personal data, particularly information security management systems (ISMS). The investigations have been completed on the ground, with final decision-making postponed to the following year.

From this oversight activity, the Commissioner's Office identified serious problems in terms of taking the necessary technical and organizational measures to carry out processing processes, with a substantial impact on guaranteeing personal data protection.

- controllers do not have specific Regulations “On the processing, collection, storage and security of personal data”;
- controllers do not have a strategy or plan for the ISMS, which includes all the components of a complete information security management system;
- controllers do not clearly inform data subjects about the purpose and manner of their processing (through the official website, or various forms they apply, the use of CCTV, etc.), the person who will process the data, the legal rights they enjoy, or the data retention period;
- the controllers have not taken appropriate measures to guarantee the confidentiality of the data being processed;
- controllers do not have a specific retention period for personal data;
- controllers do not respect the obligation to notify and/or update the Commissioner's Office whenever processing processes or categories of personal data are added;
- controllers do not foresee obligations in accordance with the relevant legal norms in cases of 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 processing processes;
- public controllers (in the education sector) in the use of personal data due to their activity, do not respect security measures in this process, especially in terms of electronic communications from individual employee addresses;
- The publication of photos/videos of students on social networks taken during lessons or cultural and sports activities is carried out in violation of the principles of personal data protection and the legal criteria for their processing.

Investigations within the framework of monitoring the implementation of measures left in previous recommendations/orders

11 administrative investigations have been carried out as part of the verifications of the implementation of 34 recommendations issued in the period 2022-2024, both among public and private sphere. Overall, it was found that a significant number of controllers had fully fulfilled their legal obligations and within the established deadlines, which is an indicator of growing awareness of the citizens' personal data protection. In conclusion, 8 controllers were subjected to administrative sanctions for failure to fulfil the obligations set out in previous

recommendations, such as taking measures for the lawful data processing, guaranteeing the rights of data subjects, taking appropriate technical and organizational measures for data security, etc.

Investigations by prosecution offices for the implementation of relevant legislation and obligations arising from the cooperation agreement with EUROJUST.

As mentioned above, the Commissioner's Office conducted the first preliminary monitoring process at the General Prosecutor's Office and the Prosecution Offices of General Jurisdiction of Tirana, the Prosecution Office of General Jurisdiction of Elbasan, the Prosecution Office of General Jurisdiction of Lezha, as well as the Special Structure Against Corruption and Organized Crime (SPAK), with a focus on knowledge of personal data processing processes, identifying the level of implementation of obligations under the personal data protection legislation, and taking measures to improve deficiencies, in order to implement the obligations of the agreement.

At the completion of this monitoring process, the Commissioner's Office drafted 5 Monitoring Reports, addressed to the General Prosecutor's Office, the General Jurisdiction Prosecution Office of Tirana, the General Jurisdiction Prosecution Office of Elbasan, the General Jurisdiction Prosecution Office of Lezha, as well as the Special Structure Against Corruption and Organized Crime (SPAK), respectively, where the relevant conclusions and recommendations on taking concrete measures in accordance with the personal data protection law, and its implementing regulations, were highlighted, with the aim of improving the functioning of the prosecutorial system, within the framework of the implementation of the Agreement with EUROJUST.

IV.4.2 Administrative investigations among other controllers

Based on the powers that the Commissioner derives from the legislation on additional public security measures and the legislation on border control regarding PNR/API passenger data, 2 administrative investigations were conducted at the General Directorate of State Police and the Passenger Information Unit.

In conclusion, the Commissioner's Office issued an Assessment Report for the General Directorate of State Police, on the implementation and compliance with the legislation on the personal data protection, within the framework of additional public security measures, as well as an Assessment Report for the Passenger Information Unit, within the General Directorate of State Police, on implementation and compliance with the personal data protection legislation in the framework of the processing PNR/API passenger data. This is a process of particular importance, closely linked to the protection and security of personal data collected and processed for passengers' identification purposes, to avoid any unlawful processing of passenger data and guarantee their safeguarding during processing.

Two administrative investigations were conducted in reception centres and in organizations (NGOs) for victims of trafficking, with regard to responsible conduct of personal data processing processes. At their conclusion, the Commissioner issued two Recommendations.

IV.4. 3 Report on the public controllers' compliance

The Commissioner's Office, in order to monitor/supervise and implement legal obligations, has addressed a letter regarding the *implementation of the obligations of personal data protection legislation* to 45 public controllers, where the main questions include technical-organizational security measures, access to databases, taking measures for the creation, maintenance and administration of the SMSI, system interoperability, trainings, etc.

From the statements of 32 public institutions, in the capacity of controllers, the Commissioner's Office assesses that the issues identified in public administration institutions concern lack of legal and technical knowledge on responsibilities assigned by the personal data protection legislation.

Referring to reports on compliance with respective measures by public institutions, it results that:

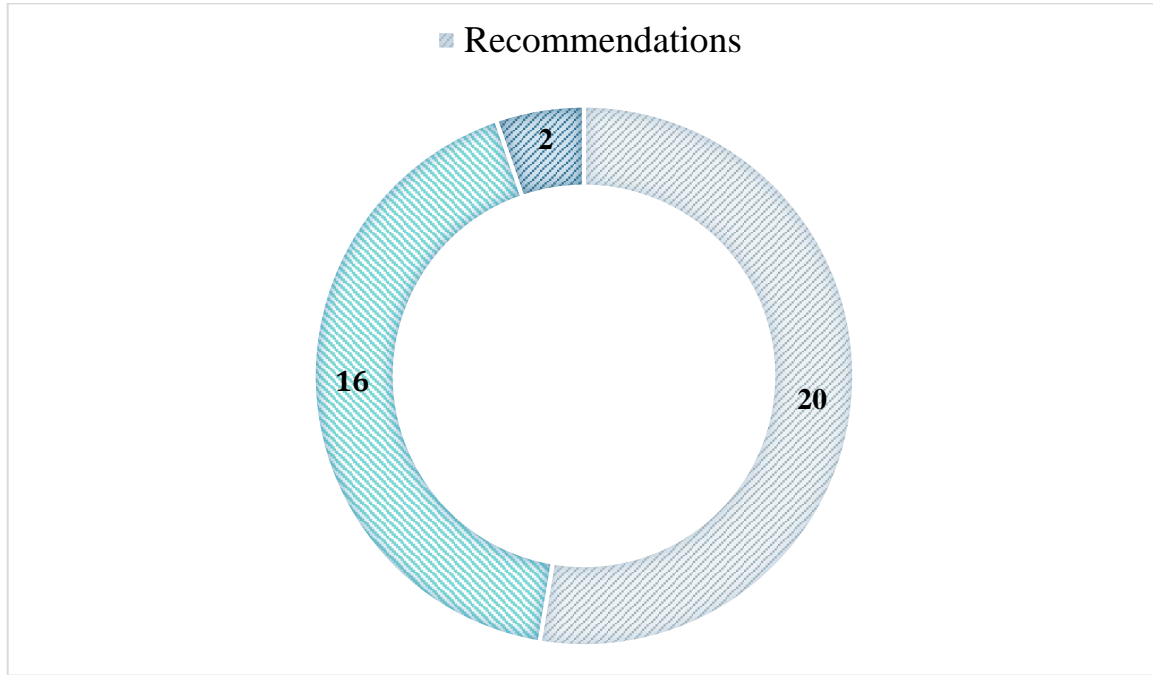
- 44% of public controllers have stated that *they have drafted and adopted internal/regulatory acts* regarding personal data protection.
- 16% of public controllers have stated that *they have established rules* on how to interact with other databases.
- 25% of public controllers have stated that *they take measures on access levels*, guaranteeing traceability and controlling the actions of persons/staff who have access to personal data.
- 28% of public auditors stated that *they respect the principle of sufficiency* for all information published on the official website as well as for data shared with third parties.
- 25% of controllers have stated that *they delegate processing processes and take measures for their security*, but in no case is the existence of a contract specified that foresees the obligations cited in Article 20 of the Law and in the Commissioner's Guideline No. 19.
- 12% of controllers have stated that *they have taken measures to create, maintain and administer an ISMS* for the personal data protection.
- 16% of controllers have stated that *they conduct continuous and tailored training* of personnel regarding the personal data protection.

IV.5 DECISION MAKING

In accordance with legal obligations, to clarify the circumstances and facts regarding all administrative processes carried out, 37 hearings were held with the participation of the parties. The hearings were held in compliance with the right of the subjects to be heard pursuant to Articles 87-89 of the Administrative Procedures Code, before the final decision was taken by the Commissioner.

In summary figures, for 2024, the Commissioner expressed through:

- 17 Specific Recommendations and 3 Unifying Recommendations;
- 16 Decisions corresponding to 48 administrative sanctions and fines;
- 2 Orders (*for rectification of personal data*);



IV.5.1 Unifying Recommendations

Based on the positive experience of the Commissioner's Unifying Recommendations, this year too, such Recommendations continued to be provided for the following sectors:

- ***Recommendation in the real estate brokerage sector***

In accordance with the Personal Data Protection Law, the Commissioner's Office has conducted administrative investigations to supervise the processing by Controllers in the real estate brokerage sector, with the aim of verifying compliance with legal principles and criteria, as well as with a special focus on technical and organizational measures for the processing of personal data, especially Information Security Management Systems (ISMS).

In this context, the Commissioner's Office issued a Unifying Recommendation No. 02, dated 26.03.2024 "*On compliance with legal obligations in the framework of personal data protection in the real estate brokerage sector*", which highlighted the issues found during administrative investigations and determined the tasks for controllers to implement in relation to the Personal Data Protection Law.

■ ***Recommendation in the upper secondary education sector***

The Commissioner's Office conducted administrative investigations for the supervision of processing processes by public and private Controllers in the upper secondary education sector, in order to verify compliance with the obligations arising from the Law. In conclusion, the Commissioner's Office issued a Unifying Recommendation no. 07, dated 07.05.2024 " *On compliance with legal obligations in the framework of personal data protection for controllers of upper secondary education*",

Special care is taken with the personal data of children/students under 18 years of age (minors), to avoid serious consequences that may arise from the online publication of their data as well as from the unlawful access or dissemination of this data by unauthorized persons.

■ ***Recommendation for health care centres and specialty centres***

The Commissioner's Office appreciates the importance of this sector, given the nature of the personal and sensitive data being processed, but also as a result of the digitalization and provision of services in the healthcare system. As a result, the fulfilment of legal obligations under the provisions of specific legislation has brought about the need for increased attention by the Commissioner's Office, in the context of guaranteeing lawful processing, security, maintaining confidentiality and respecting the principles for lawful processing of data on guaranteeing the rights of personal data subjects.

After administrative investigations, the Commissioner's Office issued the Unifying Recommendation Act No. 08, dated 02.09.2024 " *On compliance with legal obligations in the framework of personal data protection in health care centres and specialty centres*", which identified several issues regarding the implementation of the obligations of the personal data protection law by controllers, mainly regarding the legality of processing, technical and organizational measures, security and preservation of the confidentiality of personal data of data subjects, during the exercise of their activity.

IV.6 INTERNATIONAL TRANSFER

The Commissioner's Office has handled 12 cases of requests for international transfer of personal data to countries that do not have an adequate level of data protection. In each case, controllers have been instructed to fully implement the regulatory framework to guarantee the fair and lawful processing of individuals' personal data when this process is required to be carried out outside the territory of the Republic of Albania. After the assessment, one decision was issued for allowing international transfers in the banking sector.

IV.7 REGISTER OF NOTIFICATIONS

During 2024, 53 new controllers notified the processing of personal data in compliance with the legal obligation. In addition, 35 controllers' declarations were registered to change the status of their previously notified processing notification. The total number of controllers entered in the Register of Controllers is 6007.

With the adoption of the new law on personal data protection, the obligation of controllers to notify about the processing of personal data no longer exists, since controllers are now guided by the "*principle of accountability*" to comply with the obligations arising from the legislation on the personal data protection.

In this context, the Commissioner's Office has proposed amending the Decision of the Council of Ministers No. 144/2018 "*On the setup of the state database on "Electronic Register of Controlling Entities"*". Having an existing register and an established infrastructure, which includes data, it has been suggested that the current register be used and updated, for the identification of data protection officers in accordance with the definition of the new law. The purpose of the amendment to the DoCM is related to the fact of converting this database from a database for the identification of controllers, to the identification of Data Protection Officers (DPOs) in the Republic of Albania.

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

The Commissioner's Office, as the institution responsible for monitoring and supervising the implementation of legislation that guarantees safeguarding of two fundamental rights and freedoms, is constantly engaged and in cooperation with the Assembly of the Republic of Albania and other public/state administration institutions of the country. This interaction is important not only for consolidating the culture of administrative communication, but, in particular, for achieving the objectives of the authority in the two main areas of responsibility.

V.1 RELATIONS WITH THE ASSEMBLY OF ALBANIA

V.1.1 Implementation of the Resolution

The annual reporting process in the Assembly concluded with the adoption of the "Resolution on the evaluation of the activities of the Commissioner for the Right to Information and Personal Data Protection for the year 2023". The legislature has appreciated the work and achievements in fulfilling the objectives of the Commissioner's Office, leaving the relevant recommendations for 2024, which have been fully fulfilled during this year.

In the area of the right to information, the recommendations made by the Assembly Resolution aimed at supervising and monitoring the implementation of the legislation on the right to information, with the aim of increasing the accountability and responsibility of the public/state administration to guarantee proactive transparency, as well as monitoring and assistance for the installation and functioning of electronic instruments.

Regarding the area of responsibility for the protection of personal data, the Assembly recommended taking final measures to conclude the procedures for the adoption of the new legal framework for this area, conducting in-depth administrative investigations regarding compliance with personal data protection legislation for specific sectors such as education, health care, banking, etc. In terms of technical-organizational measures, specifically for the Information Security Management System (ISMS), it has been assigned as a task to increase

monitoring on this topic in order to maintain confidentiality, availability and reliability in the personal data processing. Increasing monitoring/supervision at the prosecution offices regarding compliance with legislation in the field and obligations arising from the cooperation agreement with EUROJUST on personal data protection is also a criterion left to be fulfilled. Finally, the Assembly recommends the drafting of a professional curriculum in the field of personal data protection as an opportunity for the educational system to implement this material.

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

Pursuant to the Resolution of the Assembly of 27.05.2024, a Special Committee "On Deepening Reforms for Good Governance, Rule of Law and Anti-Corruption for Albania 2030 in the European Union" was established, with the aim of directing and coordinating the deepening process of good governance reforms, fight against corruption and the rule of law through a public, inclusive, transparent and professional process.

In compliance with the principle of inclusiveness, the Committee addressed an invitation for cooperation to:

- *Civil Society Organizations,*
- *Business Organizations,*
- *Academia (public and private universities),*
- *Independent Institutions, and*
- *Various interest groups,*

to be actively involved in its working groups, asking each of them to designate institutional representatives, as high-level experts, members of the Technical Secretariat or as participants and contributors to the public roundtables and forums organized within the framework of this committee work.

The Commissioner's Office responded positively to the Committee 's invitation by contributing with 2 of its representatives as high-level experts and 2 other representatives as experts to the Committees Technical Secretariat. The Commissioner's Office has also actively participated and contributed to all the roundtables and public forums organized for this purpose.

The Commissioner's Office is represented with high-level experts at the Good Governance, Anti-Corruption and Rule of Law Pillars, as well as experts at the Technical Secretariat of the Good Governance Pillar.

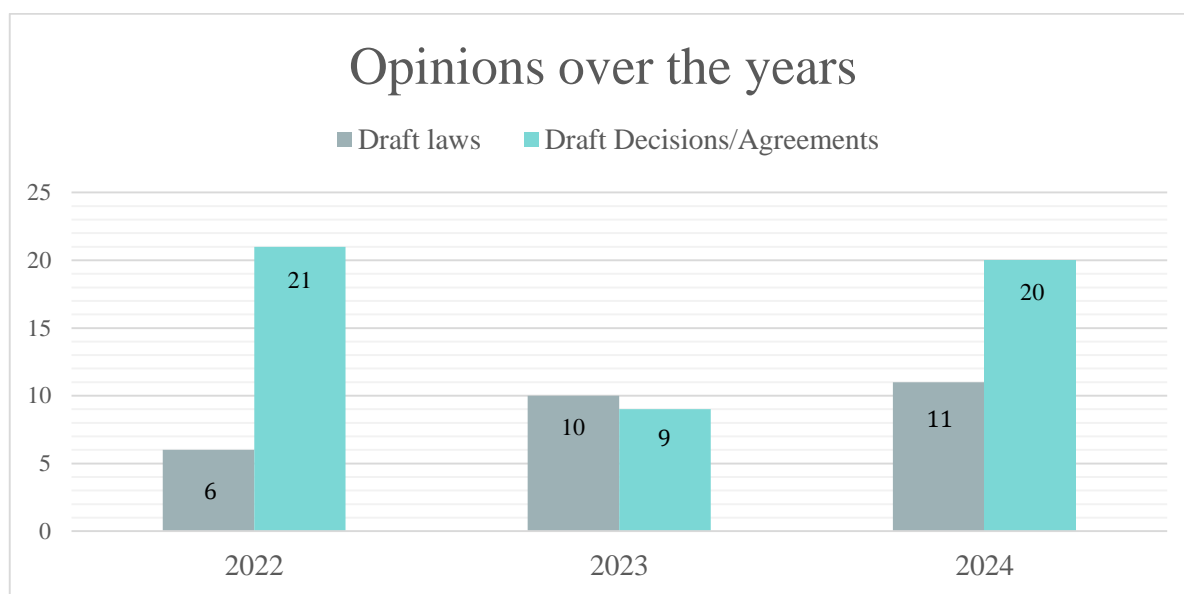
The expertise provided by the representatives of the Commissioner's Office relates to both areas of responsibility of this office, namely: the right to information and personal data protection, but also to the office's other mandates, specifically public consultation and open data.

V.2 COMPLIANCE OF OTHER REGULATORY FRAMEWORK WITH PERSONAL DATA PROTECTION LEGISLATION

The Commissioner's Office's constant approach to harmonizing the national regulatory framework with that of personal data protection is not only a legal obligation, but an important practice that influences the guarantee of this fundamental right by public controllers (institutions/bodies).

During 2024, opinions were given on 32 regulatory acts, including 11 draft laws, 20 draft decisions, 1 draft methodology, as well as 40 opinions on issues/projects submitted by public or private controllers. In recent years, figures show the growing awareness of public controllers regarding the compliance of specific legislation with that of personal data protection, when these acts also include processing processes in their scope.

This activity is guided by the spirit of implementing GDPR standards in Albanian legislation, where the principles of accountability, integrity, confidentiality or data security have been the main focus in this regard. In recent years, figures speak of the growing awareness of public controllers for the compliance of specific legislation with that of personal data protection, when these acts also include processing processes in their scope.



This harmonizing activity takes into account the necessity of achieving a balance between social changes/transformations and technological innovation in relation to respecting this fundamental right of the individual. For the most important draft acts for which an opinion has been given, see the link <https://idp.al/viti-2024-dhenie-mendimi-per-projekt-aktet/>.

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

VI.1 THE EUROPEAN INTEGRATION PROCESS

Albania's membership in the European Union is a national strategic objective, where the Commissioner's Office, as part of Chapter "Political Criteria", Public Administration Reform, Chapter 23 "Judiciary and Fundamental Rights", Functioning of Democratic Institutions and Chapter 10 "Information Society and Media", and has provided its contribution in all phases of the opening of negotiations process.

VI.1.1 Roadmaps

The Commissioner's Office has continued to play a very active role in fulfilling the measures provided for in the Roadmap for the Rule of Law - Chapter 23 *"Judiciary and Fundamental Rights"* (DoCM no. 736, dated 13.12.2023) as well as in the Roadmap for Public Administration Reform (DoCM no. 737, dated 13.12.2023).

In order to fulfil the measures and recommendations provided for in these documents, the institution has been intensively engaged in order to implement them. On the other hand, all reporting has been followed -up and performed at the responsible coordinating structures for monitoring the implementation of the measures provided for in the Roadmap.

VI.1.2 Accession Document: Common Position of the European Union

On 11 October 2024, in Brussels, the Accession Document: Common Position of the European Union on Chapter Cluster One - "Fundamentals" was adopted at the Conference on Accession to the European Union. This document sets out the intermediate milestones for this chapter cluster, which, among other things, stipulates that: *"Albania should further strengthen the protection of fundamental rights in practice. In particular, Albania shall meet this intermediate benchmark once it has achieved the following: "The adoption and start of the implementation of the data protection reform in line with the EU acquis, including the systematic response and adoption of effective safeguards for the protection of privacy and personal data"*.

In relation to this important document, the Commissioner's Office has a special contribution as it was the first to achieve one of the intermediate milestones for the "Fundamentals" Chapter Cluster.

VI.1.3 European Commission Progress Report

The European Union continues to emphasize the necessity of further approximation of legislation on the protection of personal data, strengthening the independence and competences of the Commissioner, as well as raising awareness to ensure respect for this fundamental right, in particular, by public institutions. These recommendations have been repeatedly addressed in the EU Progress Reports for Albania, where for the year 2024 it is quoted:

“Legislation on the protection of personal data needs to be aligned with the EU acquis. Concerns remain about the handling of personal data by private companies and public administrations as well as about the weaknesses of government IT systems. Robust safeguards are needed to prevent breaches of personal data. Further action is needed to increase public awareness about potential risks and increase public institutions’ preventive capacity. The capacity of the Office of the Information and Data Protection Commissioner (IDP) needs to be strengthened. The IDP is systematically consulted on draft legislation that can affect personal data; however, implementation of its recommendations is low. The law needs to fully safeguard the independence of the IDP and empower it to adopt binding decisions.”

The above recommendations, to the extent they are within the mandate of the institution, have been fulfilled with the adoption of the new Personal Data Protection Law, by fully aligning it with the EU *acquis*.

VI.1.4 Periodic reporting within the framework of the integration process

The institution's technical engagement in the EU integration process includes:

- Active participation in the Inter-Institutional Working Groups on European Integration (IWGEI) for the above-mentioned chapters;
- Preparing information on the institution's activity 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 2024;
- Preparation of information and representation at the 15th meeting of the EU Subcommittee on “Justice, Freedom and Security”;
- Preparation of the contribution on the monitoring of the measures foreseen in the Rule of Law Roadmap and PSIE;
- Monitoring the SIGMA Albania 2024 evaluation process for the Commissioner's Office and the relevant input into the PAR.IS system;
- Preparing the contribution within the framework of drafting the EU Rule of Law Report 2025;
- Preparation of information on the institution's activities in the framework of the Public Administration Subcommittee (PAR-Special Group) meeting;
- Preparing the contribution to the National Plan for European Integration 2025-2027;
- Preparing inputs for additional questions in the relevant chapters for the second cycle evaluation report of Albania on the implementation of the United Nations Convention against Corruption (UNCAC).

VI.2 PARTICIPATION IN INTERNATIONAL FORUMS AND NETWORKS

VI.2.1 International Conference of Information Commissioners

The Office of the Commissioner for the Right to Information and Personal Data Protection organized in Tirana, on June 3-5, 2024, the XV Edition of the International Conference of Information Commissioners (ICIC).



ICIC is the most important forum for cooperation between right to information and transparency regulators worldwide. The 2024 Conference was entrusted for the first time to the Commissioner's Office, taking into account the previous experience with the successful organization of the World Privacy Assembly, in 2019. The Commissioner's Office was supported by the Planning Committee, which included members of the ICIC Executive Committee and Secretariat, in developing the content of the Conference.

The highest decision-making body of the Conference is the Executive Committee, where the Commissioner's Office is an elected member, since 2021. The Conference consists of an Open Session, with broad participation of the public and various stakeholders, and a Closed Session with the participation of only member and observer countries.

The Conference proceedings were held under the theme "*Empowering individuals through access to information: ensuring transparency and inclusiveness in an interconnected world*".

The proceedings of the Conference were welcomed by the guest of honour Mr. Edi Rama, Prime Minister of the Republic of Albania, Mr. Adrian Alcalá Méndez, President of the Board of Commissioners of INAI, Mexico and at the same time, President of the Executive Committee of ICIC, video greetings from Mr. Tawfik Jelassi, Assistant Director-General for Communication and Information at UNESCO, Mr. Giuseppe Busia, President of the National Anti-Corruption Authority of Italy and Mr. Darian Pavli, judge at the European Court of Human Rights, based in Strasbourg.



With the participation of over 200 representatives of ICIC member or observer states/jurisdictions from all continents, from international organizations, such as the Council of Europe, UNESCO, the World Bank and the OECD, from the academic world, civil society or media, both local and foreign, during the two days of the Open Session, 5 main panels were held.

The addressed issues included discussions on guaranteeing the exercise of access to information in the context of vulnerable groups, addressing ways to eliminate barriers faced by these groups, and the importance of access for a more just and inclusive society.

Another discussion concerned the interaction between relevant regulatory authorities with civil society and media, to make access to information and transparency more effective. This panel highlighted the key role of these actors who, through their promotion and active activity, promote the transparency of public authorities by making public information accessible and usable for citizens – with the participation of the Commissioner's Office in the panel.

In the spectrum of technology and other rights, two parallel panels were held on the dynamism of the digital environment and open data initiatives, examining how digital technologies can improve access and empower citizens through direct access to public information, while the other panel discussed the balance to be maintained between advancing access to information and safeguarding rights in the area of personal data protection, which was moderated by the Commissioner's Office. The panel was composed of Commissioners who oversee both the right to information and the right to data protection and privacy. The discussions focused on the challenges and solutions to reconcile transparency with protection of privacy.

UNESCO "*Sustainable Development Goals Indicators*" on access to information was a topic of interest in terms of progress on the adoption of access to information legislation in as many countries as possible around the world. This panel, moderated by UNESCO, analysed the progress and challenges in advancing transparency and access to information in the global context.



The discussions concluded with the most important panel of the conference, where members of the ICIC Executive Committee and international civil society actors gathered to discuss the achievements and continued the discourse on the future vision of the conference. The panellists underlined the need for further strengthening international cooperation. Among other things, the creation of collaborative mechanisms in the fight against misinformation was proposed. Also, the need to adapt to a constantly changing environment, characterized by technological developments, new challenges in transparency and the emergence of new threats to democracy and access to information were discussed.

In addition, the Council of Europe, the World Bank with *the Carter Centre* and the Canadian Centre for Law and Democracy, conducted parallel activities coordinated by the Commissioner's Office. The Council of Europe presented progress on the first evaluation of the Council of Europe Convention 205 "On Access to Official Documents", and promoted its standards, as the first binding instrument recognizing the right of access to information.

The World Bank, together with *the Carter Centre*, organized the event with the theme "*Accountability, Service Delivery, and Inclusion: The Role of Information Commissioners.*" This session addressed the role of Information Commissioners with democratic principles, identifying the challenges they face and examining ways in which multilateral and international institutions can support their further engagement.

While the Centre for Law and Democracy presented a comprehensive methodology for assessing the implementation of laws on the right to information.

In the closed session of the Conference, the latest regional developments in the field of access to information were presented and discussed, highlighting achievements and challenges specific to each region. Representatives from Africa reported on the election of members of the Executive Committee and their efforts to strengthen access to information mechanisms, including the organization of the next conference in Sierra Leone.

From Asia, experiences of digitalization to bring public information closer to citizens were highlighted, although challenges such as lack of institutional capacity and awareness of the right of access were identified. The European report addressed issues of access to environmental information and legislative improvements in Eastern Europe, underlining the importance of public interest.

Reports from Latin America and the Caribbean included public statements on electoral and environmental issues, as well as diagnoses for vulnerable groups and proactive data disclosure. In Oceania, a study on attitudes towards the right to information provided data on citizens' experiences and the use of artificial intelligence to facilitate access to information.



The Commissioner's Office takes over the Presidency of the International Conference of Information Commissioners (ICIC)

Upon the proposal of the Executive Committee at its 6th plenary meeting in December 2024, the Albanian IDP Commissioner's Office was proposed to temporarily assume the functions and role of the Presidency of the Secretariat of the International Conference of Information Commissioners (ICIC).



This is an appreciation to the Commissioner's Office for the professionalism shown in the successful organization of the 2024 ICIC Conference in Tirana, as well as its contribution and active role in international cooperation in the field of access to information. This temporary function will last until the June 2025 Berlin Conference.

VI.2.2 The Commissioner's Office is elected a member of the Expert Group of 205 CoE Convention

Following the ratification of 205 CoE Convention by Albania in 2022, and the adoption of Law No. 45/2022, the Commissioner for the Right to Information and Personal Data Protection was appointed as Albania's representative body in the Council of Parties. The Council of Parties is one of the two bodies that monitor the implementation of the Convention. It is composed of one representative from each State Party and has the role of a decision-making body, which examines opinions or proposals submitted by the Expert Group. (Access Info Group-AIG). Recently, the Commissioner's Office on the Right to Information and Personal Data Protection submitted its candidacy to become a member of the Expert Group. In the elections held at the 4th meeting of the Council of Parties, the representative of the Commissioner's Office was declared the winning candidacy among other candidacies. This shows the commitment and continuous efforts to achieve the highest standards in the field of the right to information in Albania, becoming part of the highest level of the body of experts in Europe on access to information.

VI.2.3 The CoE assesses the implementation of 205 Convention by Albania

The Expert Group (Access Info Group-AIG) of the Council of Europe (CoE) 205 Convention "On Access to Official Documents" (Tromsø Convention) at its meeting in November 2024, assessed Albania positively in the implementation of the provisions of the Convention. The Expert Group, after analysing the Albanian legislation, presented the Preliminary Assessment

Report for our country, which determines the level of compliance and guarantees provided for in the Law no. 119/20214 “On the Right to Information” with those provided for in the Tromsø Convention. The report establishes the contemporary level of measures that the Albanian regulatory framework meets to guarantee the practical exercise of the right to information, as one of the fundamental freedoms and rights of the citizen.

VI.2.4 Signing of the Memorandum of Understanding Albania-Azerbaijan

The Commissioner for the Right to Information and Personal Data Protection signed a Memorandum of Understanding with the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan to promote respect for the right to access to public information.

The document was signed by the heads of both institutions, at a ceremony held at the end of the proceedings of the 15th International Conference of Information Commissioners (XV ICIC), in Tirana. The memorandum provides for cooperation in the promotion of fundamental human rights and freedoms, and in particular, the right to information, the exchange of information, expertise and best practices, the increase of professional capacities and training of the respective staff, or conduct of joint investigations.

VI.2.5 OECD invited the Commissioner's Office to share experience in the field of the right to <https://idp.al/2024/07/08/praktikat-me-te-mira-nderkombetare-ne-zbatimin-e-legjislacionit-per-te-drejten-e-informimit/https://idp.al/2024/07/08/praktikat-me-te-mira-nderkombetare-ne-zbatimin-e-legjislacionit-per-te-drejten-e-informimit/information>

The Office of the Commissioner for the Right to Information and the Protection of Personal Data was invited by the Organization for Economic Co-operation and Development (OECD) to participate in the event “*Enhancing Access to Information in Jordan: The Role of Public Institutions in Effectively Implementing the New Regulatory Framework*”. The event was organized by the OECD and the Ministry of Culture and the Information Council of Jordan, and was attended by over 80 local authorities with over 100 high-level representatives from central institutions, such as ministries and other key institutions in the country. The representative of the Office of the Commissioner together with the Spanish authority for the right to information were selected by the OECD to share experience and best practices in this area.

VI.2.6 Working meeting on the review of special cases “On the right to information”

The Office of the Commissioner for the Right to Information and the Protection of Personal Data participated in the annual seminar for training in specific cases in the field of the right to information (Case Handling Workshop – CHW). Organized by the Office of the Transparency Council of Spain, this 2-day activity brought together 30 representatives from European counterpart authorities. Experiences and good practices for the implementation of the legislation on the right to information were exchanged at this seminar. Among other things, issues related to the balance in the treatment of the right to information in relation to that for personal data the protection were discussed; strengthening proactive transparency and

methodologies for its effective monitoring; dealing with issues related to employment in public administration; issues regarding the use of technology in this field or the exercise of this right by journalists. At this seminar, the Commissioner's Office delivered a presentation regarding cases where the transparency of public authorities is intertwined with the handling of reserved or confidential information/documentation.

VI.2.7 Global Privacy Assembly (GPA)

The 46th edition of the Global Privacy Assembly (GPA) was held under the theme “The Power of I”, marking the main event for 2024 in the field of personal data protection. This activity focused on 8 important themes: the individual, innovation, information, integrity, independence, internationalization, intercultural exchange and self-determination/the indigenous. Organized by the Jersey Island Data Protection Authority (JOIC), this conference brought together representatives of over 160 GPA member and observer authorities, from academia, civil society, business and interest groups, free professions, the media, etc.

During the proceedings of the open session (October 28-30), sensitive issues were discussed and addressed regarding the respect and balancing of the power of information that citizens should have in order to control their personal data. The topics covered were related to determining the harms to privacy in the modern world; data protection and mental health; the impact of technology on regulatory authorities or the advantages and challenges of data transfer tools. At the same time, the attendees also discussed the role of data privacy in humanitarian crises; reducing inequalities in privacy rights - exploring the different dimensions of privacy and diversity; sharing data between government and third parties, etc. The conference promotes the growth of individuals' skills in self-management of personal data, as well as strengthening the culture of accountability and transparency when using this data.

During the closed session, the following documents were approved:

- Resolution on the encouragement and use of certification mechanisms in data protection;
- Resolution on surveillance technologies by law enforcement agencies and the protection of individuals' rights to privacy;
- Resolution on the free and trustful exchange of data and the effective regulation of global data flows;
- Resolution on the principles of processing personal information in neuroscience and neurotechnology;
- Resolution on GPA Rules and Procedures.

The GPA remains the main and most influential international forum in the decision-making process on public policies in the field of personal data protection.

VI.2.8 European Conference of Personal Data Protection Authorities

The Commissioner's Office participated in the 32nd edition of the European Conference of Personal Data Protection Authorities, otherwise known as the Spring Conference.

This is the main annual activity that brings together counterpart authorities/institutions in this field on our continent, to discuss and share the best experiences in protecting the privacy and personal data of citizens. The conference took place over 3 days and was organized into 6 main panels. Topics selected by the organizers were related to the use of technologies in the processing of personal data and the necessity to continuously improve the regulatory framework, the protection of health data in the digital age, strengthening cooperation between counterpart authorities, as well as the interaction of the European legal framework (GDPR) with the activity in the context of the fight against money laundering.

In the panel dedicated to the "Role of Data Protection Authorities in improving the regulatory framework in the digital age", the Commissioner's Office presented on the topic "Personal data security in Albania and the challenges of digitalization".

VI.2.9 European Data Protection Board (EDPB)

The Commissioner's Office has been an observer member of this forum since 2016. The European Data Protection Board is the highest EU body that adopts acts to supervise the unified implementation of the General Data Protection Regulation. This forum is composed of the heads of the national Data Protection Authorities of the EU Member States who meet periodically, in person or in an online format.

VI.2.10 Annual Privacy Summit, organized by the International Association of Privacy Professionals IAPP

As part of the "Data Protection Authorities Day", held as part of the agenda of the Annual Privacy Summit, organized by the International Association of Privacy Professionals (IAPP), the Commissioner for the Right to Information and Personal Data Protection participated in the meeting held at the White House, chaired by Mr. Rohit Chopra – Director of the Consumer Financial Protection Bureau. The discussions focused on important issues, considering technological progress, personal data flows in a globally interconnected economy and the challenges for their security and protection.



Also, a reception was held at the Federal Trade Commission by its head, Ms. Lina Khan, where senior officials had the opportunity to discuss intensifying international cooperation, exchanging best practices, and improving the regulatory framework for the most contemporary standards in the protection of personal data.

VI .2.11 EUROCONTROL Data Protection Supervisory Board

The European Organisation for the Safety of Air Navigation, EUROCONTROL, has updated its framework for the protection of personal data to align it with modern standards. A key component is the establishment of the Data Protection Supervisory Board (DPSB), an independent authority responsible for overseeing EUROCONTROL's compliance with its data protection regulations and for handling complaints from individuals, employees or external parties whose personal data are processed by the organisation. This Board reviews and advises on data protection policies, monitors data processing activities and provides guidance to ensure

the protection of individuals' privacy rights in accordance with relevant European Union legislation, including the General Data Protection Regulation (GDPR).

In its capacity as a Member of the EUROCONTROL Data Protection Supervisory Board (DPSB), the Commissioner's Office participated in its first Meeting.

VI.2.12 Participation in other forums

In the framework of international relations, the Commissioner's Office has participated in forums, activities, meetings, trainings or seminars organized by:

- Consultative Committee of CoE 108 Convention (T-PD);
- International Working Group on Data Protection in Technology (Berlin Group);
- Meeting of Central and Eastern European Data Protection Authorities;
- Data Protection Academy;
- "Digital Horizons: Safeguarding Data in the Age of Innovation" seminar;
- Internet Freedom Forum;
- Data Protection in the Western Balkans and Eastern Partnership Region, RCC.

VII. AWARENESS AND PROMOTION OF RIGHTS

VII.1 AWARENESS-RAISING ACTIVITIES AND INTERNATIONAL RIGHTS DAYS

INTERNATIONAL DATA PROTECTION DAY – January 28, 2024

The Commissioner's Office, on the occasion of January 28, collaborated with the Ministry of Education and Sports (MES), the General Directorate of Pre-University Education (DPAP) and its subordinate structures to develop awareness-raising activities in several general secondary schools in the country. They were held in the premises of the following gymnasiums, namely, "Ismail Qemali" in Tirana, "Hydajet Lezha" in Lezhë, "Dhaskal Todri" in Elbasan, and "Naim Frashëri" in Durrës.

With the participation of students, teachers and parents, these meetings focused on expanding knowledge on the safe use of the digital environment and technology, for the effective privacy and personal data protection. Held in the form of free conversation, they introduced the role and functions of the Commissioner's Office, discussed rights and ways of exercising them, and shared practical advice regarding the behaviour of young people in view of personal data protection. A legal, responsible, transparent process with high security standards in the processing of personal data also affects the sustainable economic development of the country. Thus, such activities serve the important goal of the best possible education of the younger generation, but also of encouraging the preparation of skilled professionals in this field. Also, the Commissioner's Office, in the context of celebrating this Day, through cooperation with (DPOs) in public/state institutions and various private companies, has shared an awareness-raising video to show maximum care in the use of electronic devices and technology, in the context of preserving citizens' information and personal data.

6th NATIONAL CONFERENCE “BUILDING TRUST: PROMOTING TRANSPARENCY, ACCOUNTABILITY AND INTEGRITY IN ANTI-CORRUPTION POLICIES”

On June 26, 2024, the Office of the Commissioner and the Minister of State for Public Administration and Anti-Corruption (MPAAC), co-organized the 6th National Conference on the Right to Information with topic “Building Trust: Promoting Transparency, Accountability and Integrity in Anti-Corruption Policies”. The focus of this activity was the role of civil society and the media in promoting the right to access public information and strengthening transparency, establishing responsible institutions as well as exchanging best practices, strengthening accountability, etc. The 6th National Conference brought together high-level officials and representatives, as well as coordinators from over 150 central and independent public authorities, justice system and local self-government, together with civil society experts, activists and media. During this activity, the approach to the consolidation of stable and democratic institutions was highlighted, through guaranteeing the right to access to information, increasing transparency and accountability, as the key to citizen participation in good governance. The 6th National Conference presented the state of transparency of Albanian public authorities, current challenges, as well as proposals for further improvement. In the opening session of the Conference, it was emphasized that transparency is not only a

strategic objective in itself, but is also the antechamber of the fight against corruption. During the two special panels "The implementation of the law on the right to information seen from the perspective of public authorities, the future of proactive transparency" and "Transparency of public authorities seen from the perspective of civil society and the media", the panellists emphasized that increasing trust and cooperation between all parties/actors in this dynamic process, and the importance of achieving a common objective: guaranteeing the exercise of this fundamental right and freedom by citizens at the highest standards.

RIGHT TO INFORMATION DAY - 28 SEPTEMBER 2024

On the occasion of September 28, International Right to Information Day, the Commissioner's Office held an information and awareness-raising activity in the premises of the Civil Service Oversight Commissioner's Office. The right to information legislation, as well as that on the civil service, aims to influence the shaping of a responsible and professional public administration, to provide quality services, while respecting the fundamental rights and freedoms of citizens. The purpose of the meeting was to exchange experiences among civil servants, to get acquainted with the respective best practices and similarities or common points of the regulatory framework in the exercise of responsibilities according to the areas of activity. One of the main issues discussed at this meeting was the publication of information/documentation related to decision-making by public authorities within their proactive transparency responsibilities, as well as the consolidation of the role of right to information coordinator within institutional structures. Attention was paid to the correct implementation of civil service legislation, in a balanced and proportional handling of the right to information versus the right to personal data protection. This cooperation and interaction among independent institutions staff members ensures a broader knowledge exchange about each other's legal framework and procedures, to promote accountability and integrity in the exercise of public powers.

The education of the younger generation to recognize and exercise fundamental rights and freedoms is important for a democratic and developed society. As part of the activities on the occasion of September 28, International Right to Information Day, the Commissioner's Office held meetings with students and teachers of 9-year public and private schools, under the motto "Don't be shy to ask". The meetings aimed to present the concepts and principles of the right to information legislation for this age group and raise awareness on the practical exercise of this right.

- During the months of March, July and December, 5 trainings were held with right to information coordinators and contact persons for open data from all public authorities/central public sector bodies and subordinate structures, local self-government bodies, independent institutions, justice system (courts and prosecutors), public companies/companies, etc. The trainings focused on three main elements:
 - Fulfilling the obligations of the legislation regarding access to public information and the publication/updating of the Registers of Requests and Responses;
 - Electronic Register of Requests and Responses through the pyetshtetinal portal, its installation/updating in new public authorities or where there has been a change of coordinator;

- Fulfilling legislative obligations regarding open data and reuse of public information.

The Commissioner's Office staff members interacted with the attendees to address a variety of issues related to their continuous updating, providing examples based on domestic and international best practices.

- under the theme “*Building Trust, Albania’s Path to Transparent Governance in the EU*”, at the end of the “Integrity Week”, with the participation of the Commissioner’s Office as an important part of the forum. In this event, the Commissioner’s Office shared with the attendees its 10-year experience in implementing the right to information legislation in Albania, the achievements and the challenges faced in this regard.
- The Office of the Commissioner for the Right to Information and Personal Data Protection, in cooperation with the Tax and Customs Administration Training Centre at the Ministry of Finance, conducted a 2-day training module. More than 70 officials from various levels and structures of these institutions, both central and local, participated in this activity, who were introduced to the fulfilment of the obligations of the legislation in force for the areas of responsibility of the Office of the Commissioner, the role and functions of the institution, as well as the implementation of this regulatory framework in relation to the activity of the tax and customs administration.
- The Office of the Commissioner for the Right to Information and Personal Data Protection hosted a group of representatives of civil society organizations within the framework of the “*NGO Exchange Program*”. The focus of this meeting was to familiarize them with the role and functions of the institution and collaborate for promoting a most active participation of citizens and stakeholders in the decision-making of public authorities. The participants in this meeting were from new associations/organizations registered and operating in Berat, Korça, Elbasan or Tirana. The “NGO Exchange Program” is an initiative of Partners Albania, which aims to support and strengthen the civil society organizations sector, mainly local ones.
- The “*Transparency and Open Governance 2024*” School is a program of the Faculty of Law of the University of Tirana, which focuses not only on familiarization with the national legal framework but also on its implementation in practice by future professionals. In his presentation, the Commissioner for the Right to Information and Personal Data Protection assessed that the process of transparency of public authorities increases their accountability, promotes continuous accountability and enables the effective participation of citizens in governance. In this perspective, he emphasized that the digitalization of public services is also very important and necessary to further strengthen the concept of transparency in practice. As part of this cooperation, a group of students participating in this School attending review hearing sessions with public authorities. At the same time, they were also introduced to the legal framework in the field of personal data protection, the process of its modernization and the handling of concrete cases.
- In the premises of the Office of the Commissioner for the Right to Information and Personal Data Protection, a meeting was held with a group of students from the Journalism-Communication program of the University of Shkodra “Luigj Gurakuqi”. In this activity,

held in the form of a free conversation, the Commissioner for the Right to Information and Personal Data Protection have an overview of the right to information legislation, and acquainted them with the role, functions and activity of the institution in this field, as well as on the handling of cases from practice. An important aspect in this regard is the strengthening of the transparency of public authorities, influencing the promotion of their accountability and responsibility towards citizens. At the same time, the students also showed interest in the field of personal data protection, as another fundamental individual right, on its relations with technology and digitalization of services. The activity was held as part of meetings in Albanian institutions within the framework of the "*Media 2040: youth advocacy for media freedom in the Western Balkans*" project, which is implemented by six universities in the region, namely, "Luigj Gurakuqi" University, "Hasan Prishtina" University of Pristina, University of Novi Sad, University of Montenegro, University of Sarajevo and "Saints Cyril and Methodius" University of Skopje.

- A study visit was held at the Office of the Commissioner for the Right to Information and Personal Data Protection with activists from the "Sparks" program, implemented by the Institute for Habitat Development, Co-PLAN. Its focus was on familiarizing with the Commissioner's Office activities in the two areas of responsibility, in terms of guaranteeing the exercise of fundamental rights and freedoms by citizens. The "Sparks" program has been implemented for several years, supporting activists, professionals and non-profit organizations from all over the country, advancing important initiatives for various local communities.
- The Office of the Commissioner for the Right to Information and Personal Data Protection participated in the 30th edition of the Tirana International Fair (PNT30), on November 6-9, 2024. This activity served as a platform for information and interaction between business communities and beyond, to create bridges of cooperation between them and public institutions.
- In cooperation with the Organization for Security and Co-operation in Europe (OSCE) Presence in Albania, the Commissioner's Office conducted 3 activities, (*in Tirana, Shkodër, Korçë*) related to the presentation of the findings of the Unifying Recommendation "*On compliance with legal obligations in the framework of personal data protection for controllers of upper secondary education*". The meeting was attended by representatives of the Municipality, as well as from all local educational structures (LEO) subordinated to the Regional Directorates of Pre-University Education, teachers, psychologists, parents and students. Holding such meetings has an impact on promoting interaction in view of the mission for the highest quality education of the new generation. This Recommendation has identified issues related to the correct implementation of the legislation in the field, especially for increasing safeguarding measures and maintaining the confidentiality of personal data, especially when using social networks and technological platforms. Special care should be taken with the personal data of children/students under 18 years of age (minors), to avoid serious consequences that may arise due to the online publication of their data. At the same time, the Commissioner's Office also presented the principles of the training module "*On personal data and privacy protection while navigating the Internet*",

developed by the institution. This document serves educational structures on the proper use of social networks, care for the protection of privacy and personal data, as well as the importance of online security from the risks encountered in the digital environment.

- The Commissioner's Office has carried out on its own initiative, administrative investigations in public primary care health care institutions (health care centres and specialty centres), to monitor the procedures for processing citizens' personal data in the health sector. In order to raise awareness of the protection of personal data, a training session was held with a group of students and teachers on the personal data protection legislation, principles and criteria on which this process is based, the relationships that are created in this field with the development of technology and digitalization of services, as well as familiarization with concrete cases.
- *"On the Right to Information"* since 2020, a monthly summary of the activity, supervision and implementation of the Right to Information Law. The Newsletter is published every month on the official website of the Commissioner's Office and is distributed to the right to information coordinators and representatives of civil society. Also, during this year, 12 issues of the Newsletter *"On the Right to Information"* were published.

VII.2 COOPERATION WITH CIVIL SOCIETY ORGANIZATIONS

The Commissioner's Office continues to attach particular importance to interaction with civil society organizations (CSOs) and the media, as partners in the public interest, to cultivate a culture of awareness among citizens for the exercise of the right to information and participation in governance. During this year, the Commissioner's Office has contributed and collaborated with interest groups in the development and active participation in various projects and initiatives, among which we can highlight:

- The Office of the Commissioner for the Right to Information and Personal Data Protection was invited to the presentation of the "Monitoring Report of the National Health Strategy (NHS) 2021-2030, achievements and challenges" drafted by the "Together for Life" (TFL) Association. This document is an important platform for the development and improvement of this system in our country that aims to provide quality, accessible and equal healthcare for all citizens. At this meeting, the Office of the Commissioner received appreciation from TFL for the contribution and support provided throughout the process of collecting the necessary information for drafting this report. Representatives of the institution emphasized that the role it plays in guaranteeing the right to information would be incomplete without cooperation and interaction with civil society organizations, to achieve the common objective of increasing transparency, responsiveness and accountability of public authorities.
- The Commissioner's Office participated in the presentation of the 6-month monitoring report on the implementation of the annual budget of the Municipality of Kukës, in January-June 2024, drafted within the framework of the project "Citizens First: Municipality for a transparent local government", implemented by "Together for Life" (TFL) Association, in cooperation with IDM, Faktaje.al and Centre for Research and Policy Making, supported by the EU Delegation in Tirana.

- The Commissioner's Office addressed the National Conference for the Presentation of the Comparative Report on the Implementation of the Public Consultation Law by Local Government in 10 Municipalities of Albania. This activity was organized within the framework of the project "POP Network for Good Governance and Integrity," supported by the Olof Palme International Centre and the Swedish Government.
- The Commissioner's Office participated in the roundtable "Transparency and Accessibility in the Health and Education System" organized by the Balkan Investigative Reporting Network in Albania (BIRN Albania). This event was held within the framework of the project "Support for Participation, Accountability and Empowerment of Civil Society" (SPACE) implemented by the Together for Life (TFL) organization in partnership with BIRN Albania, "Qëndresa Qytetare" and "Destiny Centre for Excellence", with the financial support of the European Union.
- The Commissioner's Office participated in the roundtable "Protection of personal data by political parties", organized by the Westminster Foundation for Democracy in Albania (WFD). This roundtable, in implementation of the project and in the context of the 2025 parliamentary elections, focused on the protection of citizens' personal data and the implementation of the legal framework by political parties in their electoral activities.
- Workshop in the city of Ohrid (North Macedonia), with a panel of experts in the field of human rights and information technology where four civil society organizations in the region, namely the Albanian Helsinki Committee, the Civil Rights Program in Kosovo, the Helsinki Committee of North Macedonia and the Helsinki Committee for Human Rights in Serbia, are implementing the initiative "Digitalization of Public Administration and Protection of Personal Data: Approaching European Integration with Care". The main goal of this initiative is to draft a resolution with findings and recommendations for improving the situation in the region, a document which will be discussed later in the Assemblies of all implementing countries.
- The Commissioner for the Right to Information and Data Protection was invited to the closing event of the "National Festival of Digital Rights" Project. Organized in the form of a free conversation, this meeting brought together young people, experts in the field, representatives from public institutions and civil society organizations, who discussed the advancement of digital rights and the building of a sustainable cyber environment.

VIII. LEGAL ACTIVITIES, ADMINISTRATIVE AND JUDICIAL PROCEDURES

VIII.1 REGULATORY ACTS

VIII.1.1 Adoption of the new Law on Personal Data Protection

The Assembly of the Republic of Albania, in its Plenary Session, dated 19.12.2024, adopted Law No. 124/2024 *“On Personal Data Protection”*. This important regulatory act constitutes a step forward in the implementation of the most modern standards of protection of this fundamental right for Albanian citizens. The modernized legislation in the field of personal data protection is also a fulfilment of one of the obligations, within the framework of the country's integration process into the European Union (EU), as this act fully approximates the General Data Protection Regulation (GDPR) and the Directive on the processing of personal data by law enforcement agencies (Police Directive).

The new Law "On Personal Data Protection" was adopted after a long period of discussions and consultations with stakeholders, as well as with the valuable assistance of European Union experts.

This new law guarantees citizens a higher level of control over their personal data, introducing a series of innovations in the field of personal data protection, since:

- The category of individual rights is expanded;
- The rights that the subjects currently enjoy are improved in order to guarantee a higher level of control over their personal data;
- The right to access is strengthened;
- The right not to be subject to automated decisions is specifically regulated; as well as
- The "right to be forgotten" is regulated, forcing search engines to delete, at the request of the data subjects, information about them which is no longer necessary over time.

Meanwhile, for controllers and processors, new obligations are introduced, in order to more effectively guarantee information security while processing personal data. If in the repealed law the obligations of the controller were defined in a single article, in this law an entire chapter is dedicated to this element, which extensively addresses the obligations and measures that a controller must undertake, in order to guarantee compliance with the obligations of the law and data security. The law enables increased “responsibility” and “accountability” in the dynamic process of processing personal data by guaranteeing their more effective protection and foreseeing stronger sanctions in case of violation of its provisions.

The approximation of the national regulatory framework with that of the EU consolidates and strengthens the role of the Commissioner's Office to better respond to the challenges and issues of privacy violations and the proper protection of personal data. Advancement in the European integration path, as well as the consolidation of the mechanisms of a democratic society with a developed economy, requires a contemporary and consolidated legal framework, which is based on respect for human rights and freedoms.



The process of recognition, understanding and awareness regarding the new law on personal data protection will be challenging, but also an ongoing process, and for this reason the Commissioner's Office remains committed to facilitating and supporting citizens, data controllers and processors as much as possible in implementing the legal responsibilities.

VIII.1.2 Guideline No. 463/2020

The Commissioner's Office, in cooperation with the Ministry of Interior, has updated Annex I of Joint Guideline No. 463/2020 "On designating 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", as amended, by adding the institutions that have filed a request to become part of it.

Also, the Commissioner's Office has played an active role, with regard to the draft acts it has received for its feedback, in raising the awareness among institutions to be included in Annex I, in cases where they foresee the processing of personal data of subjects from the Civil Status Registry.

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 period 2024 was drafted. Of the 31 specific measures foreseen in the Strategy's Action Plan:

The implementation of the two measures by the Commissioner's Office is underway:

- *encouraging public and private controllers to address the Commissioner's Office to provide opinions on draft legal and sub-legal acts related to personal data, as well as*

projects that are required to be implemented by controllers alone or in collaboration with others.

- *strengthening administrative capacities in reviewing practices related to the international transfer of personal data.*

Two measures are in the process of being achieved in 2025, specifically:

- *approval of the draft law “On the establishment of the Register of Unsolicited Commercial Communications”;*
- *promoting a new approach of controllers and processors in the process of processing personal data in order to more effectively guarantee information security.*

Meanwhile, for 2024, the measure *"Approval of the draft law "On Personal Data Protection", aligned with the EU acquis in this field and its implementing sub-legal acts"*, has been achieved, resulting in 27 general measures fulfilling the objectives of the Institutional Strategy 2022-2025.

VIII.2.2 Integrity Plan 2022-2025

The Commissioner's Office, during 2024, has been selected as a participating institution in the pilot phase for the development of the methodology for assessing the integrity index of public institutions, in collaboration with experts from the Institute for Democracy and Mediation (IDM).

After the approval of this document, the Commissioner's Office has been subject to the relevant assessment by IDM experts in order to assess the institutional framework for promoting integrity and fight against corruption, the capacities of the Commissioner's Office to meet the integrity objectives set through integrity plans, transparency and accountability towards service beneficiaries, as well as whether the institution carries out its activities in accordance with the applicable legal and sub-legal acts in force.

At the end of this process, the experts drafted the report *“Integrity Index Assessment for the Commissioner for the Right to Information and Personal Data Protection”*, which aims to reflect the impact of the measures taken by the institution in strengthening institutional integrity. Referring to this report, the Commissioner’s Office is assessed, as a whole, as an institution with a high level of institutional accountability in terms of proactive transparency, accountability, strategic approach to integrity standards and good conduct, as well as meritocracy in the fulfilment of duties, in accordance with the law and by-laws in force.

The Institutional Integrity Index Monitoring Report of the Commissioner's Office was drafted by assessing the implementation of the 2022-2025 Integrity Plan, the measures taken to strengthen institutional integrity, the level of implementation of the Transparency Program, as well as its interaction with other stakeholders, including the public at large.

VIII.2.3 Cross-Sectoral Strategy

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

- National Strategy for Development and European Integration 2022-2030

The Institution is responsible for and has reported on the implementation of the challenge *“Protecting citizens' data according to the highest data protection standards and strengthening/promoting proactive transparency in order to increase the accountability and responsibility of public authorities”*, within *“Strengthening human rights” Chapter*.

- Cross-Sector Juvenile Justice Strategy 2022-2026, Action Plan and Indicator Passport

The institution is responsible for and has reported on the implementation of measure 1.1.10: *“National awareness campaign to promote children's rights in order to prevent victimization, protection of personal data and discrimination of children in contact/conflict with the law”*, in terms of the fulfilment of activity 1.1.10.1: *“National awareness campaign with a focus on promoting the protection of children's personal data, especially child victims, children in contact/conflict with the law, as well as within the country's education system (teachers, pupils, students, academic/administrative staff)”*.

- Cross-Sectoral Strategy for the Protection of Victims of Crime 2024-2030 and Action Plan.

The Institution is responsible for and has reported on the fulfilment of measure 3.3.1 *“Ensuring the victim's right to protection and introducing victims with specific protection needs during criminal proceedings”*, on the implementation of activity 3.3.1.2 *“Organizing trainings, workshops with the aim of increasing the skills of practitioners on the responsible conduct of personal data processing and on the duty to lawfully process victims of crime personal data”*.

- National Children's Rights Agenda 2021–2026

The Institution is responsible for and fulfilled during its activity the specific objective IV.1: *“Promoting children's rights in the digital world”*.

At the same time, the Commissioner's Office has actively contributed to the preparation of concrete objectives/measures/activities during the process of drafting the Cross-Sectoral Justice Strategy 2024 - 2030, the National Migration Strategy 2024-2030, the Cross-Sectoral Anti-Corruption Strategy 2024-2030, and the Cross-Sectoral Strategy for Public Administration Reform.

VIII.3 COURT CASES

VIII.3.1 Issues related to the implementation of the Right to Information Law

The Commissioner's Office has been a party to 36 court proceedings before the Administrative Court of First Instance of Tirana, on matters related to the legislation on the right to information.

<i>Case specifics</i>	<i>Proactive transparency</i>	<i>Access to information</i>
<i>Court proceedings</i>	3	33
<i>Rejection of lawsuit</i>	0	13
<i>Acceptance of lawsuit</i>	2	2
<i>Partial acceptance of lawsuit</i>	0	4
<i>Dismissal of trial for the Commissioner's Office</i>	0	0
<i>Case returned due to deficiencies in the lawsuit</i>	0	4
<i>Dismissed cases</i>	0	1
<i>Pending trials</i>	1	9

Based on the statistical data reported in the table above, it results that the decision of the Commissioner has been upheld by the court in implementation of the legislation on the right to information. Out of 21 judicial processes concluded during 2024, the Court of First Instance has accepted 4 lawsuits and partially accepted 4 other lawsuits, versus 13 rejected lawsuits.

It is worth noting that 2 of the accepted lawsuits regarding the Commissioner's decision-making on matters of proactive transparency consist of the repeal of the administrative fine, but the merit of the duty to comply with the Transparency Program duty has been upheld by the courts.

VIII.3.2 Issues related to the implementation of the Personal Data Protection Law

The institution has been a party to 22 court proceedings before the Administrative Court of First Instance of Tirana, on matters related to the legislation on personal data protection.

<i>Case specifics</i>	<i>Number of cases</i>
<i>Court processes</i>	22
<i>Acceptance of lawsuit</i>	0
<i>Rejection of lawsuit</i>	12
<i>Partial acceptance of the lawsuit</i>	1
<i>Pending trials</i>	9

During 2024, the Commissioner's Office was a party to 22 court proceedings, before the Administrative Court of First Instance, Tirana, with the aim of implementing the legislation on the personal data protection.

In 12 of these cases, the court ruled to reject the lawsuit, upholding the Commissioner's Decision. In one of them, the court ruled to partially accept the lawsuit. It is worth noting that, in none of these court cases, the Commissioner's decision was overturned.

Also, as of December 2024, there are 9 cases that are still pending trial at the court.

The Commissioner's Office is a party to 95 court proceedings for cases under review at the Tirana Administrative Court of Appeal over the years. During 2024, this court has ruled on only 6 cases. This situation has created delays in the consolidation of jurisprudence in the areas of the right to information and personal data protection.

Another issue identified by the Commissioner's Office is that based on Article 474 of the Civil Procedure Code, the recourse and all other requests submitted to the High Court shall be signed by the lawyer (legal counsel) representing the party and, if the party requests it, also by the latter.

As a result of the implementation of this provision, the Commissioner's Office finds itself unable to represent itself before the High Court because, in a large number of cases, it is a party to a trial versus public authorities, and in these cases, these are represented by the State Advocate Office. Under these conditions, the latter is unable to represent the Office of the Commissioner also.

On the other hand, the engagement of a lawyer presents problems of both an administrative and substantive nature. This is because his engagement would have to be carried out on the basis of a public procurement procedure, and on the other hand, the engagement of a professional outside the Commissioner's Office would call into question the protection of the right subject to recourse, due to the nature of the special laws that the Commissioner's Office

has in its scope of activity, which are of a specific nature, and not every lawyer can be equipped with the special knowledge that they require.

In some cases, we have encountered the fact that other institutions, parties to the same trial as us, have been allowed to represent their interests in the trial [themselves] due to special qualities, while the same special qualities (given the specific nature of the knowledge required by the work at the Commissioner's Office) have not been recognized to the latter.

Paragraph 1, letter e) of Article 134 of the Constitution of the Republic of Albania has given the Commissioner the right to initiate proceedings before the Constitutional Court. We believe that the aforementioned position of the High Court is not in line with the approach of the Constitution.

For this reason, we believe that this issue can be resolved by carrying out legislative interventions with the aim of addressing the issue our institution, but also for other institutions that may be in the same deadlock situation.

IX. BUDGET MANAGEMENT

IX.1 ORGANIZATIONAL STRUCTURE AND HUMAN RESOURCES DEVELOPMENT

The strategic objective of the Commissioner's Office, also foreseen in its Institutional Strategy 2022-2025, included not only the approximation of the legal framework with *the acquis communautaire*, but also the alignment and adaptation of organizational functions with the model of counterpart institutions in EU countries.

The Assembly of the Republic of Albania has approved, by Decision No. 86/2018 “*On the approval of the structure, organizational structure and salary classification of the Commissioner for the Right to Information and Personal Data Protection*”, as amended, the structure and organizational chart of the Commissioner's Office. This Decision took effect on 1 January 2024, after the adoption of Law No. 97/2023 “*On the 2024 Budget*”.

During 2024, in view of meeting the needs of subject matter directorates, referring to the 2024 annual recruitment plan, 8 recruitment procedures (lateral transfers, promotions and admission into the civil service) were carried out in accordance with the requirements of Law No. 152/2013 “*On the Civil Servants*”.

The Commissioner's Office has paid special attention to the delivery of training for its staff members, to deepen their knowledge and improving performance of every civil servant.

The structure of the Commissioner's Office remains incomplete, since the requests presented in the MTBP on the number of staff were not accommodated. This shortage leads to the inability of the Commissioner's Office to exercise some functions.

IX.2 BUDGET MANAGEMENT

With the Law No. 97/2023 “*On the 2024 Budget*”, as amended, and its implementing regulations, the funds allocated to the Commissioner's Office were in the amount of 168,950 (in thousands) ALL. The Commissioner's Office budget for 2024, with the changes that

occurred during the year, is ultimately a total of 160,055 (in thousands) ALL. As regards budget management independence, and compliant with the transparency requirement on the use of budgetary funds, the following table reflects in %, each category of expenses, against the total budget, as well as the level of execution of the budgetary funds of the Commissioner's Office in % and value, for each category of expenses, against the allocated budget.

No.	Description	Annual Plan 2024 (amended)	Structure category in % against the total	Actual annual	% of execution against the Annual Plan per category
1	Salaries	92,140	57.5%	91,651	99.2%
2	Social security	16,330	10.2 %	14,413	88.2 %
3	Goods and other services	32,790	20.5%	31,089	94.8 %
4	Investments	18,000	11.2 %	16,362	90.9%
5	Transfers to family budgets	310	0.2%	287	92.5%
6	Quotation	130	0.08 %	111	85.3 %
7	Special fund	355	0.2%	291	81.9
	TOTAL	160,055		154,204	96.3 %

The funds made available to the Commissioner's Office have been executed in the total amount of 154,204 (in thousands) ALL, or 96.3% of the approved plan. The successful experience with the implementation of the budget for 2024 is an important indicator for the good management of budgetary funds and shows that the annual planning and administration have been carefully performed.

IX.3 COLLECTIONS FROM SANCTIONS

For 2024, the administrative sanctions imposed, amount to 4,180,000 ALL. The execution of sanctions is paid 100% to the state budget, paid voluntarily or executed through the bailiff service.

Total sanctions in 2024	4 180 000
For violation of the provisions of the Law on Personal Data Protection	3 680 000
For violation of the provisions of the Law on Right to Information	500 000

For 2024, the total amount of administrative sanctions collected is 1,565,000 ALL, which is divided into 190,000 ALL for sanctions imposed in 2024 and 1,375,000 ALL for sanctions carried over from previous years.

IX.4 AUDITS

The Commissioner's Office has been part of the audit program by several monitoring/supervisory institutions on the implementation of specific legislation of their areas of responsibility, including:

- Audit conducted by the Civil Service Oversight Commissioner, with the objective of *"Implementation of civil service legislation"* for a period of 10 years;
- Audit conducted by the Supreme State Audit, with the objective of *"Financial and Compliance Audit"* for a period of 3 years;
- Audit conducted by the Ministry of Finance, structure of the General Directorate of Harmonization and Financial Control, with the object *"On implementation of the quality of the financial management and internal control system"*.
- Audit conducted by the National Cyber Security Authority with the objective of *"Assessment of cybersecurity vulnerabilities in the Commissioner's Office"*.
- Audit conducted by the structures of the General Directorate of Archives, with the objective of *"Implementation of duties in the secretariat-archive"*.

After every audit / inspection performed, in addition to positive evaluations, specific recommendations and tasks have been assigned. The Commissioner's Office is committed to plan the measures with the aim of fulfilment of assigned recommendations.

In the context of exercising its activities during 2024, the Commissioner's Office has found also a practice of duplicating its functions by the side of the High State Audit.

Based on Article 6 of Law No. 154/2014 "On the Organization and Functioning of the High State Audit", as part of its scope of activity: *"The High State Audit audits in accordance with the Constitution, laws, by-laws, manuals in force, as well as international auditing standards. Auditing covers the areas of compliance, legality, regularity, financial management, accounting, as well as the economy, efficiency and effectiveness of the administration of public or state funds and property. The High State Audit, in its activity, must reflect the highest level*

of international standards of INTOSAI and IFAC, as well as the resolutions of the INTOSAI and EUROSAI Congresses.”

Based on Article 110 of the above law, the powers of the High State Audit Office include:

- a) auditing the implementation of the budget by general government units, including the annual budget accounts;*
- b) auditing the collection of public revenues;*
- c) auditing the use, administration and protection of public funds and public or state property by general government units;*
- ç) auditing the annual financial statements of general government units and issuing an opinion on them;*
- d) auditing the internal audit systems of the public sector;*
- dh) auditing users of public funds provided by the European Union or other international organizations, except in cases where otherwise provided for by a special law;*
- e) auditing the use and administration of public or state funds and property, as well as the protection of the economic and financial interests of the State in legal entities in which the State holds more than half of the shares or stocks, or when their loans, credits and obligations are guaranteed by the State;*
- ë) auditing, with the aim of protecting public interests, in activities or sectors regulated by concession contracts;*
- f) auditing political parties, public entities or associations for funds allocated to them from the State Budget;*
- g) auditing of other entities, defined in separate laws.*

As can be seen from an analysis of the above provisions, the powers of the High State Audit consist of financial auditing, focusing on the manner in which public funds are used, with the aim of guaranteeing their efficient use and in the highest interest of the state in the service of the citizen.

However, based on concerns that have reached us, including from civil society organizations engaged in projects focused on strengthening the transparency of local self-government bodies, a tendency has been observed that the SAI institution, while exercising its activities according to its substantive law, to overlap with the competencies and duties that, by the Right to Information Law or by Law no. 124/2024 (which repealed law no. 9887/2008), have been entrusted to the Commissioner for the Right to Information and Personal Data Protection.

Specifically, according to the concern conveyed, it has been concluded that the scope of the High State Audit also includes the compliance of the Transparency Program with the Law on Right to Information.

We recall that the Transparency Program instrument is regulated by Article 7 of the Law on Right to Information, and pursuant to Article 9/1 of this same law, the Commissioner for the Right to Information and Personal Data Protection is the independent authority responsible for reviewing complaints, monitoring and supervising the implementation of this law.

In view of this mandate, based on letter c of article 9/1, the Commissioner: ... *c) conducts administrative investigation ex officio or upon complaint during the exercise of his powers;*

Therefore, the administrative investigation regarding the format and content of the Transparency Program tool is a power that has been assigned to the Commissioner by a special law, and the overleaping of this power by other institutions, not only violates the principle of institutional and constitutional loyalty, but also creates legal uncertainty among public authorities that are the subject of the Right to Information Law.

Furthermore, from the practical experience of the Commissioner's Office, it has been observed that while performing audits, the High State Audit, in excess of the provisions of Articles 6 and 10 of Law No. 154/2014 "On the Organization and Functioning of the High State Audit", enters into the essence of the concrete issues handled by the Commissioner's Office, by conducting an assessment of the manner in which the functions entrusted to the Commissioner by virtue of the special laws mentioned in the paragraphs above, are exercised.

Based on paragraph 2 of Article 82 of Law No. 124/2024 "On Personal Data Protection", the Commissioner drafts an annual report and reports to the Assembly whenever requested, as well as requests it to be heard on important issues.

As mentioned above, the Commissioner's Office supports and welcomes the exercise of duties and powers of other institutions, whether independent or part of the executive branch. However, as you may have witnessed during the process of adopting the personal data protection law, which has recently entered into force (which also regulates the status of the Office), special emphasis has been placed by international organizations monitoring our country's progress towards the EU, on the independence of the Institution and its protection from any situation of infringement of the independence established by law.



“Abdi Toptani ” Street , No. 5, Tirana
Phone: +355 42237200 | www.idp.al