



REPUBLIC OF ALBANIA
INFORMATION AND DATA PROTECTION COMMISSIONER

GUIDELINE

No. 07, date 20.11.2025

ON

**PROTECTION OF PERSONAL DATA IN THE PRESS,
ELECTRONIC AND/OR AUDIOVISUAL MEDIA AND EXCEPTIONS FOR
SPECIFIC PROCESSING PURPOSES**

Pursuant to Article 43, paragraph 2, Article 85, and Article 97, paragraph 2, of Law No. 124/2024, *"On Protection of Personal Data"* (hereinafter referred to as *"The Law"*), the Information and Data Protection Commissioner, hereby, issues the following:

GUIDELINE:

HEADING I

PROCESSING OF PERSONAL DATA IN THE MEDIA

Article 1

Scope

The purpose of this Guideline is to determine the rules for the printed, electronic and/or audiovisual media, public or private (hereinafter "Media") in order to guarantee the lawful processing of personal data, as well as to determine the cases when exceptions from the provisions of the Law apply, regarding the processing of data by controllers carrying out activities in the field of journalism.

Article 2

Definitions

The terms used in this Guideline have the same meaning as those in article 5 of the Law. The following definitions are added to this Guideline:

- a) “*Publication*” is the making available of a material to another person, for publication by the latter.
- b) “*Journalist*” is any person who collects, processes, produces or disseminates information through public communication media with the aim of informing the public, in accordance with the ethical and professional principles of journalism.
- c) “*Editor*” is any person who exercises control over the selection/processing of the content of materials intended for publication by electronic, printed, visual and/or audiovisual media.
- ç) “*Journalist archive*” is the set of materials collected, processed and stored by a journalist/media in view of the activity of journalism/media for documentation purposes.
- d) “*De-indexing*” is the process by which information is removed from the list of search results, a link containing personal data, so that it no longer appears when information about a specific person is searched for by their name.

Article 3

General provisions

1. The journalist, editor and publisher of the media must comply with all provisions of the Law and this Guideline.
2. The media must take care not to publish unclear, untrue information, including images that violate the rights of data subjects. The moment an error, inaccuracy or false statement is found, immediate correction must be made¹. In the media, the distinction between real facts, comments, opinions and assumptions must be made clear².
3. Sensitive personal data revealing racial/ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning a person's health, life or sexual orientation may be processed provided that appropriate measures are implemented to protect the fundamental rights and interests of the data subjects and for the purpose of informing on matters of public interest, only if the provision of Article 9, paragraph 2, letter e) of the Law applies. Alternatively,³ based on other specific exceptions provided for in the same Article and, in any case, in compliance with the rules of Article 43 of the Law, the media must always respect the essence and topicality of the information, avoiding references to relatives or other individuals or data that are not relevant to the information.

¹ Article 15 of the Law provides for the right to rectification and erasure as one of the rights of the data subject. See also paragraph 1, page 5 of the Code of Ethics for Journalists, drafted with the support of the joint project of the Council of Europe and the European Union “Strengthening Judicial Expertise on Freedom of Expression and the Media in South-Eastern Europe (JUFREX)”.

² Paragraph 2, page 7 of the Code of Ethics for Journalists.

³ Paragraph 1, Article 9 of the Law provides that, as a rule, sensitive data shall not be processed, except in cases where one of the criteria set out in paragraph 2 of the same article is met. In the case of the processing of sensitive data by journalists, letter e) says. quote: “*it is necessary for the fulfilment of an essential public interest based on the legislation in force, which is proportionate to the purpose pursued, respects the essence of the data protection right*”.

4. Sensitive data⁴ may be processed by the media only with the consent of the personal data subject. Consent is not required in cases of restrictions/limitations provided for in Article 43 of the Law, in particular with regard to the fulfilment of a public interest.
5. When reporting on events involving accidents, natural or man-made disasters, violence against individuals, armed conflicts or scenes of death, the media have a responsibility to balance the public interest for information with the right of individuals to privacy and dignity. Full and accurate reporting should not justify any unnecessary or disproportionate infringement of the privacy of persons involved in events involving suffering, pain or tragedy.
6. The media should carefully assess the journalistic justification for the inclusion of graphic or invasive visual material⁵. The decision to publish such footage should only be made after considering the specific circumstances and the potential consequences for the individuals involved, as well as the impact on their relatives or the wider community.
7. In cases of emergency or disaster where media teams arrive at the scene, under the pressure of time and situation, it may happen that material is recorded extensively without the immediate possibility of assessing the impact on privacy. However, before any further broadcast or publication of such footage, a careful assessment should be made by the media to avoid unnecessary exposure of suffering, violence and invasion of the privacy of individuals.⁶

Article 4

Family, home, private property

1. Everyone has the right to respect for his/her private and family life, property, physical and mental health and correspondence, including digital communication.
2. The media may not interfere with the private life of an individual without his/her consent.
3. Publication of an individual's images in private places without his/her consent is prohibited.⁷
4. Family members, in particular children, relatives and friends of public figures, who are not themselves public figures, enjoy a higher level of privacy protection. Only in special cases can media reporting on them be justified, if there is a public interest for it.
5. A person's residential address constitutes personal data and, as such, is protected by law. In principle, it should not be published by the media unless there is a public interest.
6. The media may not in any case violate the residence, or collect images from a private environment, hospital or penitentiary institution through cameras, without the consent of the person. The protection of property and private environments also extends to other premises of care, detention or rehabilitation, in accordance with the Law, by correctly using intrusive techniques.

⁴ Personal data, which may reveal racial, ethnic, religious, philosophical or other beliefs, political opinions, membership in parties, trade unions, associations or religious organizations, in philosophical or legal life, as well as data on health status and sexual orientation. Provided for in Article 5, paragraph 28, of the Law.

⁵ "Invasive", in the media or ethical context (such as "graphic or invasive materials"), can be: intrusive or offensive. Depending on the context, disturbing (when talking about content that arouses emotional shock), overexposed (for content that reveals more than is necessary).

⁶ Good practice may be to avoid identifying victims without the consent of their families; blurring faces, not showing wounds or dead bodies, and avoiding comments that generate emotional reactions or further incitement to violence, suffering, etc.

⁷ "Private places" are public or private property where there is a reasonable belief for privacy.

7. In the case when journalists collect information from public and private institutions⁸ they must assess, taking into account the rules for the protection of personal data, which information may violate the dignity and personality of the data subjects, in order not to publish it. In any case, the responsibility for balancing interests falls on the editor and the media that publishes the data.

Article 5

Protection of minors⁹

1. Minors are the most vulnerable subjects to the risk of personal data protection infringement. The media should bear in mind that:

- a) minors should be free to complete their school activities, without unnecessary interference with their personal data;
- b) children under the age of 16 should not be interviewed or photographed, on matters involving their well-being or that of another child, only when the parent /legal guardian gives consent;
- c) students should not be photographed or interviewed, in school premises without prior permission from the school authorities;
- ç) the media should avoid publishing information related to the personal data of public figures' children, unless the information contributes to a debate of public interest.

2. In order to guarantee the best interest of the child, the media is prohibited from publishing general identification information, images of the minor, as well as any data that could lead to his/her identification during his/her involvement in a criminal event. The protection of the privacy of the minor involved in a criminal event is guaranteed proportionally and case by case, assessing the event in relation to the public interest.

3. The right of the child to maintain confidentiality prevails over the freedom of expression and publication of information. If, for reasons of public interest and without violating legal limits, the media decides to disclose information or images related to minors, it must have in primary consideration the best interest of the child, and not to exceed the provisions of the Journalists' Code of Ethics.

4. The media must not identify minors who are victims or witnesses in cases of sexual crimes.

5. In any press release of a case involving a sexual crime against a minor, the relationship between the perpetrator and the minor should be avoided.

6. The right to the protection of the minor's personal data, especially when dealing with a case of abuse against him, is paramount compared to the freedom of expression and the publication of information. This also applies in the case when the identity is disclosed by official sources or close to the family. The media should not identify victims of sexual assault or publish materials that could lead to their direct or indirect identification.

⁸ For example: pharmacies collect personal data of patients and prescriptions issued by doctors, banks for their customers, insurance companies, telephone companies, police, etc.

⁹See ITA ER. Article 7 - Guardianship of minors, and "*Carta di Treviso e Testo Unico dei "The Duty of the Journalist "* IN FORCE THAT from January 1, 2021 and Annex 1 of HIS "*Rules" relative deontologiche al trattamento deer Datin Personnel in exercise of the activity journalistic "*.

7. The publication of data related to the adoption of a minor, without the consent of the adoptive parent, is prohibited. The exception is the case when the publication of data of the adopted minor or the adoptive parent is in the best interest of the child.
8. The media must guarantee the anonymity of a minor who is involved in a legal procedure, especially in matters of a family nature or in other cases sensitive to the psycho-social health of the minor.
9. The media must have as a primary consideration the best interest of the child, assessing on a case-by-case basis the factual relationship that the parent has with the child, mainly with regard to the proper exercise of parental responsibility¹⁰. Information received from parents may be published only when it serves the best interest of the child.
10. Minors with serious pathologies should not be used for propaganda purposes or for any other reason that is contrary to their rights.
11. It is not permitted to interview a minor who is in a serious psychological condition¹¹, even if the interview is of public interest. Minors should not participate in media programs that deal with and discuss events that cause emotional stress.
12. The media should seek the consent of a parent or legal custodian to interview minors or to include them in their media activities. An exception may be made only when minors are given the opportunity to speak on topics that are not sensitive, and when it is clear that they can express their views without the need for the consent of the parent/legal custodian. However, in any case, the objection of the parent/legal custodian to the information collected before and, if published, after publication, should be taken into account.

Article 6

Data protection in criminal proceedings

1. Data processing for the purpose of disclosing the personal precautionary measures imposed on persons suspected of having committed a criminal offence is permitted only when such processing is in the public interest.
2. In publishing information related to a criminal fact, the identification of persons close to the suspected perpetrator or the convicted person for committing a criminal offence is prohibited, except where the latter have given their consent.
3. Except in cases where the information constitutes public interest, the media shall not take or produce images of detained and/or arrested persons. Persons shall not be filmed in conditions of deprivation of liberty by law enforcement agencies, unless this is necessary to report arbitrary actions by law enforcement agencies.¹²
4. Respect for the principle of the presumption of innocence is an integral part of the right to a fair trial. The media, when publishing a criminal fact, have the obligation to respect the principle of the presumption of innocence.
5. When processing for journalistic purposes personal data relating to persons suspected of having committed a criminal offence, convicted persons or other subjects involved in

¹⁰ The child may be a victim.

¹¹ For example, when minors have been removed from their homes, have been victims of organized crime or have been used for prostitution, etc.

¹² See Article 8 ITA Ethical Rules

criminal proceedings, the media shall have the obligation to respect their right to a private life. In particular, this protection shall be guaranteed to minors, victims, witnesses and the family members of persons suspected of having committed a criminal offence or convicted of having committed a criminal offence.

6. The media shall bear in mind the harmful consequences that the above-mentioned persons may suffer, as a result of the publication of information that may lead to the disclosure of their identity.

Article 7

Use of recording equipment

1. The media shall not process personal data or publish/ disclose materials obtained through the use of cameras/other hidden devices, or through private or mobile phone calls, messages/e-mails, or through the unauthorized use of documents and images containing personal data, except in cases where the public interest prevails.

2. The publication in whole or in part of documents classified or considered as such within the meaning of the specific legislation in force in the Republic of Albania is prohibited. The media shall have the right to inform on matters of public interest, but this right shall be exercised respecting the essential content of the information, the proportionality and necessity of the publication, without violating the limits set by the specific legislation.

3. The publication of the content of interceptions may be considered proportionate if:

a) it helps to understand the specific circumstances in which the event occurred and does not exceed the limits necessary in relation to the informative purpose and the reasonable public interest;

b) does not prejudice any provision of the legislation in force and the preliminary investigation or trial of an ongoing proceeding.

In any case, the publication of such materials must be done while respecting the fundamental rights of the persons involved, based on the balance between freedom of expression and the protection of private life.

4. The publication of the contents of interceptions that include aspects of private life that are not related to the event that constitutes public interest is not allowed, in particular data related to the intimacy, family relations, personal expressions or sexual orientation of the persons involved. Any exceeding of these limits constitutes a violation of the principle of proportionality and data minimization, as defined in the Law and violates the right to private life of the individuals involved.

5. Unfiltered publications may lead to misunderstandings in the interpretation of facts or interpersonal relationships, as well as violate the right to privacy, dignity and the conduct of criminal investigations.

6. The media enjoys the right to inform on matters of public interest, but this right must be exercised while respecting the essential content of the information, the proportionality and necessity of publication.

Article 8

Protection of health data

Health data are considered sensitive data and cannot be published without the consent of the subject, except in cases where the person cannot be identified. The media has the obligation to respect the dignity and privacy of the individual, especially in cases of serious illnesses, by avoiding the publication of unnecessary details. The publication of information is permitted only when it is necessary to achieve the purpose of the information and always while preserving the dignity of the person, in accordance with the restrictions of article 10, paragraph 1 of this Guideline, for individuals of particular social or public importance.

2. The publication of data obtained from health analyses and examinations, which may reveal sensitive data on health, is prohibited. This publication is permitted only when it follows the essence of the information and always while respecting the dignity of the person.

Article 9

Publication images

1. When documenting with images the facts of the news that occur in public places, the media, before publishing the material, must assess what type of focus should be selected, avoiding focusing the images only on individuals or on details of persons, if the dissemination of these data proves to be unrelated or exceeds the purpose of the news.

2. Images that are exposed during a press conference held by the police forces or obtained legally, cannot be distributed, except in pursuit of the specific purposes for which they were initially collected (verification, prevention or stopping the commission of criminal offenses).

3. Images that document the actions of arrest cannot be distributed when they harm the dignity of the person. The reproduction of images of detained persons is prohibited, except when this is in the public interest. Other facts such as those relating to the arrest, investigation and trial (for example, images taken from identification documents, family albums or those taken in court hearings), must be used legally and correctly. The dissemination of the images referred above is carried out only after an assessment has been made, only to provide the essence of the information, related to the news.

4. Any technical intervention on an image, through montage, electronic correction or digital processing, must be carried out in such a way as not to violate the privacy and dignity of the individual.

5. Images must not be exhibited or put up for sale, as long as the exhibition or sale could violate the privacy and dignity of the individual.

Article 10

Public figures

1. The media must respect the private life of public figures.

2. The publication of personal data by the media regarding public figures is permitted only to the extent that the information is directly related to their public activity, institutional activity or their influence on public life. This publication must respect the principles of proportionality and

public interest, as provided for in the Law, as well as the fundamental rights and freedoms of data subjects.

3. The publication of information or data related to the private life of public figures is prohibited, as long as the latter are not related to their public activity.

Article 11

Meaning of public interest

1. For the purposes of this Guideline, public interest relates to those matters that affect the public to such an extent that it has a legitimate right to be interested and be informed, with the aim of better understanding and forming an opinion on decisions on events of public importance, or that significantly concern it.

2. Matters that are considered to be of public interest are, but are not limited to, those related to:

- a) exposure of cases that are directly related to the protection of public safety;
- b) protection of public health and the environment;
- c) prevention, exposure of cases that are related to criminal offenses, serious crimes, riots, scandals or manifestly antisocial behavior;
- ç) other fundamental human rights and freedoms;
- d) misuse of public office or inappropriate/abusive use of public funds;
- dh) public prevention of fraud and/or manipulation;
- e) preventing the public from being misinformed by statements or actions of individuals or organizations;

3. The media, among other things, in determining the public interest, must take into account whether the publication of information is capable of contributing to a public debate of general social interest.

4. Information is considered to contribute to the public debate of general interest when it relates to issues that directly affect society, such as the functioning of public institutions, the exercise of power, the implementation of the law, the protection of fundamental human rights and freedoms, the guarantee of transparency and accountability, as well as issues in the health, social, environmental or economic fields.

5. Information that aims only to satisfy curiosity or create a sensation in the public about the private lives of individuals is not considered suitable for publication in the framework of a public debate of general social interest, is not related to the public interest and should be avoided with the aim of respecting the right to privacy and the dignity of the persons involved.

6. Journalists and the media must assess on a case-by-case basis, in a balanced and proportionate manner, whether the content of the publication meets the criteria of public interest, taking into account the nature of the information, the manner in which it was obtained, the circumstances of the case, the public status of the persons involved, and the impact that the publication may have on the public debate of general social interest.

Article 12

The archive

1. The archive of journalists/media, which is used for the exercise of professional activity and for journalistic purposes, enjoys special protection in relation to the confidentiality of information sources, in accordance with the Law.

2. Journalists/media have the right to store personal data collected only for the time necessary to fulfill the purpose for which they were collected, in accordance with Article 6 of the Law, which provides for the principle of limitation of the storage period.
3. Archives of journalists/media, including those in physical or electronic formats, constitute sources of historical, social, scientific and cultural value. The processing of personal data contained in these archives is permitted only when carried out for historical, research, scientific or statistical purposes, in accordance with article 45 of the Law, taking appropriate measures to protect the rights and freedoms of data subjects.

HEADING II

TIME PERIODS AND CONDITIONS FOR EXEMPTION FROM OBLIGATIONS RELATING TO DATA PROCESSING FOR JOURNALISTIC PURPOSES

Article 13

The right to be forgotten

1. When processing personal data for the purpose of carrying out journalistic activities, the media also respects the individual's right to be forgotten, as a right to request the deletion of personal data that are no longer necessary, have been processed unlawfully, or violate the privacy and reputation of the data subject, in accordance with the Law.
2. The request for the right to be forgotten may be submitted by the data subject when:
 - a) the published information is no longer necessary for the journalistic purposes for which it was collected;
 - b) the data have lost their current value in the public interest and continue to have a negative effect on the personal or professional life of the individual;
 - c) the information is inaccurate, outdated, harmful or unnecessary in relation to the time elapsed since the event;
 - ç) the data subject has exercised the right to withdraw consent to processing, in cases where the processing was based on his or her consent.
3. The media has the obligation to assess the proportionality between the right to privacy and the right to freedom of expression and information, taking into account:
 - a) the public role of the data subject;
 - b) the nature and sensitivity of the information published;
 - c) the time elapsed since the publication;
 - ç) the purpose, form and context of the dissemination of the information.
4. Where information is available online in media archives, measures to implement the right to be forgotten may include:
 - a) deletion of the information;
 - b) anonymization of the name or identifying data;
 - c) de-indexation from search engines;
 - ç) making an update or reference to subsequent legal developments that have changed the status of the data subject.

5. The right to be forgotten does not apply, *inter alia*, if the information:
- a) is necessary for the exercise of the right to freedom of expression and information;
 - b) retains historical, scientific or research value for the public;
 - c) is part of an ongoing criminal or judicial process or that ends with a final court decision;
 - ç) fulfills public interest purposes, including transparency and accountability of public figures.
6. In any case, the media is responsible for objectively and impartially assessing requests for deletion and for taking reasonable measures to guarantee the protection of the rights of data subjects.

Article 14

Exclusion time periods and conditions

1. Activities in the field of journalism are considered as processing for specific purposes under Part II, Chapter V, of the Law.
2. The controller is exempted from specific obligations under the Law when processing personal data for the publication of materials for journalistic purposes:
 - a) for the preparation of which the data in question are necessary to be processed;
 - b) by processing the data only for the initial purpose provided for in letter “a” of this paragraph;
 - c) without prejudice to the essence of the right to data protection;
 - ç) where there is a public interest;
 - d) where the implementation of the provisions of the Law makes it impossible to achieve the purpose.
3. Where the controller can achieve the specific purpose even without relying on the exceptions set out in the paragraph above, he must act in the least intrusive manner with regard to the personal data protection.
4. Where the controller relies on the exceptions in article 43 of the Law, he shall retain the personal data only for as long as is necessary to publish the material for journalistic purposes. Such data shall be disseminated only in the cases provided for in article 43, paragraph 2 of the Law.
5. Personal data may be retained for longer periods only for archiving purposes and for as long as such processing is in the public interest and for research, scientific, historical or statistical purposes, subject to the implementation of appropriate technical and organizational measures to safeguard the rights and freedoms of the data subject. Further processing for archiving purposes shall be permitted only where it is in accordance with article 45, paragraph 3 of the Law and article 12, paragraph 3 of this Guideline.

Article 15

Information and obtaining consent

1. The journalist/media that processes personal data must make known his identity as a controller, his profession and the purpose for which this information is collected, except in the case when:
 - a) this poses a risk to his security or;
 - b) the notification of the subject makes it impossible to exercise his function.
2. After the above notification, the journalist is not required to fulfill other elements of information provided for in articles 13 and 14 of the Law, in accordance with the lawful

processing of personal data defined in Article 6 and the restrictions provided for in article 21 of the Law.

Article 16

Cooperation

The journalist/media, in the capacity of the controller, has the legal obligation to cooperate with the Information and Data Protection Commissioner, thereby providing him with all the information he requires to fulfill the duties assigned to him by the Law.

Article 17

Final provisions

1. All public and private controllers/processors in the territory of the Republic of Albania, which exercise activities in the field of media, are responsible for the implementation of this Guideline.
2. Failure to comply with the requirements of this Guideline constitutes a violation of the Law and is sanctioned according to article 94 thereof.
3. Guideline no. 9/2010 *“On Basic Rules regarding the Personal Data Protection in the printed, visual and audiovisual media”*, as amended, and Guideline no. 31/2012 *“On Determination of the Conditions and Criteria for Exemption from the Relevant Obligations during Personal Data Processing for Journalistic, Literary or Artistic Purposes”*, shall be repealed.

This Guideline shall enter into force upon its publication in the Official Journal.

COMMISSIONER

Besnik Dervishi