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## Information Commissioner Office in Albania

*Task Force on Access to Justice, Geneva, 28 February*



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## GENERAL PROVISION

### INFORMATION AND DATA PROTECTION COMMISSIONER :

Established in 2009/ Competences in the field of right of information acquired in 2015

- Independent body
- Status regulated by
  - Law on Right of Information No. 119/2014
  - Law on Personal Data Protection



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# CHANGES

Some of the far-reaching changes introduced by the new law on Right of Information are the following:

- Setting up a new body, charged with supervising and monitoring compliance with the new law: the existing Commissioner for the Protection of Personal Data is vested with extensive competences and disciplinary powers and is renamed to Commissioner for the Right to Information and Protection of Personal Data.
- New, shorter deadlines: the deadlines for responding to requests are shortened to 10 days.
- Proactive dissemination of information: public authorities are now obliged to make certain categories of information available proactively.
- Introduction of a more extensive definition of the term public information: under the new law, public information is defined as any data registered in any form and format, maintained by a public authority.
- Introduction of a more extensive definition of the term public authority: under the new law, the term is extended and now encompasses commercial companies where the state holds the majority of shares, as well as any physical or legal entity that exercises public functions in areas such as education, health, energy, and telecommunications.
- Ensuring a more effective response to information requests: under the new law, every public authority is obliged to designate a Coordinator for the Right to Information whose task will be to supervise the authority's responses to information requests.
- Introduction of dissuasive sanctions for failure to respect the right to information: the new law provides for heavy administrative sanctions, in the form of monetary fines, for officials violating the provisions of the law.

## Role of Information Commissioner Office (ICO)

Law on Right of Information



Information  
Commissioner Office



Information  
Coordinator for all  
Albania Institutions



Monitoring of the  
information in  
web site



Monitoring the update  
of request and  
response register

2018 - 331 Information Coordinators

2018 - 219 published in web site  
Programme of Transparence

2018 - 178 Institutions have published in  
web site the register



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# ICO COMPETENCIES

In the area of the right of information, the Commissioner exercises the following competencies:

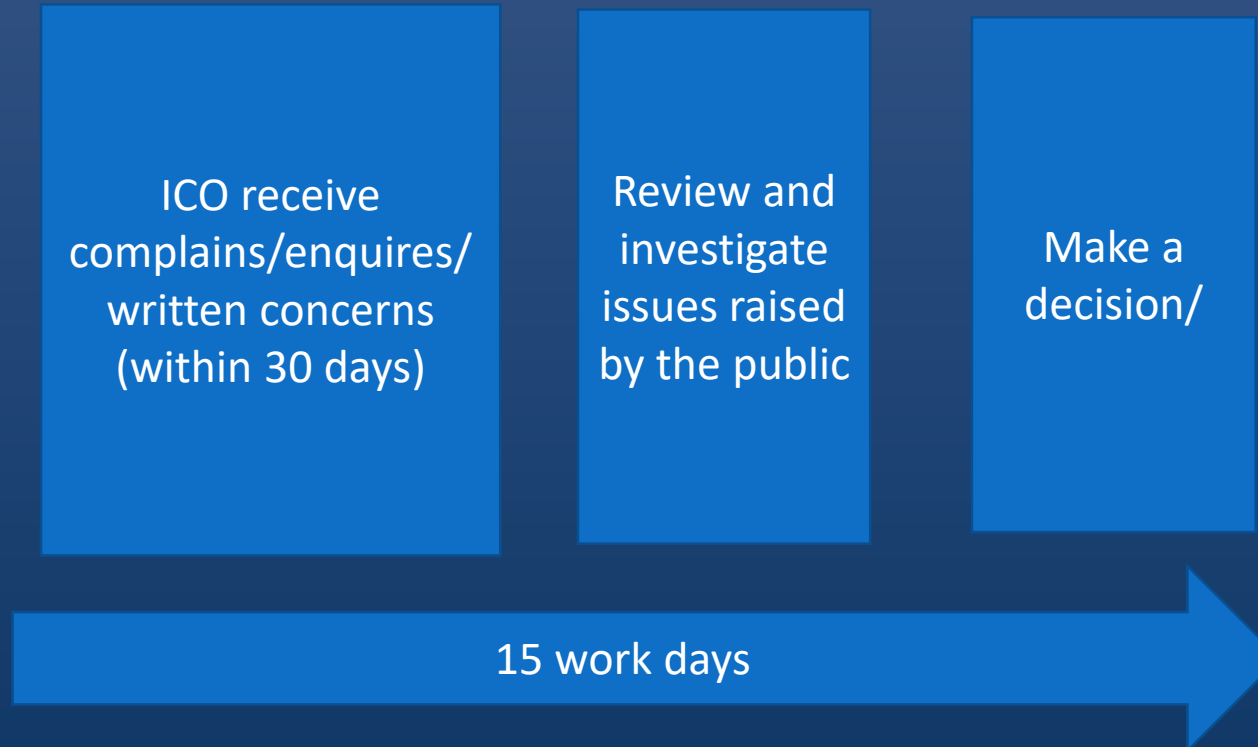
- examines the requests of citizens who claim that their information rights have been infringed by the public authority ;
- examines citizen complaints regarding Transparency Programs of Public Authorities;
- carries out the necessary administrative investigations;
- has access to information and documents, object of complaint, including classified information "state secret";
- imposes administrative sanctions according to the legal provisions;
- promotes the principle of transparency in the work of public authorities;
- monitors the implementation of the Law "On the Right to Information";
- conducts surveys on various issues;
- make recommendations to public authorities regarding the conception and implementation of Transparency Programs;
- submits a written opinion on any matter related to any case the court request an examination;



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# Complaints procedure

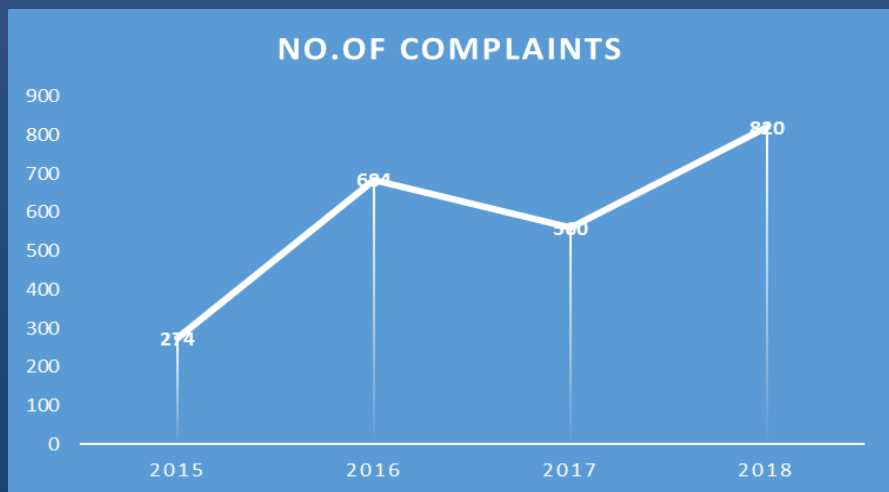
## Lifecycle of a complaints for ICO:





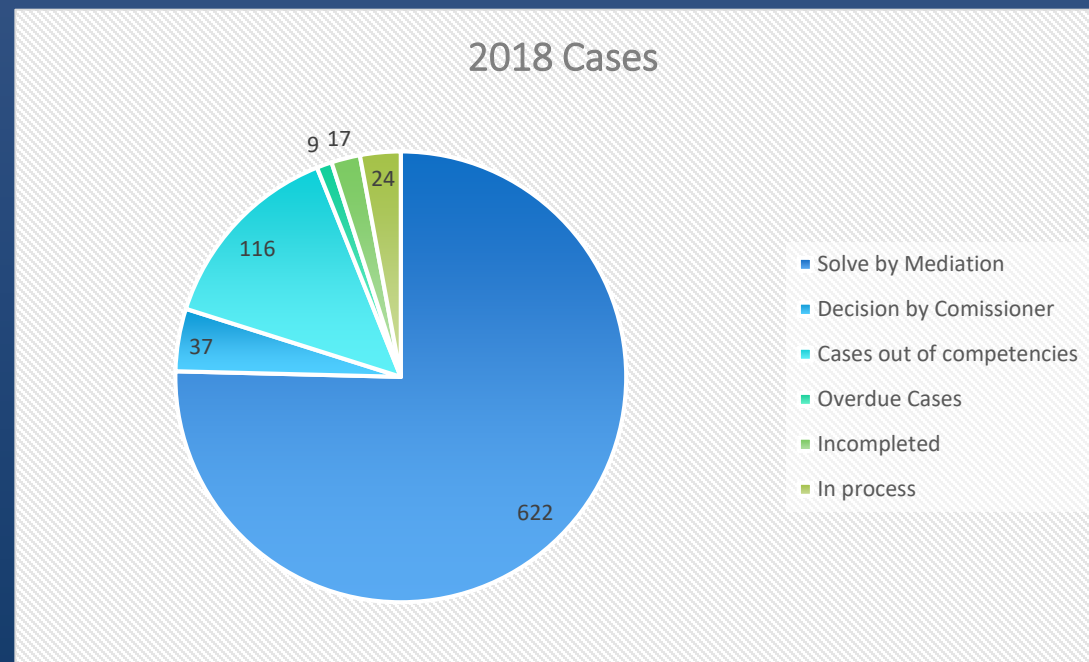
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# Activity of ICO



## In 2018

- 63% of Complaints recieved from NGO-s
- 6 decisions imposing sanctions by fines





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# ICO- Environmental Cases

**Complaints for Environmental Institutions**



In 2018

**14 cases - National Environmental Agency**

**17 cases – National Inspection for Environmental and Forests**

**3 cases – Ministry of Tourism and Environment**

**2 decisions imposing sanctions by fines (2017,2018)**