

LAW
No 120/2014

**ON SOME AMENDMENTS AND ADDENDA TO THE LAW NO 9887, DATED
10/03/2008 “ON THE PROTECTION OF PERSONAL DATA”, AS AMENDED**

In reliance on Articles 78 and 83, point 1, of the Constitution, upon the proposal of the Council of Ministers,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA**

DECIDED:

The following amendments and addenda shall be affected to the Law no 9887, dated 10/03/2008, “On the protection of personal data”, as amended:

Article 1

Where ever appearing in the law, the denomination “Commissioner for the Protection of Personal Data” shall be replaced by “Commissioner for the Right to Information and Protection of Personal Data”.

Article 2

Points 28 and 29 shall be added in Article 3, next to point 27, with the following wording: “28. “Right to information” has the meaning under the definition in the law on the right to information.

29. “Transparency programs” has the meaning under the definition in the law on the right to information”.

Article 3

The phrase “and the right to information” shall be added in Article 29, point 1, second line, next to the word personal.

Article 4

The title of Article 30 shall be amended as follows: “The rights in the field of personal data protection”.

Article 5

The title of Article 31 shall be amended as follows: “Powers in the field of personal data protection”.

Article 6

Article 31/1 shall be added next to Article 31 with the following wording:

“Article 31/1

Powers in the field of protection of the right to information

In addition to the powers provided for in Article 31, the Commissioner for the Right to Information and Personal Data Protection shall assume the following powers in the field of the right to information:

- a. examining the complaints of persons alleging the infringement of their rights provided for in the law “On the right to information”;
- b. examining the complaints of persons pertaining to the functioning of the transparency programs with the public authorities;
- c. assuming the necessary administrative enquiry in the course of exercising his powers;
- ç. being informed and having access to the information and documents subject to complaint in accordance with the law on the right to information or bearing a connection to the case under consideration, including the information classified “state secret”. He shall, in these cases, be obliged to abide by the requirements for maintaining the “state secret”, under the effective legislation;
- d) imposing administrative sanctions under the provisions of the law on the right to information;
- dh) encouraging the principle of transparency in the activity of the public authorities, specifically by way of awareness and informing on issues pertaining to the right of information;
- e) monitoring the implementation of the law on the right to information;
- ë) conducting surveys with regard to various issues pertaining to the right to information;
- f) making recommendations for the public sector bodies, connected to the concept and implementation of institutional programs of transparency;
- g) upon being required by the court adjudicating the case, submitting an opinion in writing on any type of issue connected to the right to information.”

Article 7
Entry into effect

This law shall enter into effect 15 days after its publication in the Official Journal.

Approved on 18/09/2014

SPEAKER OF PARLIAMENT
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