



REPUBLIC OF ALBANIA
INFORMATION AND DATA PROTECTION COMMISSIONER

No. _____ Prot.

Tirana on 31/10/2016

DECISION

No. 8 dated 31 / 10 / 2016

**“ON DETERMINING STATES THAT ENSURE AN ADEQUATE LEVEL OF
PERSONAL DATA PROTECTION”**

Pursuant to Article 8/1 of the Law No. 9887, dated 10.03.2008 “On personal data protection” as amended,

I HEREBY DECIDE:

1. The states ensuring an adequate level of personal data protection are the following:
 - a) Member States of the European Union;
 - b) Member States of the European Economic Area;
 - c) Parties to Convention 108 of the Council of Europe “On the protection of individuals with regard to automatic processing of personal data”, as well as to its additional protocol of 1981, which have adopted a special law and have established a supervisory authority exercising its function with full independence ensuring appropriate legal mechanisms, including handling of complaints, investigation and guaranteeing transparency of personal data processing”;
 - d) States, where personal data transfer may be performed, according to a decision of the Commission of the European Union.
2. The states ensuring an adequate level of personal data protection are listed in Annex 1 attached to this decision.
3. The decision No. 3/2012 of the Commissioner, “On determining states ensuring an adequate level of personal data protection”, as amended, is repealed.

This decision enters into force after the publication in the Official Gazette.

COMMISSIONER
BESNIK DERVISHI

ANNEX No. 1

**LIST OF COUNTRIES ENSURING AN ADEQUATE LEVEL OF PERSONAL DATA
PROTECTION**

In reliance with point 1(a) “**Member States of the European Union¹**” are listed as follows:

- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- The Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- Great Britain
- Croatia
- Malta
- Latvia
- Luxemburg

¹ **Member States of the European Union** are also parties to the Convention 108 of the Council of Europe “On the protection of individuals with regard to automatic processing of personal data”, as well as to its additional protocol of 1981.

In accordance with point 1(b) “**Member States of the European Economic Area²**” are listed as follows:

- Island
- Lichtenstein
- Norway
- Switzerland

Pursuant to point 1(c) “**Countries which are part of the Convention 108 of the Council of Europe “On the Protection of Individuals with regard to automatic processing of personal data”, as well as to its additional Protocol as of 1981**, which have adopted a special law and established a supervisory authority performing its function with complete independence, ensuring appropriate legal means, including handling of complaints, drafting and guaranteeing transparency on the processing of personal data, are listed as follows:

- Albania
- Georgia
- Bosnia and Herzegovina
- Republic of Macedonia
- Montenegro
- Moldavia
- Principality of Monaco
- Serbia

In accordance with point 1 (d) “States, where personal data may be transferred to, according to a decision of the Commission of the European Union”, are the following:

1. Andorra

Commission Decision no. 2010/625, dated 19 October 2010, pursuant to Directive 95/46 / EC of the European Parliament and of the Council “On the adequate protection of personal data in Andorra” (notified under document C (2010/7084) (Opinion 7 / 2009 of the Article 29 Working Party, "On the level of protection of personal data in the Principality of Andorra").

2. Argentina

Commission Decision C (2003/1731) dated 30 June 2003-O.J.L 168, 05.07.2003. (Opinion 4/2002 of the Article 29 Working Party on the level of personal data protection in Argentina, document No. 63).

² **Member States of European Economic Area** are also parties to the Convention 108 of the Council of Europe “On the protection of individuals with regard to automatic processing of personal data”, as well as to its additional protocol of 1981.

3. Canada

Commission Decision 2002/2 / EC of 20.12.2001 “On the adequate protection of personal data under the Canadian Law on the Protection of Personal Information and Electronic Documents”- OJL 2/13 dated 04.01.2002 (Opinion 2/2001 of the Article 29 Working Party on “Adequate Data Protection from the Canadian Law on Personal Information Protection and Electronic Documents ”, Document No. 39).

4. Guernsey

Commission Decision of 21 November 2003 on the adequate protection of personal data in Guernsey. (Opinion 5/2003 of the Article 29 Working Party on the level of data protection in Guernsey, Document No. 79).

5. Isle of Man

Commission Decision 2004/411 / EC dated 28.4.2004 “On the adequate protection of personal data in the Isle of Man”. (Opinion 6/2003 of the Article 29 Working Party on the level of personal data protection in the Isle of Man, document no. 82).

6. Jersey

Commission Decision of 8 May 2008 according to Directive 95/46 / EC of the European Parliament and of the Council "On an adequate level of personal data protection in Jersey" (notified under document number C (2008/1746)
- OJ L 138, 28.05.2008)
(Opinion 8/2007 of the Article 29 Working Party, "On the level of personal data protection in Jersey", document no. 141).

7. Switzerland (also member to the EEA)

Commission Decision of 26 July 2000 according to Directive 95/46 / EC of the European Parliament and of the Council "On an adequate level of protection of personal data in Switzerland".
(Opinion 5/1999 of the Article 29 Working Party on the level of personal data protection in Switzerland, document no. 22).

8. Faroe Islands

Commission Decision of 5 March 2010 according to Directive 95/46 / EC of the European Parliament and of the Council “On an adequate level of personal data protection provided for in the Faroe Islands Act for the processing of personal data”, document C 2010/1130 of the Article 29 Working Party).

9. Israel

Commission Decision 2011/61 / EU of 31 January 2011 according to Directive 95/46 / EC of the European Parliament and of the Council “On an adequate level of protection of personal data by the State of Israel regarding the automatic processing of personal data ”.

(Opinion 6/2009 of the Article 29 Working Party on "the adequate level of personal data protection in Israel", document no. 166).

10. New Zealand

Commission Decision 2013/65 EU of 19 December 2012, based on Directive 95/46 / EC of the European Parliament and of the Council "On the adequate protection of personal data of New Zealand" (notified under document C (2012/9557) (Opinion 11/2011 of the Article 29 Working Party on the level of personal data protection in New Zealand).

11. United States of America – European Union “Privacy Shield”

The European Commission on 12 July 2016 adopted a Decision on the adequacy of the protection of privacy "Privacy Shield", between the EU and the US.

On 2 February 2016, the European Commission and the United States agreed on a new framework for transatlantic data transfers: EU-US Privacy Shield. On February 29, 2016, the Commission published a draft adequacy decision and related commitments by US authorities. The Committee also consulted the Article 29 Working Party before making a final decision.

(Opinion 01/2016 of the Article 29 Working Party on Privacy Shield, between the EU and the USA)

On 6 October 2015, the EU Court of Justice with Commission Decision no. 2000 declared "Safe Harbor" as invalid. **On 6 November 2015, the European Commission** adopted a communiqué on the transfer of personal data from the EU to the United States of America under Directive 95/46 / EC following the judgment of the Court of Justice in Case C-362/14 (Schrems). The aim was to provide an overview of alternative means of transatlantic data transfers in the absence of a final decision.

12. Uruguay

Commission Decision C (2012) 5704 dated 21.08.2012 under the Directive 95/46 / EC of the European Parliament and of the Council on the adequate protection of personal data by the Republic of Uruguay with regard to the automatic processing of personal data. (Opinion 6/2010 of the Article 29 Working Party on the level of protection of personal data in the Republic of Uruguay).