

The right to information

Monthly newsletter on monitoring the implementation of the Law on the Right to Information

The newsletter is a publication of the Office of the Information and Data Protection Commissioner

Focus of the month

Public Information

Law no. 119/2014 “On the right to information” defines the term “Public information” as any data recorded in any kind of form and format, while exercising a public function, whether or not drafted by the public authority. This means that you can request any kind of information from an Albanian public authority, no matter how old the information is, provided that this information is held by the public authority you are referring.

Examples of information you can request:

- The number of complaints related to a specific issue;
- Information indicating whether public authority policies are effective;
- Information that would reveal whether a contract signed by a public authority has given the claimed results;
- Internal or external audit reports.

The right to information applies to any documented information. On the contrary, thoughts or opinions which are not registered in any form do not constitute public information. The right to information may be restricted if it is necessary, proportionate and if it violates the right to privacy, trade secret, copyright etc.

Monthly summary of decisions

Decision no. 13 -

Documentary practice during an administrative process constitutes public information

Decision no. 14 -

The organic structure of the Municipality is public information

Decision no. 15 -

The Public Authority delegates the request to the authority that disposes the information within 10 days

Decision no. 16 -

The only reason that justifies sending the request to another authority is the lack of information required

Decision making of the Information and Data Protection Commissioner

[#information](#) [#transparency](#) [#decision](#)

The Information and Data Protection Commissioner's Office (IDP), during June has issued 5 decisions pursuant to Law No. 119/2014 "On the right to information" (LRI). 4 have been decisions ordering public authorities to provide the requested information while 1 has been a decision to dismiss the appeal. IDP during the review of citizens' complaints and following the administrative procedures according to competencies provided by LRI and Law No. 9887/2008 "On the right to personal data" as amended (LRPD) has noticed that the legal provision for the procedure of delegation of the request for information by the coordinator for the right to information is not sufficiently understood. Given so, the delegation procedures have been at the center of the last 2 decisions issued by IDP.

By decision no. 15, dated 19.06.2020 IDP has accepted the complaint of the journalist L.Ç which requested by the Agency of Public Procurement (public authority) complete documentation of various public procurement procedures performed by various public authorities. The public authority responded the journalist by referring the website and the relevant link, in which was partially published the requested information as well as explaining that referring to point 1, of article 12 of law no. 9643, dated 20.11.2006 "On public procurement", responsible for the development of the procurement procedure, (including procurement procedure documentation, as well as contracts signed at the end of this process) is administered by the contracting authority.



TRANSPARENCY
OF PUBLIC AUTHORITIES IS THE
ANTECHAMBER OF GOOD GOVERNANCE

WWW.IDP.AL

IDP after reviewing the journalist's complaint as well as considering the response of the public authority at the end of the administrative review procedure of the case, assessed that the coordinator for the right to information enjoyed the capacity and the necessary information to identify the public authority that had the information of the public procurement procedure.

For this reason, in accordance to letter d) of point 2 of article 10 and point 2 and 3 of article 12 of LRI the coordinator after verifying that the public authority did not possessed the requested information, should have delegated the request for information at contracting authorities and notify the applicant within 10 days.

The issue of delegating the request for information also stands at the core of Decision no. 16, dated 24.06.2020. IDP accepted the complaint of the "Together for life" association which requested from the Ministry of Health and Social Protection (public authority) the number of specialists doctors registered with the "Order of Physicians" as well as the number of specialist doctors for each university hospital and for each regional hospital. The coordinator of the public authority delegated the first request to the Physicians Order without informing the association regarding this delegation. Meanwhile, with regard to the second question, the coordinator made available to the association only the total number of general and specialist doctors in the entire health system, contrary to the object of the request which was specified for each hospital. RIA clearly states that "The only reason justifying sending the request to another authority is the lack of the required information".

For both these complaints, IDP evaluated the issuance of the "Ordering decision" for making available of the requested information to the public authorities, specifying in the legal reasoning that the entire criteria provided for delegation of the request to another authority are clearly provided in points 2 and 3 of article no. 12 of the LRI and the competence of delegation of the request is specified in letter d) of point 2 of article 10 of the RIA.

For more information you can read the full the decision on the KDIMDP website www.idp.al.

Keep distance – Publish information

TRANSPARENCY WITH DISTANCE

Practical advice for public authorities on how to increase public transparency

- Digitally save and document all public authority activity.
- Consult the categories of information that must be public according to article 7 of law no. 119/2014.
- Publish on the official website the newly created information according to the respective categories.
- The published information should be in easily accessible format.
- For detailed information you can contact the Office of the Information and Data Protection Commissioner.



THE ELECTRONIC REGISTER OF REQUESTS AND RESPONSES OF THE RIGHT TO INFORMATION (ERRRRI)

PYET SHTETIN

Law no. 119/2014 “On the right to information”, provides that each public authority has the duty to maintain and update a register of requests and responses. To have a complete overview of requests for information addressed to public authorities, through the Decision of the Council of Ministers no. 145/2018 was established the “Electronic Register of Requests and Responses for the Right to Information” (ERRRRI), transforming it into a state database which contains information for all requests addressed to public authorities and complaints to the Commissioner’s Office. ERRRRI is an electronic instrument for exercising the right to information in a fast way, by tracking requests until the moment of resolving the issue after the complaint to the Commissioner’s Office.

In this way, the establishment of the electronic register facilitates access to public information; increases the effectiveness of monitoring public institutions to guarantee the right to information, enabling control in any time on the status of their claim; increases transparency by providing the requested information in real time for the public; increases the quality of service towards citizens, providing the real opportunity to apply online; promotes the principle of open government through innovative processes. ERRRRI is currently active in 47 public authorities while the Office of the Commissioner continues its efforts to extend this instrument to all public authorities.

Komisioneri për të Drejtën e Informimit dhe Mbrojtjen e të Dhenave personale
Mail: info@idp.al, Telefon: +35542237200, Telefax: +35542233977, Nr. Jeshit: 08002050
Politikat e Privatësisë

The electronic register can be accessed www.pyetshtetin.al

