

# The right to information

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

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

## Focus of the month

### TRANSPARENCY PROGRAMME

Under the Law No. 119/2014 “On the Right to Information”, public authorities are obliged to draft, publish and update the transparency programme in order to provide access to information, by providing accurately therein categories of information that should be defined in the programme. The proactive publication of the information on public authorities’ websites provides more access to a large number of individuals, extends institutional transparency, lowers the number of information requests, as well as increases accountability of public authorities.

The transparency programme must be approved by the head of institution and should be made public online and also in the premises of the institution concerned, and it should provide easily accessible and intelligible formats of information.

The public authority must establish and store a digital copy of its website, supplemented with the information required in the approved transparency programme, as well as the methods, mechanisms and periodicity of publication of the public information, which are made available to the public without request. Acts that contain rules, norms or restrictions of the fundamental rights and freedoms of the individuals, as well as that shall have a direct effect to them, shall be made public by publishing or posting on the official website, within 48 hours of the approval of the act by public authorities.

Article 7 of the Law No. 119/2014 “On the Right to Information” sets forth the categories of information which are mandatory to be made public. Upon the publication of information, PA should take into account the public interest and enable easy access to public information.

## Monthly summary of decisions

### Decision No. 36

The copy of the official document is public information

### Decision No. 37

Information on public persons or employees of public administration who reflect the public, and administrative activity, or issues related to their duty consists of public information.

# Decision making of the Information and Data Protection Commissioner

During August 2020, the Office of the Information and Data Protection Commissioner (IDP) issued 2 decisions on the application of the Law No. 119/2014 “On the Right to Information” (LRI). Both decisions’ subject was ordering of public authorities to provide the requested information.

By Decision No. 37 dated 07.08.2020, the Office of the Commissioner accepted the complaint by the journalist A.R., who submitted a request with the Ministry of Infrastructure and Energy (the Public Authority), *inter alia* information on “The Commission’s list of the competition that announced the winner of the auction for the Park (140 MW) of photovoltaic panels in Karavasta; the position (expertise) of each member of the Commission, as well as their professional training (e.g. if he/she was an engineer, engineering field, lawyer or economist).

In its final response, the Public Authority stated that: “the Special Commission (...) for the selection of the project that shall benefit from supportive measures on building of the photovoltaic panels in the area of Karavasta”, in addition to the task on drafting the papers of the competition procedure and following the procedure, was currently handling negotiations of the final contract with the beneficiary association.

As this procedure was still ongoing and the parties were yet to finalize the contract, the Public Authority considered the requested information as restrictive/exclusionary in terms of the Law on Right to Information.



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**#information #transparency  
#decision**

After examining the journalist’s complaint and also considering the response by the public authority, at the conclusion of this case, the

Commissioner held that the claims submitted by the public authority were not in line with the law.

As the requested information relates to public functionaries, the Commissioner considered that this information should be made available pursuant to Article 4/4/b of the Law No. 9887, dated 10.03.2008 “On personal data protection”, as amended, which stipulates that: “This law is not applicable to processing of data only in case the information is provided about public officials or public (state) administration servants, reflecting their public, administrative activities or issues related to their duties”.

This provision is proportionally applicable and in line with the data adequacy principle set forth in article 5 of the above mentioned law. In conclusion, the IDP Commissioner assessed that the claim of the public authority was not in line with the law and consequently decided to order the Public Authority on providing the requested information.

For more information on this decision, please visit our website at: [www.idp.al](http://www.idp.al).

# INFORMATION ON COORDINATORS OF THE RIGHT TO INFORMATION

## THE INFORMATION AND DATA PROTECTION COMMISSIONER

**Name/Surname:** Alketa Koja

**Job position:** Inspektor

**Department:** The Right to Information Department

**Public Authority:** The Information and Data Protection Commissioner

**Appointment date as coordinator:** December 2014

**Previous experience as coordinator on the right to information:** N/A

**Email address:** info@idp.al

**Phone:** 042237200

**The number of information requests recorded during 2020:** 24

**How do you assess the transparency level of the public authority where you work?**

The Office of the Information and Data Protection Commissioner is one of the most transparent institutions. The IDP publishes and updates all information in the transparency programme. The Commissioner's Office also publishes, after adoption, every administrative act such as, decisions, recommendations, and opinions and provides feedback on draft acts received for consultation.

**Which is the greatest difficulty encountered during your assignment as a right to information coordinator?**

The Office of the Commissioner is fully committed at responding to information requests as soon as possible and in this regard I have the support and dedication from all. The only case where I felt to overcome some difficulties was last year when the authority was requested to provide copies of all complaints of 2019. Within 10 days, we were able to handle over 700 files from the archive in order to make photocopies, anonymisation and recopying.

**What would improve the implementation of the law on the right to information?**

My suggestion relates to the status of the coordinator. It would be better for the coordinator to enjoy a special status and greater protection within the institution he/she works for, possibly provided by an independent institution, such as in the case of data protection officer in the EU legislation.

28

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INTERNATIONAL  
DAY FOR UNIVERSAL ACCESS TO  
INFORMATION