



**KOMISIONERI PËR TË DREJTËN
E INFORMIMIT DHE MBROJTJEN
E TË DHËNAVE PERSONALE**

**INFORMATION AND
DATA PROTECTION
COMMISSIONER**

Input for the report on FOE and sustainable development from the Information and Data Protection Commissioner of Albania.

The Office of the Information and Data Protection of Albania (IDP) is the national authority in charge of supervision and monitoring of the implementation of both human rights areas, namely the laws on the right to information and personal data protection.

As you may know, the right of access to information allows individuals to seek and obtain information from government and other institutions, which can then be used to express themselves more effectively. Without this right, individuals may not have access to the information they need to fully participate in public discourse and hold those in power accountable. Additionally, a free flow of information can also help to foster a more informed and engaged citizenry, which is an essential component of a well-functioning and a healthy democracy.

The new domestic law on the right to information entered into force in 2014. In the course of the 8 years of implementation, the Office of the Commissioner has closely co-operated with public authorities, civil society, the media and other interested groups to raise awareness and ensure a proper and effective application of information rights. Despite being considered as one of the best legal frameworks worldwide, the Albanian domestic law on right to information has encountered various difficulties and barriers during practice among public authorities and civil society, journalists and the media in particular, as the most active stakeholders exercising this right.

In this regard, in the course of recent years, the IDP held consultations with and received feedback from civil society and interested groups in terms of possible improvements in the current law which would serve better to public interest. Currently, some addenda and amendments are submitted with the competent ministry as the IDP does not hold the right to propose such legal initiatives.

Over the years of implementation of this right, an increased number of requests for information and complaints have been filed with public authorities and IDP Office by the citizens. This is a significant indicator of the progress of the Commissioner's Office, in terms of changing the mentality of the Albanian public administration, as an important step towards good governance and democracy. The increasing trend of complaints with the Office of the Commissioner also indicates the trust that citizens and interested groups have regarding the continuous commitment, work and efforts paid by the Office of the Commissioner.

According to the RTI legislation, all public authorities are obliged to publish a transparency programme on their website containing various categories of information regarding their respective activity. Information consists on budget expenditure plan and annual budget, procurement procedures, information coordinator's contact details, etc. When requesters are not able to obtain information through this publication scheme, they turn to the information coordinators to request information. Information coordinators

have the duty to respond within 10 working days, or in case of excessive or voluminous requests, up to 15 working days.

The IDP has been actively involved in various projects including the country's Cross-cutting Public Administration Reform Strategy 2015-2020, Cross-cutting Anti-corruption Strategy, Star 2 Project "Support to Territorial and Administrative Reform, etc., providing contribution in the field of the right to information.

Civil society organizations, media and independent journalists in Albania play an important role in promoting the right of access to information by advocating for laws and policies that support transparency and accountability. They often use the legal mechanisms such as the law on the right to information to request and obtain information from government and other institutions, and use that information to hold those in power accountable. In many cases, civil society turns to the Office of the Commissioner for assistance and expertise to implement their own projects. Additionally, civil society organizations also carry out monitoring regarding government's compliance with access to information laws and report on any violations or abuses of this right.

Moreover, the Office of the Commissioner has paid efforts to enable this groups with various communication channels to allow for more quick access to information as regards to the digitalization aspect. In cases where the information has been refused to journalist and civil society representatives, the Office of the Commissioner has taken appropriate actions, following the complaint submitted by the requesters, to put in place the right which has been denied or restricted. In the majority of cases, requesters receive the information they request by public authorities after the intervention of the Office of the Commissioner.

Freedom of information can be restricted for a variety of reasons as provided for in the right to information law. In the IDP's view, it is important to note that, while freedom of information can be restricted, such restrictions must be proportional, necessary and narrowly defined.

One of challenges faced by information requesters in Albania is the confidentiality aspect in disclosing public contracts. Public authorities claim that several clauses in those contracts are confidential and they tend to refuse the provision of the information. They also argue that making these contracts publicly available will breach the contractual agreement between them and the other party.

Moreover, there is a concern by public authorities that information obtained through the law on right to information, may be misused by online media. These online media portals are not yet subject to any regulatory framework and they often act by selecting information to support their own biases or to sensationalize a story.

It is important that these type of media uses freedom of information responsibly and ethically, and to follow the laws and regulations that govern access to information.