



ANNEX C1: Twinning Fiche

Project title: Institution-building for alignment with the Union *acquis* on the protection of personal data

Beneficiary administration: The Information and Data Protection Commissioner

Twining Reference: AL 17 IPA JH 01 19

Publication notice reference: Prospect reference code 168483

EU funded project

TWINNING TOOL

1. Basic Information

1.1 IPA 2017 Action Programme for Albania Indirect management with ex-ante control; IPA 2017/ 040-209.01/AL/EU Integration Facility.

For UK applicants: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement¹ on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014², are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom. Those persons and goods are therefore eligible under this call.

1.2 Twinning Sector: *Justice and home affairs*

1.3 EU funded budget: 400,000 €

2. Objectives

2.1 Overall Objective(s):

Strengthening the institutional capacities of the Information and Data Protection Commissioner of Albania on supervision and monitoring the protection of personal data in both the public and private sector.

2.2 Specific objective:

To support the Information and Data Protection Commissioner of Albania in further aligning the national legislation and specifically the Law No. 9887/2008 “*On the Protection of Personal Data*”, as amended, with Union *acquis* in the field of protection of personal data, as well as further developing administrative capacity of the Albanian institutions to enforce the relevant Union *acquis*.

2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans.

This Project will directly contribute to the objectives mentioned in the following strategic and/or programming documents:

- **The Revised Indicative Strategy Paper for Albania for the period 2014-2020** (adopted on 3.08.2018) sets out the priorities for EU financial assistance for the period 2014-2020, to support Albania on its path to EU accession. The IPA II Regulation (*Regulation No*

¹ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

² Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

231/2014), states that financial assistance shall mainly address five policy areas from which point (a) focuses on reforms in preparation for Union membership including public administration reform and good governance at all levels.

- **National Strategy for Development and Integration 2015-2020**, amongst other priorities has put special emphasis on the need to ensure the right of information and personal data protection also to strengthen the capacities of the independent institutions in charge for the defence of human rights.
- **The European Commission's Albania 2019 Report** noted that: "*Further efforts are needed to align the personal data protection legislation with the General Data Protection Regulation 2016/679 25 and the Police Directive 2016/680*. Albania has not yet signed or ratified the 2018 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data".
- **National Plan for European Integration (NPEI) 2018-2020** anticipates the adoption of a new Law "*On the Protection of Personal Data*" and the alignment with the General Data Protection Regulation and the Police Directive
- **Strategy on the Right to Information and Personal Data Protection for the period 2018 – 2020** sets forth the main objectives of the Office of the Commissioner which are largely in line with the recommendations of international documents. The Strategy underlines that the vision of the Office of the Commissioner and some of the objectives for the 3-year period of implementation of the strategy in the context of the entry into force of "General Data Protection Regulation" (GDPR) at EU level.

3. Description

3.1 Background and justification:

The Information and Data Protection Commissioner (IDP) is the national supervisory authority of the Republic of Albania in charge of supervising and monitoring the protection of personal data both in public and private sectors and for guaranteeing the right to access public information. The Commissioner's Office was established in 2008 with the Law No. 9887, dated 10/03/2008 "*On the Protection of Personal Data*", as amended by the Law No. 48/2012. The IDP has the power to conduct administrative investigations, to order for the blocking, erasure, destruction or suspension of the unlawful processing of personal data, and to impose administrative sanctions. According the article 31 of the law, The Commissioner is in charge of:

- a) *Giving opinions on legal and secondary draft acts related to personal data, as well as projects required to be implemented by the controller alone or jointly with others;*
- b) *Giving recommendations for the implementation of the obligations deriving from the law on protection of personal data and assures publication thereof;*

- c) *Authorizing in special cases the use of personal data for purposes not designated during the phase of their collection by observing the principles of article 5 of this law;*
- d) *Authorizing the international transfer of personal data in compliance to article 9 herein;*
- e) *Issuing guidelines that regulate the length of retention of personal data according to their purpose in the activity of specific sectors;*
- f) *Ensuring the right to information and the exercise of the right to rectify and update data;*
- g) *Authorizing the use of sensitive data in compliance with Article 7 point 2 letter 'c' herein;*
- h) *Checking the processing of data in conformity with the law, ex officio or upon request of a person when such a processing is exempted of the right to information and to inform the person that the check is carried out and whether the process is lawful or not;*
- i) *Addressing of complaints the data subject related to the protection of his/her rights and freedoms, for processing of personal data and informing him/her on the settlement of the complaint submitted;*
- j) *Issuing guidelines on security measures in the activity of specific sectors,*
- k) *Overseeing the execution of penalties;*
- l) *Encourage the controller to draft the of codes of ethics and their assessment;*
- m) *The publication and explanation of the rights related to the data protection and the periodic publication of his activities;*
- n) *Cooperating with the supervisory authorities on the personal data of foreign states regarding the protection of individuals who reside in those states;*
- o) *Representing the supervisory authority in the field of personal data protection in the national and international events;*

In view of future membership of Albania in the EU, IDP office, is preparing itself to adopt and implement the EU standards. The Office has currently 37 permanent employees plus 6 employees recruited on a temporary basis. Please refer to the Annex 3 for the structure of the Office of the Commissioner. The IDP Annual Reports are published at www.idp.al and are available in English – latest published the IDP Annual Report for 2018.

3.2 Ongoing reforms:

With regard to country's effort in which Twinning project will be implemented, as stated in the National Strategy for Development and Integration 2015-2020, the priorities for the Office of the Commissioner put special emphasis on the need to ensure the right of information and personal data protection, as well as to strengthen the capacities of the independent institutions in charge of the defence of human rights. Other important priorities are set in the documents as stated above.

3.3 Linked activities:

The Office of the Commissioner has a positive historical record with regard to relations with the European Commission. The culmination of these relations coincides with the implementation of IPA – 2009 project “*Strengthening of the Data Protection Commissioner Office in Albania for Alignment with EU Standards*”, and one twinning project, the outcome of which is assessed as very positive.

1. The project “*Strengthening of the Data Protection Commissioner Office in Albania for*

Alignment with EU Standards”, financed by the European Union in the framework of IPA 2009 Programme, concerned the provision of technical assistance to the Albanian Commissioner for the Protection of Personal Data (KDMP), to improve enforcement and implementation of legislative provisions in order to ensure the right to privacy and the protection of personal data. The project was implemented from November 2010 to December 2012. Technical Assistance was provided in the form of 58 implemented activities in the fields of institutional capacity building with regard to the development of the legal framework (*primary and secondary legislation*) and operational procedures, human resources development and training to ensure sustainability of the reforms introduced and of the implementation capacity of the KDMP and awareness-raising in the general public on data protection and privacy-related issues.

2. Since 2013 the Office of the Commissioner has also been assisted by TAIEX instrument through 3 study visits and 3 expert missions in the field of data protection, and 2 study visits in the field of the right to information.
3. EU project: “*Support to the Information and Data Protection Commissioner relating with the training of Data Protection Officers in the Albanian public sector*”. This project (2012/310-241), lasted from January 7th to 7th July 2013 (6 months). The project has been executed under the same contracting information of the above project. The project consisted of technical assistance provision to the Commissioner for Personal Data Protection (KMDP) in the form of training of contact persons of the public sector in accordance with KMDP Instruction no. 21, dated 24.09.2012 "On establishment of rules for maintaining personal data protection processed by large processing entities", as amended. In the framework of 8 activities successfully completed, inter alia:

- *Thirty eight (38) contact points received specialized training on data protection during the pilot phase of the Training Curriculum specialized for contact persons, which consisted of three full days of intensive training, and was organized for contact persons selected from the public sector.*
- *A Training Curriculum specialized for contact persons has been realized, consisted of 16 modules.*
- *A Practical Guide for Contact Persons has been prepared, addressed to contact persons in charge of data protection, to assist them in implementing their duties etc.*

3.4 List of applicable *Union acquis*/standards/norms:

Union acquis

- ✓ **[Regulation \(EU\) 2016/679](#)** of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation abbreviated as **GDPR**).
- ✓ **[Directive \(EU\) 2016/680](#)** of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, generally referred to as the "Police Directive".

- ✓ For access to information of public importance:

The Principles of Public Administration for EU candidate countries and potential candidates (OECD/SIGMA 2014, as amended in 2017)

Chapter 4 “Accountability” – “Principle 2: The right to access public information is enacted in legislation and consistently applied in practice.” See in particular sub-point 8 “There is a designated supervisory authority overseeing the implementation of the legislation on public information with the power to set standards, make prescriptions and impose sanctions.”

Relevant ECtHR and CJEU case law on the legitimate and proportionate limitation of the right in cases of public interest, security, health etc.

- Council of Europe, Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, ETS 108, and its addition protocol.
- **National legislation**
 - **2004** - Assembly of Albania adopts the Law No. 9288, dated 7.10.2004 thereby ratifying the Council of Europe Convention 108 and its Additional Protocol;
 - **2006** – Assembly of Albania adopts the Law No. 9590 “*On Ratification of the Stabilisation and Association Agreement between the Republic of Albania and European Communities and their Member States*”, whereas Article 79 sets forth the obligation to harmonize the national data protection framework with the Union *acquis*;
 - **2008** - Assembly of Albania enacts the Law No. 9887, dated 10.03.2008 “*On the Protection of Personal Data*”, repealing the Law of 1999 and establishing the independent public authority “Commissioner for the Protection of Personal Data”. This law was drafted in line with the Convention 108 and its Additional Protocol:
 - **2012** - Amendments to Law No. 9887/2008 approved by Law 48/2012. The changes have generally come from: Clarification and improvement of some provisions of the law on personal data protection in accordance with Directive 95/46/EC (Complete transposition of Directive 95/46/EC):
 - **2014** - Law No. 119/2014 “On the right to information”:
 - **2014** - Law No 120/2014 on some amendments and addenda to the Law No 9887, dated 10/03/2008, as amended.

3.5 Components and results per component

Result 1 - Component 1 Alignment of national legislation with the GDPR and the Police Directive

Sub-result 1.1: Amendment of national legislation in line with the EU General Data Protection Regulation and the Police Directive prepared.

Sub-result 1.2: Comparative review and analysis of the Albanian data protection law in force (law 9887 date 10.03.2008, “On personal data protection”, as amended) with the General Data Protection Regulation 2016/679 25 and the Police Directive 2016/680 prepared.

Sub-result 1.3: Initial findings presented to key stakeholders and recommendations developed;

Sub-result 1.4: Strategy for alignment of the Albanian legal framework on personal data protection with the EU General Data Protection Regulation and the Police Directive drafted;

Sub-result 1.5: Sub-legal acts in application of the new law drafted.

Result 2 - Component 2 Capacity building for enforcement of the new Data Protection legal framework

Sub-result 2.1: Relevant staff of the IDP Commissioner trained on new data protection framework (train the trainers)

Sub-result 2.2: Administrative capacities on the practical enforcement of Data Protection legislation increased;

Sub-result 2.3: Capacity building activities for the staff of IDP Commissioner's Office provided.

Result 3 - Component 3 Awareness-raising with controllers and processors in order to ensure that they comply with the new Data Protection Law

Sub-result 3.1: Controllers and processors are made aware of the Data Protection Law

Sub-result 3.2: Awareness of controllers and processors on the novelties and introductions of the Data Protection law raised;

Sub-result 3.3: Assistance in drafting new guidelines for controllers and processors provided.

3.6 Means/input from the EU Member State Partner Administration(s)*:

Proposals submitted by Member State shall be concise and focussed on the strategy and methodology and an indicative timetable underpinning this, the administrative model suggested, the quality of the expertise to be mobilised and clearly show the administrative structure and capacity of the Member State entity/ies. Proposals shall be detailed enough to respond adequately to the Twinning Fiche, but are not expected to contain a fully elaborated project. They shall contain enough detail about the strategy and methodology and indicate the sequencing and mention key activities during the implementation of the project to ensure the achievement of overall and specific objectives and mandatory results/outputs.

The Twinning Partners shall ensure that EU funded Twinning project has high and consistent level of visibility. Minimum two visibility events will be organized during implementation, namely a Kick-off meeting at project commencement and a Final event at the end of the implementation period, to wrap-up work done.

Compliance will be ensured with the provisions of the document ‘Communication and Visibility in EU-financed external actions’, available https://ec.europa.eu/europeaid/sites/devco/files/communication-visibility-requirements-2018_en.pdf.

3.6.1 Profile and tasks of the PL:

The project is envisaged to provide exchange of experience and know-how with a Member State institution with good practice in the above stated project activities. The project requires a Project Leader who will be responsible for the overall coordination of the project activities. The Project Leader is expected to closely work with the short term experts as well as with the counterpart of the Office of Information and Data Protection Commissioner.

Profile:

- Be a national of a Member state of the European Union
- High-level civil servant official from a Member State counterpart institution (Proven contractual relation to a public administration or mandated body (see Twinning Manual 4.1.4.2) ;
- University Degree in Law or Computer Engineering or equivalent professional experience of 8 years;
- At least three years of work experience in EU data protection area additional experience will be considered as an asset;
- Previous experience in project management with similar nature will be considered as an asset;
- Excellent English skills (oral and written);
- Excellent computer skills;

Tasks:

- Provide strategic advice on high level regarding reforms supported by the Twinning Project;
- Overall project co – ordination and monitoring;
- Supervision of the implementation of the project in coordination with the Albanian Project Leader counterpart;
- Mobilizing short-term experts;
- Closely work with the short term experts;
- Undertaking all activities specified in the project and achieving the mandatory results
- Performing administrative tasks related to the management of the twinning contract;

3.6.2 Profile and tasks of the RTA:

This project requires a Resident Twinning Advisor (RTA) as well as short term experts to implement the project. The RTA will work on a day-to-day basis in the Information and Data Protection Commissioner of Albania and support the co-ordination of different actions. RTA should be familiar with the work of Data Protection Authorities in EU Member States, with the relevant EU legislation as well as with the methods and techniques of legal harmonization. The

Resident Twinning Advisor will have a key role in the coordination of inputs required for successful implementation of the project activities. He/she shall be supported by short – term experts from the European Union Member State(s).

Profile:

- University Degree (preferred in Law or Computer Engineering) or professional experience of 8 years in public administration;
- Proven contractual relation to a public administration or mandated body (see Twinning Manual 4.1.4.2);
- At least 3 years of professional work experience in EU data protection area;
- Experience in implementing EU funded projects will be considered an asset;
- Excellent, public speaking, presentation and communication skills;
- Excellent English skills (oral and written);
- Excellent computer skills.

The RTA will be located within the premises of the Information and Data Protection Commissioner or the duration of the project and will be responsible for the following key activities:

Tasks

- Daily co-ordination of the project;
- Communication with the RTA counterpart and Beneficiary Project Leader on project activities,
- Coordination and briefing of the short term experts;
- Permanent contacts with the main BC component counterparts;
- Undertaking all activities specified in the project implementation, achieving the mandatory results, proposing corrective actions if required;
- Preparation of project’s progress reports;
- Advising on EU legislation on personal data protection and best practices of EU Member States in implementing it;
- Planning and organization of the study visits, internships, training activities and visibility events of the project (kick-off, final event, thematic events);
- Liaison with CFCU and EU Task Manager.

3.6.3 Profile and tasks of Component Leaders:

Component Leader 1 for result 1: Support rendered in harmonising national legislation with the EU General Data Protection Regulation and the Police Directive

Profile

- University Degree in Law or similar discipline relevant to the project or equivalent professional experience of 8 years in public administration;
- At least 3 years of professional experience in EU data protection area;
- Excellent English skills (oral and written);

- Excellent computer skills.

Tasks:

- Undertaking all activities and achieving mandatory results;
- Conducting analysis on the area of the project components;
- Assistance in preparing the repository of the *acquis* and the Albanian legal framework on data protection;
- Assistance in preparing the draft strategy for alignment of the national law on personal data protection with the EU GDPR and the Police Directive
- Assistance in drafting a new law in line with the EU GDPR and the Police Directive;
- Assistance in drafting sub-legal acts on data protection.

Component Leader 2 for result 2: Relevant staff of the IDP Commissioner trained on new data protection framework (train the trainers)

Profile

- University Degree in Law or similar discipline relevant to the project or equivalent professional experience of 8 years in public administration.
- At least 3 years of professional experience in EU data protection area
- Excellent English skills (oral and written);
- Excellent computer skills.

Tasks:

- Undertaking all activities and achieving mandatory results;
- Conducting analysis on the area of the project components;
- Preparing and conducting training programmes;
- Elaborating and presenting the proposals on the area of the project components

Component Leader 3 for result 3: Awareness-raising with controllers and processors in order to ensure they comply with the new law on data protection

Profile

- University Degree in Law or similar discipline relevant to the project or equivalent professional experience of 8 years in public administration;
- At least 3 years of professional experience in EU data protection area;
- Excellent English skills (oral and written);
- Excellent computer skills.

Tasks:

- Undertaking all activities and achieving mandatory results;

- Conducting analysis on the area of the project components;
- Preparing and conducting workshops;
- Elaborating and presenting the proposals on the area of the project components.

3.6.4 Profile and tasks of other short-term experts:

The medium/short term experts will work in close cooperation with the RTA in order to meet the specific objectives as set out above. The RTA will cooperate primarily with the staff of the Commissioner's Office. The short term expert shall assist the PL and the RTA in delivering the activities within the project. The short term experts that will be engaged should be familiar with the work of Data Protection Authorities in EU Member States, with the relevant EU legislation as well as with the methods and techniques of legal harmonization. Tasks for short term expert(s) will be elaborated by PL/RTA and the beneficiary counterpart at the work plan preparation stage.

Profile:

- University Degree in Law, Economics, ICT or similar discipline relevant to the project or equivalent professional experience of 8 years in public administration;
- At least 3 years of professional experience in EU data protection area;
- Excellent English skills (oral and written);
- Good computer skills.

Tasks:

- Undertaking all activities and achieving mandatory results;
- Conducting analysis and reports on the area of the project components;
- Preparing and conducting training sessions/workshops;
- Elaborating and presenting the proposals on the area of the project components.

4. Budget

The budget for the project is EUR 400,000 which will be covered by IPA contribution, in line with the Twinning Manual.

5. Implementation Arrangements

5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCE/PAO/European Union Delegation/Office):

General Directorate for Financing and Contracting of EU, World Bank and Other Donor Funds/ Central Finance and Contracting Unit (CFCU) in the Ministry of Finance and Economy

Mrs. Veronika Korkaj

General Director

Email: veronika.korkaj@financa.gov.al

Tel.: +355 4 245 11 80
"Dëshmorët e Kombit" Blvd. No.3,
Tirana – Albania
Delegation of the European Union to Albania

Mrs. Enzo Damiani
The Project Manager at the EU Delegation

5.2 Institutional framework

The Information and Data Protection Commissioner is an independent institution of public administration. He/she is elected by the Assembly upon a proposal of the Council of Ministers for a 5 year term eligible for re-election. The Commissioner has the right to:

- ✓ *conduct an administrative investigation, have access to personal data processing and collect all necessary information with the view of fulfilling his supervisory obligations;*
- ✓ *order for the blocking, erasure, destruction or suspension of the unlawful processing of personal data;*
- ✓ *issue instructions prior to the data processing and ensure their publication;*
- ✓ *In cases of recurring or intentional serious infringement of law by a controller or processor, especially in cases of recurring failure to carry out the Commissioner's recommendations, he acts in compliance with article 39 of the Law on Data Protection and may report the case publicly in accordance with his duties or report it to the Assembly and the Council of Ministers.*
- ✓ *In case the violation consists in a crime, it makes the respective report.*

Additionally, in order to implement this twinning project, the IPA Unit of the Office of the Commissioner was set up. The IPA Unit is under the direct supervision of the Commissioner.

5.3 Counterparts in the Beneficiary administration:

The PL and RTA counterparts will be staff of the Beneficiary administration and will be actively involved in the management and coordination of the project.

5.3.1 Contact person:

Mr. Eldor Budo

Project Implementation Officer at the IPA Unit of the Office of Data Protection Commissioner.

Address: Rr. "Abdi Toptani", Nd. 5, Kodi postar 1001, Tiranë

E-mail: eldor.budo@idp.al

5.3.2 PL counterpart

Mrs. Besa Velaj (Tauzi)

Adviser to the Commissioner

Office of Information and Data Protection Commissioner.

Address: Rr. “Abdi Toptani”, Nd. 5, Kodi postar 1001, Tiranë

5.3.3 RTA counterpart

Mrs. Blerta Xhako

Head of Legal Affairs Department, (HoIPAU)

Office of Information and Data Protection Commissioner.

Address: Rr. “Abdi Toptani”, Nd. 5, Kodi postar 1001, Tiranë

6. Duration of the project

Duration of the implementation period: 12 months. The execution period will end 3 months after the implementation period of the Action (work plan), which will take 12 months.

7. Management and reporting³

7.1 Language

The official language of the project is the one used as contract language under the instrument (English). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

7.2 Project Steering Committee

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements *via-à-vis* the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good coordination among the actors, finalising the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

7.3 Reporting

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twinning: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements *via-à-vis* the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

8. Sustainability

The successful implementation of the project will further improve the regulatory and oversight functions of the Albanian Data Protection Authority. The successful implementation of the project will bring about a more qualitative approximation of Albanian legislation with the Union *acquis*, improve oversight functions of the Albanian Data Protection Authority in relation to the work of the government and independent institutions. It also shall strengthen the institutional capacity of the Albanian Data Protection Authority and aligning it with the European Standards.

³ Sections 7.1-7.3 are to be kept without changes in all Twinning fiches.

9. Crosscutting issues (*equal opportunity, environment, climate etc...*)

Equal access in compliance with the constitutional principal of equality will be guaranteed for participation in this project. The selection of the training participants in this twinning programme will be made on non-discriminatory criteria regarding men, women, administration staff, and members of parliament, majority and opposition participation.

10. Conditionality and sequencing

A key condition for the implementation of the Twinning Project is the full support of the IDP staff to the execution of this twinning project. Additional conditionality includes:

- Co-operation and transparency among all partners and stakeholders involved in the implementation of the project.
- Full commitment of both the Information and Data Protection Commissioner and the twinning counterpart to mobilize all appropriate human and financial resources for a successful implementation of the project.

About sequencing: There is no sequence between Component 1 and Component 2, since capacity building under Component 2 will consist on the relevant *Union acquis* in the specific context.

11. Indicators for performance measurement

Result 1: Amendment of national legislation in line with the EU General Data Protection Regulation and the Police Directive prepared.

Indicators of Achievement:

- 100% of comparative review and analysis of the Albanian data protection legislation in force with the GDPR and the Police Directive; A new law drafted in line with the EU GDPR and the Police Directive;
- Drafted strategy for alignment of the Albanian legal framework on personal data protection with the GDPR and the Police Directive;
- Number of sub-legal acts on data protection prepared.

Result 2 Relevant staff of the IDP Commissioner trained on new data protection framework (train the trainers)

Indicators of Achievement:

- Number of study visits and internships organized in order to acquire experience and know-how from MS counterpart authorities on the practical enforcement of Data Protection legislation; Number of similar activities/training organized for the staff of IDP Commissioner's Office;
- 100% of relevant staff of the IDP Commissioner trained on new data protection framework

Result 3 Controllers and processors are made aware of the Data Protection Law

Indicator of Achievement:

- Number of sectorial awareness-raising workshops/seminars organized for controllers and processors on the novelties and introductions of the Data Protection law, with at least one activity per sector, including but not limited to healthcare, justice-security-police, education, telecommunication, press/media, industry etc;
- Number of new guidelines for controllers and processors drafted.

12. Facilities available

The Albanian Data Protection Authority will be available and take measures for hosting the RTA and his/her assistant/s including meeting rooms, offices, hard and software equipment's, security arrangements and facilities for training, seminars and conferences.

List of Annexes

- 1. Simplified Logical Framework**
- 2. List of relevant Laws and Regulations**
- 3. Information and Data Protection Commissioner's Office Organogram**

ANNEX1: Simplified Logical Framework

	Description	Indicators (with relevant baseline and target data)	Sources of verificati on	Risks	Assumptions (external to project)
Overall Objective	To provide support to the Information and Data Protection Commissioner of Albania to strengthen the institutional capacities on supervising and monitoring the protection of personal data both in public and private sector.		EU Progress Report on Albania		
Specific (Project) Objective(s)	To support the Information and Data Protection Commissioner of Albania capacities by further aligning the national legislation and specifically the Law No. 9887/2008 “ <i>On the Protection of Personal Data</i> ”, as amended with Union acquis				

<p>Mandatory results/outputs by components</p>	<p>Result 1 - Component 1 Alignment of national legislation with the GDPR and the Police Directive</p> <p>-Amendment of national legislation in line with the EU General Data Protection Regulation and the Police Directive prepared.</p> <p>- Comparative review and analysis of the Albanian data protection law in force (law 9887 date 10.03.2008, “On personal data protection”, as amended) with the General Data Protection Regulation 2016/679 25 and the Police Directive 2016/680 prepared.</p> <p>- Initial findings presented to key stakeholders and recommendations developed;</p> <p>- Strategy for alignment of the Albanian legal framework on personal data protection with the EU General Data Protection Regulation and the Police Directive drafted;</p> <p>- Sub-legal acts in application of the new law drafted.</p>	<p><u>Under result 1</u></p> <p>- 100% of comparative review and analysis of the Albanian data protection legislation in force with the GDPR and the Police Directive; A new law drafted in line with the EU GDPR and the Police Directive;</p> <p>- Drafted strategy for alignment of the Albanian legal framework on personal data protection with the GDPR and the Police Directive;</p> <p>- Number of sub-legal acts on data protection prepared.</p>	<p>EU Progress Reports on Albania</p>	<p>Delay of the project implementation will cause the non-fulfilment of the result 1</p>	<p>-Political commitment. -Full commitment of the twinning project partners (MS and BC). -Optimal collaboration and transparency between twinning partners (MS and BC teams).</p>
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	<p>Result 2 - Component 2 Capacity building for enforcement of the new Data Protection legal framework</p> <ul style="list-style-type: none"> - Relevant staff of the IDP Commissioner trained on new data protection framework (train the trainers) - Administrative capacities on the practical enforcement of Data Protection legislation increased; - Capacity building activities for the staff of IDP Commissioner’s Office provided; 	<p><u>Under result 2</u></p> <ul style="list-style-type: none"> - Number of study visits and internships organized in order to acquire experience and know-how from MS counterpart authorities on the practical enforcement of Data Protection legislation; Number of similar activities/training organized for the staff of IDP Commissioner’s Office; -100% of relevant staff of the IDP Commissioner trained on new data protection framework 	<p>EU Progress Reports on Albania</p>	<p>Lack of staff training can impact their ability to adequately understand and enforce the new legal provisions in line with the <i>acquis</i> and to further deliver training thereof.</p>	<p>N/A</p>

	<p>Result 3 - Component 3 Awareness-raising with controllers and processors in order to ensure that they comply with the new Data Protection Law</p> <p>Controllers and processors are made aware of the Data Protection Law;</p> <ul style="list-style-type: none"> - Awareness of controllers and processors on the novelties and introductions of the Data Protection law raised; - Assistance in drafting new guidelines for controllers and processors provided. 	<p><u>Under result 3</u></p> <ul style="list-style-type: none"> - Number of sectorial awareness-raising workshops/seminars organized for controllers and processors on the novelties and introductions of the Data Protection law, with at least one activity per sector, including but not limited to healthcare, justice-security-police, education, telecommunication, press/media, industry etc; - Number of new guidelines for controllers and processors drafted. 		<p>Non-fulfilment of this result will impede the IDP to adequately apply the Law No. 9887 dated 10.3.2008</p>	<p>N/A</p>
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ANNEX 2: List of relevant Laws and Regulations

**Data Protection legal framework:
LAWS**

Law No. 9887 dated 10.03.2008, as amended by the Law No. 48/2012, date 26.04.2012 "On Personal Data Protection"

INSTRUCTIONS

Instruction No. 48

"On certification of information security management systems, to personal data and their protection"

Instruction No. 47

“On determining rules for safeguarding personal data processed by large controllers”

Joint Instruction No. 1181

“On establishing and functioning of the electronic register of subject being subject to additional public security measures”

Instruction No. 46

“On determining security level for the processing of personal data through security systems, pursuant to the Law No. 19/2016 “On additional public security measures”

Instruction No. 45

“On a change in the Instruction No. 3 dated 05/03/2010 “On processing of personal data in video surveillance system in buildings and other premises”

Joint Instruction No. 515

“On personal data processing by border guards”

Instruction No. 44

“On conditions, processing criteria and retention period of personal data” (On whistleblowing and protection of whistleblowers)

Instruction No. 43

dated 02.09.2016, “On some additions and amendments to Instruction no.21 dated 24.09.2012, “On establishment of rules for maintaining personal data protection, processed by large controllers “.

Instruction No. 42

dated 22.07.2014, “On personal data processing of job applicants”.

Instruction No. 41

dated 13.06.2014, “On allowing certain categories of personal data international transfers in a country that does not have in place an adequate level of personal data protection”, which has repealed the Instruction no. 1 / 19.02.2010.

Instruction No. 40

dated 13.06.2014 “On the use of internet and official email in public institutions, in the framework of personal data protection”.

Instruction No. 39

dated 05.08.2013, “On personal data processing in public registers.

Instruction No. 38

dated 05.08.2013, “On the Albanian Adoption Committee’s actions, prior to commencement of personal data processing”.

Instruction No. 37

dated 10.07.2013 “On personal data protection during fingerprints processing by Public Institutions”.

Instruction No. 36

dated 05.07.2013 “On some rules on personal data processing in official statistics”.

Instruction No. 35

dated 07.05.2013, “On personal data processing for election campaign purposes”.

Instruction No. 34

dated 21.01.2013, “On some additions and amendments to Instruction no. 22, dated 24.09.2012, “On establishment of rules for maintaining personal data protection, processed by small controllers” (Drafted in cooperation with IPA project 2009).

Instruction No. 33

dated 21.01.2013, “On some additions and amendments to Instruction no. 21, dated 24.09.2012, “On establishment of rules for maintaining personal data protection, processed by large controllers” (Drafted in cooperation with IPA project 2009).

Instruction No. 32

dated 27.12.2012, “On some additions and amendments to Instruction no. 9, dated 15.09.2010, “On basic rules regarding personal data protection in print, visual and audiovisual media”.

Instruction No. 31

dated 27.12.2012, “On establishment of conditions and requirements for exemption from the respective obligations in personal data processing for journalistic, literary or artistic purposes” (Drafted in cooperation with IPA project 2009).

Instruction No. 30

dated 27.12.2012 “On an amendment to instruction no. 19, dated 03/08/2012, “On settlement of relations between controllers and processors in the event of delegation of data processing and the use of a standard contract in case of this delegation”.

Instruction No. 29

dated 27.12.2012, “On some additions and amendments to Instruction no. 16, dated 12.26.2011, “On personal data protection in direct marketing and protection measures”.

Instruction No. 28

dated 27.12.2012, “On some additions and amendments to Instruction no. 11, dated 08/09/2011 “On data processing of employees who work in the private sector”.

Instruction No. 27

dated 27.12.2012, “On some additions and amendments to Instruction no. 7, dated 09/06/2010 “On personal data processing in the education sector”.

Instruction No. 26

dated 27.12.2012, “On some additions and amendments to Instruction no. 4, dated 16/03/2010, “On adoption of personal data protection measures in the field of education”.

Instruction No. 25

dated 27.12.2012 “On some amendments to Instruction no. 10, dated 06/09/2011 “On personal data processing in terms of hotel services”.

Instruction No. 24

dated 26.12.2012 “On the obligations of controllers prior to personal data processing” (Drafted in cooperation with IPA project 2009).

Instruction No. 23

On “Processing personal data in the health sector”

Instruction No. 22

On “Determining the rules for safeguarding the personal data processed by small controllers”

Instruction No. 21

On “Determining the rules for safeguarding the personal data processed by Large Controllers”

Instruction No. 20

On “Processing personal data in banking sector”

Instruction No. 19

On “Regulation of the relationship between the controller and the processor in case of delegation of personal data processing and master contract form for such legal arrangements”

Instruction No. 18

On “Processing of Personal Data in the Context of Clinical Trials of Drugs”

Instruction No. 17

On “Definition of retention periods of personal data processed in the electronic systems by the state police bodies for crimes prevention, investigation, detection and prosecution purposes”.

Instruction No. 16

dated 26.12.2011, “On personal data protection in direct marketing and protection measures”.

Instruction No. 15

On processing and publication of personal data in judicial sector

Instruction No. 14

dated 22.12.2011, “On personal data processing, protection and safety, in the electronic communication sector of the public”.

Instruction No. 13

dated 22.12.2011 “On some additions and amendments to the Instruction no. 3, dated 05.03.2010 “On video surveillance system in buildings, bars and various premises” (Drafted in cooperation with IPA-2009 project)

Instruction No. 12

On “Identity checks at the entrance of buildings”

Instruction No. 11

dated 08.09.2011 “On processing of personnel data in the private sector”;

Instruction No. 10

On “Processing of personal data in the context of hotel services”

Instruction No. 9

Fundamental rules in connection with the protection of personal data in written, visual and audiovisual media

Instruction No. 8

Acts of the controller, Albanian Adoption Committee, prior to starting the processing of personal data

Instruction No. 7

Processing the personal data in the sector of education

Instruction No. 6

The correct use of SMS-es for promotional purposes, advertisements, information, direct sale, via mobile phone network

Instruction No. 5

Fundamental rules concerning protection of personal data in the health care system

Instruction No. 4

Safety measures for the personal data in the field of education

Instruction No. 3

CCTV surveillance system in buildings and other premises

Instruction No. 2

Obligations of data controllers and data processors prior to processing personal data

Instruction No.1

“Allowing some categories of personal data to be transferred to countries which do not ensure an adequate level of personal data protection”

DECISIONS

DECISION No. 8

dated 31.10.2016 “On determining countries with adequate level of personal data protection”.

DECISION No. 7

dated 09.02.2016 “On some amendments to the Decision no. 3 dated 20.11.2012 “On determination of states with an adequate level of personal data protection”.

DECISION No. 6

dated 5.08.2013 “On establishment of detailed rules for personal data security”. This decision has repealed the decision no. 1 dated 04. 03. 2010.

DECISION No. 5

dated 27.12.2012 “On some additions and amendments to the Decision no. 2 dated 10.3.2010 “On establishment of procedures for the administration of data registration, entry, processing and retrieval”.

DECISION No. 4

dated 27.12.2012 “On determination of cases for exemptions from the obligation for the notification of personal data processed”.

DECISION No. 3

dated 20.11.2012 “On determination of states with an adequate level of personal data protection”. (Drafted in cooperation with the project IPA-2009), as amended by Decision no.7/2016. (Repealed)

DECISION No. 2

dated 10/03/2010 “On establishment of procedures for the administration of data registration, entry, processing and retrieval”, as amended by Decision no.5/2012.

DECISION No. 1

dated 04/03/2010 “On establishment of detailed rules for personal data security”.

GUIDELINES

Guidelines on processing of sensitive data and obtaining of authorizations

On determining controllers whom have the obligation to notify the Commissioner for the processing of personal data for which they are responsible

Legal summary of the Information and Data Protection Commissioner

Guidelines for Public Authorities on draft acts related to personal data

Guidelines on personal data protection for controllers and processors

Guidelines on personal data protection for data subjects

Guidelines on personal data protection in the code of ethics

Guidelines on international transfers of personal data

Guidelines on personal data protection in cloud computing services

Guidelines on personal data processing in the public administration

Guidelines on the use of CCTV systems

Guidelines on acquaintance with biometric data

OPINIONS

On protection of personal data in the websites of public and private controllers

On Transparency of the Publication of data of abusive commercial entities by public institutions

MANUALS

Manual on the media and protection of personal data

The Code of practice of personal data exchange

ANNEX 3: Information and Data Protection Commissioner's Office Organogram

INFORMATION AND DATA PROTECTION COMMISSIONER
ORGANIZATIONAL STRUCTURE

