

**REPUBLIC OF ALBANIA  
THE ASSEMBLY**

**D R A F T L A W**

No. \_\_\_\_\_ date \_\_\_\_\_

**"On the protection of personal data"**

In virtue of articles 35 and 81 of the Constitution, on the proposal of the Council of Ministers, the Assembly of the Republic of Albania,

**DECIDED:**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1**

*Scope of the law*

The present law guarantees the protection of personal data and of their treatment.

**Article 2**

*Definitions*

For the purposes of this law:

- a) Personal data - shall mean any data relating directly or indirectly to an identified or identifiable natural/legal person;
- b) Personal sensitive data - shall mean personal data relating to:
  - 1. racial and ethnic origin, political opinion or party affiliation, religious and other convictions;
  - 2. health conditions, sexual life and criminal records.
- c) Data processing - shall mean any act carried out with or without support of electronic equipment with a view to accumulation, registration, organisation, protection, elaboration, modification, selection, extraction, confrontation, usage, suspension, communication, distribution, deletion and destruction of data;
- d) Data subject - shall mean any natural or legal person to whom the personal data relates;
- e) Person in charge of data processing - shall mean any natural or legal person legally entrusted with the processing of personal data of others;
- f) Data user - shall mean any natural or legal person, other than the data subject, authorised for the processing of data by the person in charge of data processing.
- g) Anonymous data - shall mean any data whereby no legal or natural person can be identified directly or indirectly;
- h) Public - shall mean at least one natural or legal person, domestic or foreigner.

**Article 3**

*General Rule*

Personal data shall not open to processing by the public with the exception of the cases foreseen in article 4, and in other cases as foreseen by law.

**Article 4**  
*Exemptions*

The provisions of this law shall not apply on the following cases:

- a) Processing of personal data from the data subject;
- b) Processing of anonymous data;
- c) Processing of classified data;
- d) Data obtained in the course of criminal investigations and court proceedings;
- e) Processing of data for the purposes of national security and crime prevention.

The general principles laid down in this law shall also apply to those data that are qualified as intellectual property and/or trade secrets.

**CHAPTER II**  
**PERSONAL DATA PROCESSING**

**SECTION I**  
**Condition for the processing of personal data**

**Article 5**  
*Modalities of personal data processing*

Personal data processing shall be conducted:

- a) as envisaged by law;
- b) following a definite, clear and legitimate purpose;
- c) in an accurate way and making use of updated data;
- d) within the scope of the original purpose and the envisaged time limits;
- e) in a safe and harmless way;
- f) making use of only such data that are relevant and necessary for the accomplishment of the original purpose;
- g) in a way which permits identification of the data

**Article 7**  
*The Person in Charge of Data Processing*

In order to effectively guarantee the fair processing of personal data,

- e) when the processing of data is necessary for safeguarding life and physical integrity of the data subject or of a third person, provided that the data subject is unable to provide his/her consent due to physical or legal impediment;
- f) when processing of data is needed in the course of criminal investigations and court

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