

“Personal Data Protection In Albania”

Newsletter



Personal Data Protection in Albania

Between April and November 2025, the Commissioner for the Right to Information and Personal Data Protection issued nine binding instructions (the New Instructions) implementing Law No. 124/2024 "On Personal Data Protection".

Together, the New Instructions establish the practical framework for applying Albania's data protection regime and are fully aligned with the EU's data protection standards, namely Regulation (EU) 2016/679 (the "GDPR") and Directive (EU) 2016/680 on data protection in the law enforcement sector.

Instruction No. 01, dated 30 April 2025, "On Security Measures for Personal Data in the Education Sector".

Educational institutions, including schools, universities, and vocational training centers, must implement appropriate technical and organizational measures to protect personal data. This instruction requires institutions to collect only data necessary for educational purposes, restrict access to authorized personnel, and establish procedures for managing personal data breaches.

Instruction No. 02, dated 30 April 2025, "On the Protection of Personal Health Data".

Health data is treated as a special category of personal data subject to heightened protection, and this instruction governs its lawful processing by healthcare providers, insurance companies, and employers, requiring that processing rest on an explicit lawful basis, most commonly explicit

consent or necessity tied to health or social care obligations.

These obligations also apply to processors acting on behalf of healthcare providers, such as IT service providers and medical records archiving services. Controllers must use secure communication channels and implement appropriate technical safeguards to prevent unauthorized access, while the use of personal email accounts or consumer messaging applications, such as WhatsApp, for transmitting health data is expressly prohibited.

Instruction No. 03, dated 30 April 2025, "On the Processing of Personal Data through Video Surveillance Systems".

Video surveillance (*CCTV system*) is one of the most common forms of personal data processing in commercial and public spaces. Images and audio recordings constitute personal data where they enable the direct or indirect identification of an individual, whether through facial features, physical attributes, voice patterns, or a combination of contextual information. This instruction provides a comprehensive legal framework for CCTV operators, emphasizing that such processing represents a significant interference with the right to privacy and is therefore subject to strict necessity and proportionality requirements.

A controller may rely on legitimate interest as a legal basis only where five cumulative conditions are met:

- The controller holds the right to determine access to the premises under surveillance;
- The system is justified by a specific and identifiable need such as the protection of property from theft, or the safety of people present in the area;
- The purpose of recording is clearly defined and consistent with the controller's legitimate interests.
- The same purpose cannot reasonably be achieved by less intrusive means; and
- Installation is prohibited in areas designated exclusively for private use, including toilets, changing rooms, and showers.

Further, the instruction sets out specific rules for CCTV in residential buildings, a particularly sensitive context, requiring that retention periods be limited to what is strictly necessary for the stated purpose, and imposes signage and proportionality obligations to ensure that surveillance is conducted transparently and within clearly defined limits.

Instruction No. 04, dated 30 April 2025, “On Personal Data Protection and Appropriate Security Measures in Direct Marketing”.

Direct marketing involves communicating with individually identifiable people for the purpose of promoting goods, services, or membership in organizations, including solicitation of donations.

This instruction establishes rules for the use of personal data in direct marketing, including promotional communications, membership campaigns, and fundraising activities. It regulates transparency obligations, limits the reuse of data collected for other purposes, introduces additional safeguards for children's data, and requires

controllers to implement appropriate technical and organizational security measures.

Instruction No. 05, dated 16 July 2025, “On the Processing of Personal Data by Competent Authorities”.

Unlike the previous instructions, this act regulates the processing of personal data by law enforcement agencies and other competent authorities for the purposes of preventing, investigating, detecting, and prosecuting criminal offences, executing criminal penalties, and safeguarding public security.

This instruction establishes the conditions for lawful processing, defines the circumstances in which certain data subject rights may be restricted, sets record-keeping and accountability obligations, and regulates international transfers of personal data within the context of criminal justice cooperation.

Instruction No. 06, dated 16 July 2025, “On the Approval of the Methodology for the Calculation of Administrative Sanctions”.

This instruction introduces a transparent methodology for calculating administrative fines. Factors such as the seriousness and duration of the infringement, the number of individuals affected, previous violations, mitigation measures, and cooperation with the supervisory authority are taken into account, providing greater predictability for organizations assessing compliance risks.

Instruction No. 07, dated 20 November 2025, “On the Protection of Personal Data in the Printed, Electronic and/or Audiovisual Media, as well as the Exemptions for Specific Processing Purposes”.

The instruction balances personal data protection with freedom of expression by establishing the conditions under which print, electronic, and audiovisual media, as well as processing for journalistic, academic, artistic, and literary purposes, may benefit from specific exemptions.

Media organizations must ensure that any interference with privacy remains proportionate to the public interest served.

Instruction No. 08, dated 20 November 2025, “On the Additional Criteria for the Accreditation of Certification Bodies”.

This instruction establishes the additional criteria that certification bodies must satisfy in order to receive accreditation under Albanian legislation, supplementing the national accreditation standards with requirements specific to the data protection context.

Certification bodies must demonstrate operational independence from controllers and processors,

technical competence in data protection law and practice, and submission to ongoing supervisory oversight by the Commissioner.

Instruction No. 09, dated 20 November 2025, “On the General Criteria for Certification and for the Issuance of Personal Data Protection Seals and Marks”.

Complementing Instruction No. 08, this act defines the substantive requirements that processing operations must satisfy in order to obtain a personal data protection certification, seal, or mark. While Instruction No. 08 regulates the accreditation of certification bodies, this act establishes the compliance criteria against which controllers and processors are assessed.

Certification under this framework provides controllers and processors with a demonstrable tool for evidencing compliance to regulators, business partners, and the public. The use of data protection seals and marks is particularly relevant in business-to-consumer contexts where trust signals carry commercial value, and in public procurement where data protection compliance is increasingly a selection criterion.

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If you wish to know more on issues highlighted in this edition, you may approach your usual contact at our firm or the following:

Tirana Office

Green Park Buildings
Ibrahim Rugova Str. 40/3
1019 Tirana, Albania
PO Box 8264, Tirana
Tel: +355 4 2251 050

Pristina Office

Dukagjini Center
Xhevdet Doda Str. 21
Entry B/4, Suites B1, B2
10000 Pristina, Kosovo
Tel: +383 38 725025

Email: boga@bogalaw.com

Web: www.bogalaw.com

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