

(Non official translation)

**REPUBLIC OF ALBANIA
ASSEMBLY**

DRAFT LAW

No _____ dated _____

ON CENSUS OF POPULATION AND HOUSING

Pursuant to the Articles 78 and 83 of the Constitution, based upon the proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED:

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
The object of the law**

This law provides for the organisation and execution of a population and housing census in the territory of the Republic of Albania.

**Article 2
The aim of the Census**

1. The census aims to provide the Parliament, the Government, the local authorities, the economic, scientific and cultural organisations, as well as the whole civil society, with reliable statistical information that is needed for planning and implementing general policies of development, for private and public analysis and decision making, for scientific research and, in general, for improving the citizens' knowledge and understanding of the demographic, economic and social reality of the country.

2. The census provides information on:
- a) the number and the geographical distribution of the resident population;
 - b) the demographic structure and main characteristics of the population;
 - c) the number, the geographical distribution and the structure of dwellings and buildings used for housing purposes;
 - ç) the housing conditions of the population.

Article 3

Definitions

In the meaning of this law, the terms below shall be understood as follows:

a) “Resident population” shall mean the population consisting of individuals, who on Census day are usually resident in the territory of the Republic of Albania, as well as those that are temporarily absent for a period of less than one year.

b) “Household” shall mean a person living alone, or a group of persons who live together in the whole or part of a dwelling and who share food and other essentials for living.

c) “Dwelling” shall mean a separate and independent place of abode either intended for habitation by a single household whether or not it is occupied at the moment of the Census, or not intended for habitation but is used as a place of abode at the moment of the Census.

ç) “Building” shall mean any independent structure containing one or more dwellings, rooms or other spaces, covered by a roof and enclosed within external walls or divided walls which extend from the foundation to the roof, whether designed for residential, or for agricultural, commercial, industrial or cultural purposes, or for the provision of services.

d) “Collective living quarters” shall mean premises which are designed for common habitation by groups of individuals or several households and which are used as the place of abode of at least one person at the moment of the Census.

dh) “Census” shall mean the collection of information by means of questionnaires, and the processing of such information, so as to provide a complete count of all individuals, households, dwellings and buildings used for residential purposes within the territory of the Republic of Albania, at a single point in time, and the production of statistics relating to the demographic, economic and social characteristics of the population of Albania.

e) “Census day” shall mean the first day of the beginning of the period of enumeration.

ë) “Census moment” shall mean the 00.00 hrs of the midnight that precedes the census day.

f) “Enumeration” shall mean the process of collecting the census information in respect of in a given territory over a specified period of time by means of interviews conducted by field staff and carried out through the completion of questionnaires in respect of each building, dwelling, household and individual in that territory.

g) “Period of enumeration” shall mean the period of time in which data may be collected from the public by census field staff.

gj) “INSTAT” shall mean the Institute of Statistics in Albania and is the executive authority responsible for the planning, implementation and management of the Census.

h) “Personal data” shall mean any information defined under Article 3(1) of the Law No. 9887 dated 10.03.2008 “On Protection of Personal Data”.

Article 4

Obligation to respond

1. All adult people, with Albanian or foreign citizenship, and stateless persons, but excluding foreign diplomatic personnel accredited to Albania, who at the census moment are living within the territory of the Republic of Albania, shall be required to provide the information requested in the census questionnaires, in accordance with the paragraph 2, letter “ç/iii” of Article 10 of this law.

2. The persons mentioned in paragraph 1 of this Article shall be responsible for providing that information:

- a) completely,
- b) accurately and reliably.

Article 5

The authority for the census

The census shall be organised and carried out by the Institute of Statistics (INSTAT), under the guidance of the Central Commission for the Census, and with the support of Census Offices in Municipalities. The competencies of these bodies are determined in Chapter II of this law.

Article 6

Census day and the period of the data collection

The date of the census day and the period of the enumeration shall be determined under the provision of paragraph 2, letter “ë” (ii) of Article 10 of this Law.

Article 7

Categories of data and their use

1. The data collected by the census shall be categorized into:
 - a) identification and personal data of individuals and households; and
 - b) identification and structural data of buildings, dwellings, collective living quarters.
2. The data collected by census shall be used only for statistical purposes, in accordance with the law No. 17/2018 "On official statistics", and taking account of international standards and recommendations.
3. The data collected by census shall not be used for any electoral list or to update any civil registry or administrative register.

Article 8

Data protection and confidentiality

1. The confidentiality of the data collected by the census is protected by the provisions of Article 31 of the Law no. 17/2018 "On official statistics".
2. Any person or public authority who, through involvement in the census operation, holds or has knowledge of any personal data, is subject to the confidentiality obligation put on them in accordance with the Law No. 17/2018 "On official statistics", and the Law No. 9887 dated 10.03.2008 "On the protection of personal data".
3. It shall be considered a breach of such an obligation to the confidentiality referred to in paragraph 2 of this Article, if any person specified in paragraph 2 does not continue to preserve the confidentiality of such personal data after that person has terminated any involvement with the Census.
4. INSTAT shall take all appropriate technical, organizational and security measures to prevent unauthorized access to installations where personal census data are held, processed or conserved, and to protect them from unlawful destruction, accidental, accidental losses or any other form of unlawful processing.
5. INSTAT, shall treat the collected, processed and stored census data as strictly confidential when they allow individuals and other statistical units to be identified directly or indirectly.
6. INSTAT shall take the appropriate measures to ensure the accuracy and reliability of census data. When data processing is made by INSTAT in a manner that involves the direct identification, such data shall be encrypted.
7. INSTAT shall store the collected census data in accordance with Article 32 of the Law no. 17/2018 "On official statistics".

Article 9

The results of the census

The statistical results of the census are a common good of the whole of Albanian society and shall be disseminated in accordance with the following conditions:

a) INSTAT shall publish the provisional and final results of the census on a scientific and professional basis;

b) The statistical results, as specified in paragraph (a) of this Article, shall be published at the national and local level and may be published at other levels of geography, in such a way as to ensure that they are presented in a form that precludes direct or indirect identification of an individual person or household.

c) INSTAT shall publish the census results only in a form that precludes the direct or indirect identification of individuals and other statistical units.

ç) For scientific and research purposes, the access to confidential data may be granted under the conditions of Article 31 (7) of the Law no. 17/2018 “On official statistics”.

CHAPTER II

COMPOSITION, RESPONSIBILITIES AND RELATIONS OF THE BODIES IN CHARGE OF THE CENSUS

Article 10

Responsibilities of the Central Commission of the Census

1. The Council of Ministers shall define the composition, functions and organization of a Central Commission of the Census.

2. The Central Commission of the Census shall have the following responsibilities:

a) Compile and approve the regulation of the Central Commission of the Census;

b) Supervise the preparation and execution of the census and guide INSTAT on the statistical data, expected by public authorities, scientific organisations, and civil society;

c) Facilitate the co-ordination of work between Ministries, central bodies and the scientific organisations in support of the census;

ç) Propose to the Council of Ministers the Decisions necessary for the conduct of the census and covering, in particular:

(i) the membership, competencies and tasks of the Census Offices in Municipalities;

(ii) the census date and period of the enumeration; and

(iii) the content of the census questionnaire,

as proposed by-INSTAT;

d) approve the calendar of activities for the preparation and execution of the census, proposed by INSTAT.

Article 11

Responsibilities of INSTAT

1. INSTAT shall have the following competencies:

a) Compile the programme of work, define the methodologies, select and procure the appropriate technological hardware and software programmes, design the questionnaire, acquire appropriate facilities, issue the necessary instructions, prepare a field staff instruction manual, and conduct the necessary preliminaries for the preparation and execution of the census on professional and scientific basis.

b) Manage the human and financial resources provided for the census and report to the Central Commission and to any international donors on the use of these resources.

c) Inform the relevant government authorities and public institutions, on the steps that should be taken for the census.

ç) Instruct the Census Offices in the Municipalities on the duties required of them to support the census.

d) Appoint a person to chair the Census Office in the Municipality, in such circumstances specified by the Decision of the Council of Ministers made in accordance with Article 15(1) of this Law.

dh) Conduct a public information campaign in accordance with Article 13 of this Law.

e) Undertake the recruitment, selection, training and appointment of field staff with support, as necessary, from the Census Offices in the Municipalities.

ë) Manage the census enumeration and capture the data collected by field staff;

f) Process the data collected in the Census and take all such measures as are necessary to protect the confidentiality of the data in accordance with the provisions of Article 8 of this Law.

i) Present and publish the preliminary and final results in accordance with Article 9 of this Law.

l) Report to the Central Commission of the Census on the progress of the census activities.

m) Undertake the duties of the Secretariat of the Central Commission of the Census.

2. INSTAT may undertake any other activity as necessary to carry out the Census, when necessary.

Article 12

Census Offices in the Municipalities

1. A Decision of the Council of Ministers, on the proposal of the Central Commission of the Census shall define the composition, functioning and remuneration of its members in each Municipality.

2. The Census Office shall follow the instructions and guidelines of INSTAT, provide data, facilities and other assistance to census staff within the territory of the Municipality, and take all other necessary measures for ensuring the successful operation of the census enumeration within that territory.

3. The particular competences and functions of the Census Offices shall be determined by the Decision of the Council of Ministers.

CHAPTER III CENSUS PROCEDURES

Article 13 Information campaign

1. The aims and procedures of the census, and the legal obligations related to it, shall be made public through the media and by means of a broad information campaign, conducted by INSTAT.

2. The information campaign shall start at least eight weeks before census day, and shall conclude with the release of the final results of the census.

Article 14 Census staff

1. Census staff shall comprise:

a) Census field staff who shall comprise:

(i) Enumerators, who, equipped with a distinctive form of official identification, shall visit every dwelling within their assigned enumeration area to interview inhabitants, and to complete the census questionnaires accurately;

(ii) Controllers, who shall control, support and report on the work of a number of enumerators;

(iii) Supervisors, who shall manage, support and report on the work of a number of controllers; and

(iv) IT Support Officers, who shall support the field staff in the provision and maintenance of any information technology equipment deployed during the field operation.

(v) GIS Support Specialists, who shall support the field staff in the geocoding of the collected in the census data through the use of GIS technology.

b) Other census staff who shall comprise:

(i) Trainers who shall train the field staff to undertake their duties;

(ii) Operators, who shall enter the data into the computerised systems;

(iii) Managerial staff who shall organise and conduct the preparation, field operation, logistics, and administration of the census;

(iv) Statisticians, demographers and other staff, who process the data, analyse and report on the data, and issue the statistical results of the census.

2. INSTAT shall establish the criteria, and set up appointment review panels for the recruitment, selection and appointment of census staff.

Article 15

Prohibition of similar data collections

1. During the period of time six weeks prior to Census day, and the period of the data collection, it shall be prohibited for any individual or organisation to collect data from the public within the territory of the Republic of Albania except under the provision of paragraph 2 of this Article.

2. Any individual or organisation to which paragraph 1 refers, who during the period of time six weeks prior to Census day, and the period of the data collection, intends to collect data on persons, households or dwellings, or on private commercial activities, shall request a special authorisation to do so from the Central Commission of the Census.

CHAPTER IV

ADMINISTRATIVE CONTRAVENTIONS

Article 16

Contraventions

1. Administrative contraventions as specified in this Article are punishable by the following fines:

(a) Failure or refusal to provide the information required under Article 4, or the provision of false information shall be punishable with a fine of 100,000 (hundred thousand) leks, except that there shall be no penalty in the case of any information to be collected on a voluntary basis.

(b) Contravention of the provisions for protecting confidentiality, as prescribed in Article 8 of this law, shall be punishable with a fine of no less than 10,000 (ten thousand) and no more 50,000 (fifty thousand) leks.

(c) Contravention of the provisions for the prohibition of similar data collection, as prescribed in Article 15 of this law, shall be punishable with a fine of no less than 50,000 (fifty thousand) and no more than 100 000 (hundred thousand) leks.

2. For any administrative investigation of the contraventions prescribed in this Article, INSTAT has the right to consult state databases in the Republic of Albania.

Article 17

The evaluation of administrative contraventions:

1. INSTAT shall be responsible for the review of any document that certifies the administrative contraventions, in accordance with Article 16 of this Law, the setting and execution of fines, applies the procedures in accordance with law no. 10 279, dated 20.5.2010 "On administrative infringements".

2. INSTAT shall be responsible for ascertainment of administrative contraventions in accordance with Article 8 of this law and refer the case at the Commissioner for Personal Data Protection and the Right of Information.

Article 18

Claims against the sanction for administrative contraventions

1. A claim against any decision of INSTAT, to impose a fine, according point 1, letters "a" and "c" of Article 16 of this law, may be submitted to the Central Census Commission, within 10 days of the declaration of that decision.

2. A claim against any decision of the Central Census Commission, pursuant to paragraph 1 of this Article, may be submitted at the Court within 30 days of the declaration of that decision.

3. A claim against any decision of the Commissioner for Personal Data Protection and the Right of Information to impose a fine, in accordance with paragraph 1, letter "b" of Article 16 of this law, is carried out according to procedures prescribed in Article 40 of Law no. 9887, dated 10.03.2008 "On protection of personal data".

CHAPTER V

FINAL PROVISIONS

Article 19

1. The Council of Ministers, within _____ months from the entering into force of this law, shall issue Decisions in accordance with the general principles foreseen in articles _____ of this law.

2. The Law no. 8669, dated 26.10.2000 “On Population and Housing Census”, as amended, shall be repealed.

Article 20

This law comes into force 15 days after its publication in the *Official Journal*.

S P E A K E R

GRAMOZ RUÇI