



**REPUBLIC OF ALBANIA
ASSEMBLY**

LAW

No._10442, Dated 07.07.2011 _____

**ON SOME AMENDMENTS AND ADDITIONS TO LAW NO.8669, DATED
26.10.2000 “ON THE GENERAL CENSUS OF POPULATION AND
HOUSING”(AS AMENDED)**

Pursuant to the Articles 78 and 83, point 2 of the Constitution, based upon the proposal of the Council of Ministers,

DECIDED:

The law n. 8669, date 26.10.2000 "On the general census of population and housing" (as amended), made these amendments and additions:

ARTICLE 1

In the title and every where in the law, the word “registration” is replaced by the word “census” .

ARTICLE 2

Article 1, point 3, revoked.

ARTICLE 3

In article 3, after the letter “b”, are added the letters “c”, “ç” and “d” with the following content:

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

d) “census day” shall mean the first day of the beginning of the field work.

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

ARTICLE 4

Article 4 is amended as follows:

**“Article 4
Obligation to respond**

1.All people, with Albanian or foreign citizenship, and stateless persons, but excluding foreign diplomatic personnel accredited to Albania, who at the census moment are within the territory of the Republic of Albania, are obliged to provide the information requested in the population and housing census questionnaires, approved by the Central Census Commission, in accordance with the letter “e” , of Article 12, of this law:

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

ARTICLE 5

Article 6 revoked.

ARTICLE 6

Article 8 is amended as follows:

“Article 8

Categories of data and their use

1.The data collected by the census are categorized into:

- a)identification and personal data of individuals; 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. 9180, dated 05.02.2004 "On official statistics", and international standards and recommendations.

3.The data collected by census shall not be used for any electoral list or to update any of civil registry and any other administrative register.”

ARTICLE 7

Article 9 is amended as follows:

**“Article 9
Data protection and confidentiality**

1. The confidentiality of the data collected by the census is protected by the provisions of this law and of other relevant legislation in force.

2. Any person or public authority who, through involvement in the census operation, has knowledge of any personal data, is subject to the confidentiality obligation on them, according to the Law No. 9180 dated 05.02.2004 "On official statistics", and the Law No.9887 dated 10.03.2008 "On the protection of personal data".

3. It shall be considered breach of obligation to confidentiality, as provided in point 2 of this article, even the cases where the person after the termination of any employment relationship, that, for purposes of census or any other relationship with census, does not preserve the confidentiality of the personal data that he has knowledge.

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 and any other form of unlawful processing.

5. INSTAT, after taking appropriate measures to ensure the accuracy and reliability of data, makes them anonymous, by deleting from the electronic files any element of identification, as defined in letter "a", point 1 of Article 8, of this law.

6. The anonymous data shall be communicated to any authorized third party, according to the stipulations of the Law no. 9180, dated 05.02.2004 "On the official statistics", only for activities, in accordance with article 1 of the law.

7. All identifying and personal data collected by the census, shall be held by INSTAT, only for such a period as is necessary for the processing of the data, and stored according to the deadlines stipulated by Law no. 9154, dated 06.11.2003 "On Archives".

ARTICLE 8

Article 10, letter "b" is amended as follows:

"b) Statistical results, defined in letter "a" of this article, are published at the national and local level, in such a way as to ensure that they are presented in a form that precludes direct or indirect identification of an individual person."

ARTICLE 9

Article 11 revoked

ARTICLE 10

In Article 12 are made these amendments and additions:

1. Letter “e” is amended as follows:

“e. Determine the census date, approves the calendar of activities for the preparation and execution of the census, and the content of the census questionnaire, proposed by the INSTAT”

2. After letter “e”, is added letter “ë” with this content:

“ë. The composition, function, organization and tasks that the Census Central Commission will perform, in accordance with the competencies provided in this Article, shall be determined by a decision of the Council of Ministers.”

ARTICLE 11

In article 13, at the beginning of letter “d”, are added following words:

“...processes the data collected from the census and”.

ARTICLE 12

In article 14, letter “a” is amended as follows:

“a. Monitor the process for selecting, recruiting and training of controllers and approves the list of controllers submitted by the evaluating ad-hoc commission, in accordance with point 2, article 18 of this law”.

ARTICLE 13

In article 15, letter “b” is amended as follows:

“b. Monitor the process for selecting, recruiting and training of enumerators and approves the list of enumerators submitted by the evaluating ad-hoc commission, in accordance with point 2, article 18, of this law”.

ARTICLE 14

Article 16 is amended as follows:

“Article 16 Information

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 eight weeks before census day, and shall conclude with the publication of the preliminary results of the census.”

ARTICLE 15

Article 17 revoked.

ARTICLE 16

In article 18, point 2, is amended as follows:

“2. INSTAT shall establish the criteria, and set up an evaluating ad-hoc commission, for each Qark, Municipality and Commune, for selection, recruitment of census personnel, who are appointed as follows:

a)The appointment of enumerators is made by the INSTAT, based on the lists approved by the Census Offices in the Municipalities and Communes;

b)The appointment of controllers is made by the INSTAT, based on the lists approved by the Census Commissions in the Qark;

c)The appointment of supervisors, operators, managerial personnel, the scientific experts and other personnel engaged in the census process, is made by INSTAT.

ARTICLE 17

Article 20, is amended as follows:

“Article 20 Contraventions

Are considered as administrative contraventions and are punishable, respectively, with a fine the following breaches:

1. Refusal to make declaration or false declaration is punishable to a fine 100 000 (hundred thousand) leks.

2. Disrespect of the rules of confidentiality, determined in article 9 of the law, by person/persons responsible, are punishable to a fine of 10 000 (ten thousand) to 50 000 (fifty thousand) leks.

3. Disrespect of the rules determined in article 19 of the law, by person/persons responsible, are punishable to a fine of 15 000 (fifteen thousand) to 20 000 (twenty thousand) leks.

4. For administrative investigation of the contraventions, INSTAT has the right to consult state databases in the Republic of Albania.”

ARTICLE 18

After the Article 20 of the law is added the article 20/1 with this content:

“Article 20/1 The evaluation of administrative contraventions:

1. INSTAT is responsible for the review of any document that certifies the administrative contraventions, in accordance with Article 4 and 20 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 is responsible for ascertainment of administrative contraventions in accordance with Article 9 of the law and refer the case at the Commissioner for Personal Data Protection."

ARTICLE 19

Article 21 is amended as follows:

"Article 21

Claims against the sanction for administrative contraventions

1. A claim against any decision of INSTAT, to impose a fine, according points 1 and 3 of Article 20 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, according point 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 to impose a fine, in accordance with point 2 of Article 20 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".

ARTICLE 20

Article 23 revoked.

ARTICLE 21

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

CHAIRMAN

Jozefina Topalli (Coba)