

(Non official translation)

**REPUBLIC OF ALBANIA**

**ASSEMBLY**

**DRAFT LAW**

No \_\_\_\_\_ dated \_\_\_\_\_

**ON CENSUS OF POPULATION AND HOUSING<sup>1</sup>**

Pursuant to the Articles 78 and 83, point 1, 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 organization and execution of the 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 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:

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<sup>1</sup> This law is partially compliant with:

- Regulation (EC) No 763/2008 of the European Parliament and of the Council, of 9 July 2008 "On population and housing censuses", (O.G. L 218/14, 13.08.2008), CELEX number: 3A32008R0763
- Commission Implementing Regulation (EU) 2017/543 of 22 March 2017 laying down rules for the application of Regulation (EC) No 763/2008 of the European Parliament and of the Council on population and housing censuses as regards the technical specifications of the topics and of their breakdowns (O.G. L 78/13, 23.03.2017), CELEX number: 3A32011R0543

- 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) “Population” shall mean the national, regional and local population at its usual residence at the census day.
- b) “Building” shall mean a permanent building that contains housings designed for human habitation or common buildings that are reserved for seasonal or secondary habitation use, or that are vacant.
- c) “Dwelling” shall mean a separate and independent place of abode either intended for habitation by households 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) “Usual residence” shall mean the place where a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage.

The following persons alone shall be considered to be usual residents of the geographical area in question:

- (i) those who have lived in their place of usual residence for a continuous period of at least 12 months before the Census day; or
- (ii) those who arrived in their place of usual residence during the 12 months before the Census day with the intention of staying there for at least one year.

Where the circumstances described in point (i) or (ii) cannot be established, “usual residence” shall mean the place of legal or registered residence;

- d) “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.

dh) “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.

e) “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.

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

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

g) “Enumeration” shall mean the process of collecting the census information 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.

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

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

i) “Personal data” shall mean any information defined under legislation on protection of personal data.

j) “Refusal”, shall mean the refusal or rejection of the persons defined in paragraph 1 of Article 5 of this Law for the provision of the information required in the census questionnaires.

k) “direct identification” and “indirect identification”, for the purposes of this law shall have the same meanings with those specified in the legislation on official statistics.

l) “Enumeration area” shall mean the area assigned by INSTAT to an enumerator for the purposes of collecting data in the Census.

#### **Article 4**

##### **Census questionnaire**

1. The census questionnaire is the instrument prepared by INSTAT and reflected in the annual plan for the implementation of Official Statistics Program, which contains mandatory questions and requests for the collection of the information necessary for the production of population and housing official statistics.

2. The census questionnaire may contain questions about the person's ethnic group, language and religion whose responses are based on the right of self-identification of the individual. These questions shall contain the answer option for the respondent "I prefer not to answer".

## **Article 5**

### **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 according to paragraph 1 of Article 4 of this law in the census questionnaires, completely, accurately and reliably.

2. In the case that the information requested in the census questionnaire cannot be provided by such persons to whom paragraph 1 of this Article refers, the person responsible for providing that information shall be:

(a) in respect of household, the head of the household or other resident adult member of the household;

(b) in respect of collective living quarters, the person in charge of this living quarter.

3. In order to fulfill the obligation to provide the required information from persons with disabilities, INSTAT and the Central Census Commission shall take the necessary measures to ensure the appropriate facilities, according to the type of disability.

4. The persons referred to in paragraphs 1 and 2 of this Article, have the right to be informed by INSTAT of:

a) the aim and purpose of the census;

b) the rights and obligations related to the provision of the required information;

c) mandatory questions and non-mandatory questions to provide information;

ç) measures taken by INSTAT to ensure statistical confidentiality.

## **Article 6**

### **The authority responsible for the census**

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

## **Article 7**

### **Census day and the period of the data collection**

The census day and the period of the enumeration shall be determined in the annual plan for the implementation of Official Statistics Program, under the provisions of the legislation on official statistics.

## **Article 8**

### **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;
  - 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 the legislation on official statistics, and taking account the standards and recommendations of Eurostat and United Nations regarding censuses.
3. The data collected by census will be used also for the establishment of:
  - a) Statistical register on population;
  - b) Statistical register on buildings and dwellings.
4. The statistical registers established according to the paragraph 3 of this Article shall be maintained and administered by INSTAT only and shall not be used for any electoral list or to update any civil registry or other administrative register.

## **Article 9**

### **Data protection and confidentiality**

1. The data collected by census shall be confidential and protected according to the legislation on official statistics and legislation on personal data protection.
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 legislation on official statistics and the legislation on the protection of personal data.
3. The fail to respect the obligation specified in paragraph 2 of this Article also by the person who has interrupted the involvement with the Census, shall be considered as breach of confidentiality.

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 of the subject, such data shall be encrypted immediately in order to make these subjects not identifiable.

7. INSTAT shall store the collected census data in accordance with the legislation on official statistics.

## **Article 10**

### **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-research purposes, the access to confidential data may be granted under the conditions of the legislation on official statistics, not allowing the direct or indirect identification of statistical units.

## **CHAPTER II**

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

## **Article 11**

### **The purpose and composition of Central Census Commission**

1. In order to support INSTAT for the preparation and implementation of the census of population and housing, shall be established the Central Census Commission that is chaired by Deputy Prime Minister.
2. The Central Census Commission shall be composed of:
  - a) the minister responsible of finances
  - b) the minister responsible of economy;
  - c) the minister responsible of internal affairs;
  - ç) the minister responsible of infrastructure and energy;
  - d) the minister responsible of European integration and foreign affairs;
  - dh) the minister responsible of justice;
  - e) the minister responsible of protection;
  - ë) the minister responsible of education, sport and youth;
  - f) the minister responsible of health and social protection;
  - g) the minister responsible of agriculture and rural development;
  - gj) the minister responsible of tourism and environment;
  - h) the minister responsible of culture;
  - i) the minister responsible of diaspora;
  - j) the minister responsible of protection of entrepreneurship;
  - k) General Director of INSTAT;
  - l) two other INSTAT's representatives of higher level, appointed by General Director of INSTAT;
  - ll) Head of Academy of Sciences;
  - m) Rector of University of Tirana;
  - n) the highest-level person under the structure responsible for the development and good governance in Prime Minister's office
  - nj) Commissioner for the Right of Information and Protection of Personal Data;

## **Article 12**

### **Responsibilities of the Central Commission of the Census**

The Central Census Commission shall have the following responsibilities:

- a) Compiles and approves the regulation of the Central Commission of the Census;
- b) Follows the preparation and execution of the census and support INSTAT on providing 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) Approve the calendar of activities for the preparation and execution of the census, in accordance with the annual plan for the implementation of Official Statistics Programme;
- d) It examines any request submitted in connection with the approval for collecting the information from the public over a period of 6 weeks prior to the day of the census and during the period of collecting the census data in accordance with Article 20 of this law.

## **Article 13**

### **Function of the Central Census Commission**

1. The Commission shall conduct its first meeting not later than 30 days from the entering into force of this law and, then after, shall convene not less than once a month until the end of the calendar of activities for the preparation and implementation of the Census.
2. In the absence of the chair of the Commission, the meeting is chaired by the minister responsible for internal affairs.

## **Article 14**

### **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 Commissions in Municipality level established in accordance with Article 15 of this law, on the duties required of them to support the census;
  - d) Appoint INSTAT's representatives as members of Census Commissions in in the Municipality level;
  - dh) Conduct a public information campaign in accordance with Article 18 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;
  - g) Present and publish the preliminary and final results in accordance with Article 10 of this Law;
  - gj) Report to the Central Commission of the Census on the progress of the census activities;
  - h) INSTAT shall undertake the duties of the Secretariat of the Central Commission of the Census and shall have the following tasks:
    - a) Notifies the members of the Commission for the next meeting;
    - b) Holds the minutes of the meeting;
    - c) Prepare basic collection documentation, at least 5 days before the date of the meeting.
2. INSTAT may undertake any other activity as necessary to carry out the Census, when necessary.

## **Article 15**

### **The purpose and composition of Census Commissions in Municipality level**

1. Census Commissions shall be established in each municipality within the territory of Republic of Albania, for the purpose of supporting and assisting INSTSAT in the planning, implementation and management of the field operation for the census.
2. The Census Commissions at the Municipality level shall comply with 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 Censuses Commissions at the Municipality level shall be chaired by the mayor. The deputy chairman of the commission shall be the representative of INSTAT's regional office, who is appointed by General Director of INSTAT not later than 30 days from entering into force of this law.

4. The Census Commission at Municipality Level shall consist of the following members:

- Administrator of the administrative unit of the respective municipality;
- Head of the Civil Status Office;
- Head of the social services structure in the municipality;
- Head of the Urbanization Planning Office;
- Representative of the State Police, who shall be appointed by General Director of State Police.

## **Article 16**

### **Responsibilities and duties of the Census Commissions at the Municipality level**

1. The Census Commissions at the Municipality level shall have the following responsibilities and duties:

- a) Support INSTAT in organizing and directing preparatory work in the census enumeration areas, within the respective jurisdiction of the municipality/administrative unit;
- b) Assist INSTAT in the preparation and dissemination of materials to be used during the information campaign;
- c) Support INSTAT during the process for the recruitment of field staff;
- ç) Pursuant to requests from and criteria approved by INSTAT, proposes its own human resources as staff fieldwork;
- d) Provide and make available to census staff the premises necessary to support census processes during the enumeration period, as required by INSTAT and / or the Central Census Commission;
- dh) Supports INSTAT for solving possible problems during the census process;
- e) Reports periodically, upon the request of INSTAT, on the performance of the duties prescribed on this Article.

2. The Census Commissions at the Municipality level shall function up to one month after finishing the enumeration period.

## **Article 17**

### **Functions and meetings of Census Commissions at the Municipality level**

1. Except as provided in Article 15 of this law, the Census Commission at the municipality level shall be chaired by the representative of INSTAT:

a) in the absence of the head of the Census Commission at the Municipality level;

b) when, based on the periodic reports in accordance with Article 16, point “e” of this Law, submitted to the Central Census Commission, it is assessed by this Commission that the obligations of the head of the Census Commission at the Municipality level have not been met to carry out the duties of defined in this law;

c) when the position of the mayor is vacant.

2. In the meeting of Census Commission at the Municipality level shall participate only its members, except the cases when Chairman have invited others, according to the cases under discussion as follows:

a) specialists of institutions at the regional or local level who are not represented in the census office;

b) experts or other staff of INSTAT, committed to the census.

3. Meetings should be held, at least once a month, except when it is necessary for the census commission at the Municipality level to convene more frequently, according to agenda proposed by INSTAT to the Chairman.

4. Census meetings may take place when more than half of its members are present. Decisions in the Census Commissions at the Municipality level shall be taken by majority vote of the members present at the meeting and, if they are equal, the vote of the Chairman shall prevail.

5. Detailed rules on procedures for calling, organization, meeting development and approval of Commissions decisions shall be specified in the regulation for the functioning of Census Commission at the Municipality level, approved by General Director of INSTAT.

## **CHAPTER III**

### **CENSUS PROCEDURES**

## **Article 18**

### **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 19**

### **Census staff**

1. Census staff shall comprise:
  - a) Census field staff who shall be equipped by INSTAT with a distinctive form of official identification and who shall comprise:
    - (i) Enumerators, who shall visit every dwelling within their assigned enumeration area to interview inhabitants, and complete the census questionnaires fully and 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) fieldwork staff for cartography, who shall support the field staff in the geocoding of the collected in the census data through the use of Geography Information System technology.
  - b) Other census staff who shall comprise:
    - (i) the personnel who directs and implement all census processes of technical and operational aspect
    - (ii) Trainers who shall train the field staff to undertake their duties;
    - (iii) Operators, who shall enter the data into the computerized systems;
    - (iv) Statisticians, demographers and other staff, who process the data, analyse and issue the statistical results of the census.

2. INSTAT shall establish the criteria, and set up ad-hoc commissions for the recruitment, selection and appointment of census staff.
3. The INSTAT's staff involved on census implementation shall be remunerated with 20% of monthly salary during the whole period of preparation, collection, elaboration until the final publication of the statistical data.

## **Article 20**

### **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 and be provided with a special authorisation to do so from the Central Commission of the Census.
3. In considering whether or not to grant such request in accordance with paragraph 2 of this Article, the Central Census Commission shall take account in advance the view of INSTAT.

## **CHAPTER IV**

### **ADMINISTRATIVE CONTRAVENTIONS**

## **Article 21**

### **Contraventions**

1. The following violations shall constitute an administrative contravention and are punishable, respectively, as follows:

a) Refusal to provide the information required under Article 5 of this Law or the provision of false information, in a fine, from 50 000 (fifty thousand) to 100 000 (one hundred thousand) ALL;

Any declaration or choosing the alternative "I prefer to not answer" according to paragraph 2 of Article 4 of this law does not constitute an administrative contravention.

b) Failure to comply with the statistical confidentiality rules shall be treated and punished in accordance with the legislation on official statistics;

c) Contravention of the provisions specified in the Article 20 of this law, by the responsible person/persons, shall be punishable with a fine of 50,000 (fifty thousand) to 100 000 (hundred thousand) ALL.

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, in accordance with the legislation into force.

## **Article 22**

### **The verification of administrative contraventions**

1. INSTAT shall be the responsible authority for reviewing, verifying and making decisions on administrative contraventions found, in compliance with the provisions of this law and the law on administrative contraventions. The decision shall be notified in writing to the offender within 10 calendar days.

2. Fines applied according to Article 21 of this law are executive titles and shall be executed according to the law on administrative contraventions.

3. INSTAT shall be responsible for the ascertainment of administrative contravention in accordance with Article 9 of this law and refer any case on personal data breach to the Commissioner for the Right of Information and Personal Data Protection.

## **Article 23**

### **The right of claim**

1. The appeal for imposing a fine, according to the definitions of letters "a" and "b" of paragraph 1 of Article 22 of this law, is submitted to the director of INSTAT, within 10 days from the date of announcement of the decision to impose a fine .

2. For cases of violations of the obligation to protect personal data, in accordance with Article 9 of this law, the complaint is submitted to the Commissioner for the Right to Information and Personal Data Protection within 10 days from the date of announcement of the decision to decide fine.

3. Against the decision of the Director of INSTAT or the Commissioner for the Right to Information and Protection of Personal Data, according to paragraphs 1 and 2 of this Article, an appeal can be submitted to the administrative court within 45 days from the date of announcement of this decision.

## **Article 24**

### **Bylaws**

The Director of INSTAT approves within 30 days from entering into force of this law, the regulation of functioning of the Census Commission in Municipality level, according to provisions of Article 17 of this law.

## **CHAPTER V**

### **FINAL PROVISIONS**

#### **Article 25**

##### **Repeal**

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

#### **Article 26**

##### **Entry into force**

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

**S P E A K E R**

**GRAMOZ RUÇI**

Approved on 26.11.2020