

**LAW No. 45/2015**  
**ON THE RIGHT OF INFORMATION ON DOCUMENTS OF THE FORMER STATE SECURITY**  
**SERVICE OF THE PEOPLE'S SOCIALIST REPUBLIC OF ALBANIA**  
*(Amended by law no. 114/2020, dated 29.7.2020, no. 72/2022, dated 20.10.2022)*

In reliance on articles 78 and 83, point 1 of the Constitution, on the proposal of the Council  
of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA DECIDED:

**CHAPTER I**  
**GENERAL PRINCIPLES**

Article 1

**Purpose and object**

*(added words in point 3 by law no. 72/2022, dated 20.10.2022)*

1. This law has the purpose of defining rules and procedures to make possible the exercise of the right to be informed about the documents of the former State Security by every interested person, through a democratic and transparent process, the protection of the personality of the individual and also the unity of national harmony.
2. For the realisation of this purpose, in this law the rules are defined for:
  - a) the collection, administration, processing and use of the documents of the former State Security of the Ministry of Internal Affairs of the Socialist People's Republic of Albania;
  - b) the organisation and functioning of the Authority for Giving Information about the Data of Former State Security;
  - c) the knowledge of persons about the data kept by the former State Security about them;
  - ç) making available to state and non-state institutions the information essential for the purposes provided in this law;
  - d) the obligations of public authorities and archives to make available, for purposes of the implementation of this law, the documents possessed by them.
3. In the service of implementing this law, the public authorities refer to and implement, to the extent possible, the legislation in force on the protection of personal data, as well as the legislation in force on the right to be informed, the archives and information classified as a "state secret", as well as the Code of Administrative Procedures.

Article 2

**Field of action**

*(amended point 1 by law no. 114/2020, dated 29.7.2020, added words in point 1 by law no. 72/2022, dated 20.10.2022)*

1. This law shall apply to the documents of the former State Security of the Ministry of Internal Affairs of the People's Socialist Republic of Albania for the period 29 November 1944 until the day of the establishment of the National Intelligence Service on 2<sup>nd</sup> of July 1991, which are available in all archives of archival network of the Republic of Albania and relate mainly, but

not limited to political offenses provided by law no. 7514, dated 30.9.1991, "On the innocence, amnesty and rehabilitation of the former convicts and politically persecuted", as amended, regardless of whether or not a sentence has been given for these acts by the competent organs of the communist regime.

2. The documents that are possessed by public authorities, natural persons and private legal persons will be considered as documents of the former State Security only after their veracity and the origin of their derivation from the fund of the former State Security is verified.

### Article 3

#### Definitions

*(amended point 2, 4 and 8, added point 4/1 by law no. 114/2020, dated 29.7.2020, added phrases and changed words in point 4 by law no. 72/2022, dated 20.10.2022)*

In this law, the following terms have these meanings:

1. "Archives" have the same meaning as that defined by the legislation in force on the archives;
2. "Authority" is the Authority for Information on the documents of the former State Security, a collegial organ with competencies and responsibilities given according to the provisions of this law and which is organized and functions according to the provisions of this law and the Regulation on Organization and Functioning of the Authority.
3. A "public authority" is:
  - a) every representative organ of central and local government and the respective administrations, including organs of an advisory nature, at the national or local level;
  - b) other state institutions different from those defined in letter "a" of this point;
  - c) every natural or legal person who by law, subordinate legal act or any other kind of form provided by the legislation in force has been given the right to exercise public functions; and
  - ç) every natural or legal person who exercises public functions or responsibilities or who offers public services under the control of the authorities provided in letters "a", "b" and "c" of this point.
4. "Collaborator of former State Security" is any person who is proven to have secretly cooperated with the former State Security organs, in activities of political nature, related to mainly, but not limited political offenses provided by law no. 7514, dated 30.9.1991, "On the innocence, amnesty and rehabilitation of former convicts and politically persecuted", as amended, regardless of whether or not a sentence has been given for these acts by the competent organs of the communist regime, for whom there are documents, folders or records available in the former State Security card indexes".  
4/1. "Members of the former State Security" are employees who have been employed, who have held official functions in the structures of the former State Security, like: officer, sub-officer, clerk, operational employee up to the top level management employee of the former State Security".
5. "Documents of Former State Security" are:
  - a) all means carrying information created by the former State Security, possessed by it or put to its use, regardless of the form of preservation, in particular, but without being limited to:
    - i. files, data, writings, maps, plans, films, recordings with pictures, voice and other recordings;
    - ii. reproductions, copies of them and other duplicates that have been photocopied and administered on the basis of the legal and subordinate legal acts; and also
    - iii. auxiliary means essential to make interpretations, especially programs for automatic data processing;
  - b) court documents and documents from prosecutors' offices, to the extent that the fund of the former State Security possesses them;

- c) documents of the Labour Party of Albania and political-social organisations that are related to the activity of the former State Security, only to the extent and according to the definitions of article 2, point 1 of this law;
6. "Requester" is a person who has submitted a request in writing to the Authority, in implementation of this law;
7. "Favoured person" is every person who is proven:
  - a) to have been supported by the former State Security, especially by obtaining advantages in his profession or economic advantages;
  - b) to have been protected by the former State Security or with the intervention of the latter to have been protected from criminal prosecution;
  - c) to have prepared or knowingly committed criminal offences with the knowledge or support of the former State Security.
8. "Person who has disappeared" according to the scope of this law, is a person arrested, imprisoned, abducted or deprived of liberty in any other form by state agents or by other persons or groups of persons authorized, supported or acquiescence of the state, followed by the refusal to acknowledge the person's fate and whereabouts, placing the victim outside the protection of the law".
9. "Person" is every natural or legal person, local or foreign, as well as persons without citizenship.
10. "Third party" is every other person different from those defined in point 9 of this article, about whom the former State Security collected data secretly or openly;
11. "Affected person" is every person against whom it is proven that the former State Security collected data in a deliberate manner, also including the collection of data secretly or through surveillance. Not included in this category are:
  - a) collaborators of the former State Security when the collection of the data about them served only for contacting, recruitment in favour of the former State Security or only a control of their activity in its favour; and
  - b) favoured persons, when the collection of data about them served only for contacting them or for a control of their position in connection with the benefit from activity in favour of former State Security.
12. "Archival network of the Republic of Albania" includes all institutions and archives existing and created in conformity with the legislation in force for archives.
13. "Special political processes" are the processes of investigation and adjudication brought specifically with the special procedural provisions by the leading organs of the Communist state during the period 29 November 1944 to 2 July 1991.

#### Article 4 Principles

The collection, administration, processing, use and giving of information about the documents of the former State Security is guided by the principles of:

- a) legality;
- b) protection of the public interest and national security;
- c) reconciliation and national unity;
- ç) informing the public with official information;
- d) protection of the right to private life and personal data;
- dh) protection of data that constitute classified information;
- e) transparency;
- ë) cooperation among the state institutions;
- f) efficiency and effectiveness.

## Article 5

### **General rules for collecting documents and giving information**

*(added points 1.1 and 1.2 by law no. 72/2022, dated 20.10.2022)*

1. The Authority collects, preserves, administers and uses the document of former State Security according to this law, also using, according to need, information from the central civil status register.
  - 1.1 In order to determine the state of facts and circumstances related to the case, the public body may:
    - a. collect statements from parties, witnesses and experts, guaranteeing in any case the confidentiality of individuals who provide information as persons involved or aware of the circumstances of the case;
    - b. obtain other documented documents through photographic means of registration or other technical means;
    - c. to visit and inspect the items or places involved.
  - 1.2 Every person is obliged to cooperate with the Authority when it turns out that he/she has knowledge of the circumstances of the case, information is requested from him/her as a person involved or who has knowledge of the circumstances of the case, or when he/she himself/herself has information that helps the Authority in its work. The authority in implementation of this law has the obligation to guarantee confidentiality for every person who cooperates.
2. Every person has the right to ask to be informed by the Authority as to whether there is information about his person in the documents administered and to receive this information, when there is such, according to this law.
3. Public authorities and other subjects provided by this law have access to the documents of former State Security only to the extent this law allows.
4. The Authority makes available to the respective state authorities all information obtained during its activity, when that is required for purposes of investigation and criminal prosecution.
5. When an affected person, third party, relatives of those who have died or disappeared, collaborators or favoured persons of former State Security submit, in public, of their own will, documents with information about their person, that information is permitted to be used for the purposes for which it was requested, in implementation of this law.
6. By a special and reasoned decision, the Authority corrects all information that, after a finding by the Authority itself or a verification at the request of an interested person, turns out to be inaccurate, making the respective reflections in the documents. This decision can be appealed to the court competent for the trial of administrative cases, in conformity with the legislation in force.
7. Depending on the complexity and the scale of difficulty of evidencing documentation, for every case, the Authority responds within a reasonable time period Detailed rules about the time periods for responding to requests are defined in the rules of organisation and functioning of the Authority.

## Article 6

### **Limitations of use of data**

1. The use of personal data to the detriment of affected persons or third parties is prohibited when those data have been obtained secretly or unlawfully, except for cases of use for the following purposes:
  - a) use for purposes of the rehabilitation of persons who have died or disappeared;

- b) when those data turn out to be entirely or partially wrong because of the information collected.
2. The Authority takes measures for the temporary prohibition of the use of the documents of former State Security when the prosecutor's office or the court determines that investigative activity, criminal prosecution or the progress or conclusion of a criminal proceeding that has been registered may be damaged by their use. This prohibition ends when the use of the documents no longer constitutes a risk for the criminal proceeding.
3. The Authority takes measures for the temporary or permanent prohibition of the data of former State Security when it judges that their use may constitute a real danger to national security.

## **CHAPTER II**

### **THE AUTHORITY FOR GIVING INFORMATION ABOUT THE DOCUMENTS OF FORMER STATE SECURITY**

#### Article 7

##### **Status of the Authority**

*(added words in point 4 by law no. 72/2022, dated 20.10.2022)*

1. The Authority for Giving Information about the Documents of Former State Security is a public, independent legal person, responsible for implementation of this law related to the collection, administration, processing, use of the documents of former State Security and giving information in connection with it.
2. The Authority has its headquarters in Tirana and is financed from the State Budget and other lawful sources.
3. The Authority is organised and functions according to the rules defined in this law and in the rules of its functioning, which are approved by it.
4. The Authority performs its functions defined in this law in a collegial manner. The legislation in force for the functioning of collegial organs and the Code of Administrative Procedures is applied to the extent possible in the functioning of the Authority.
5. The Authority has full independence in its decision-making for the exercise of its own functions which derive from this law or subordinate legal acts issued in implementation of it.
6. On its request, the Authority is supplied by the Council of Ministers with premises and the necessary work conditions are created for it.

#### Article 8

##### **Composition of the Authority, election and mandate of its members**

*(added point 4 by law no. 72/2022, dated 20.10.2022)*

1. The Authority consists of five members elected by the Assembly on proposals that come from:
  - a) two members proposed by the Assembly of Albania;
  - b) one member proposed by the Council of Ministers;
  - c) one representative proposed by the societies of politically persecuted persons, from the ranks of candidates supported by no fewer than 28 deputies;
  - ç) one representative proposed by the Association for the Protection of Human Rights, from the ranks of candidates supported by no fewer than 28 deputies.
2. The mandate of a member of the Authority is five years, with the right of re-election only once.
3. The Assembly elects a chairman from the ranks of the members of the Authority.

4. The member of the Authority, whose mandate has ended, remains in office until he/she is replaced

Article 9

**Conditions for being elected a member**

*(added and changed words in the letter "ë" point 1 by law no. 72/2022, dated 20.10.2022)*

1. A person may be elected a member of the Authority who:
  - a) has Albanian citizenship;
  - b) has full capacity to act;
  - c) has completed higher education, with a Diploma "Master of science" or titles equivalent to it;
  - ç) enjoys high integrity, a clean ethical-moral figure and is distinguished for high professional preparation;
  - d) has no less than 10years experience in the exercise of the profession;
  - dh) has not been criminally convicted by a final decision;
  - e) is not a member of a political party;
  - ë) in the period defined in article 2 of this law, has not been a member or candidate of the Political Bureau, a member of the Central Committee of the Labour Party of Albania, chairman of the High Court, General Prosecutor or Chairman of the General Investigation Office, member of the Council of Ministers, chairman of the branches of internal affairs, employee of the organs of the former State Security, collaborator of the former State Security or favoured person, member of the Central Commission of Banishment/Internments, investigator, prosecutor, judge in political proceedings, witness for the accusation in special political proceedings, or denouncer;
  - f) does not have a conflict of interests with the duty;
  - g) meets the conditions and criteria and is supplied with a security certificate according to the legislation on force for classified information.
2. Every candidate for member, before his appointment, signs a declaration about not having held any of the duties or qualities defined in letter "ë" of point 1 of this article.
3. Being a member of the Authority is incompatible with any other state or private duty.

Article 9/1

**Competencies of the Chairperson**

*(added by law no. 114/2020, dated 29.7.2020)*

The chairperson shall have the following competencies:

- a) decide on the agenda, convenes and chairs the meetings of the Authority;
- b) follow up the implementation of this law and bylaws for its implementation;
- c) take care of the clarification, publication, as well as the implementation of the decisions of the Authority;
- ç) represent the Authority in relations with the third parties;
- d) manage the administration of the Authority and takes care for the activity and meetings of the Authority itself, preserving documentation, among others through audio recording;
- dh) takes care of the publication of the activity of the institution on the official website or other means of communication with the public;
- e) ensure the institutional cooperation of the Authority with domestic and foreign institutions, as well as projects, regional and international initiatives, in accordance with the purpose of the Authority's activity;

- ë) chair the working groups for different needs of the Authority, for the implementation of the provisions of this law;
- f) submit proposals requested by the Authority for budgetary and personnel needs or legal changes to the relevant organs pursuant to the legislation in force.
- g) by exercising his/her competencies releases orders to implement this law and the applicable legislation.

#### Article 10

### **Responsibilities of the Authority**

1. The Authority has these responsibilities:
  - a) the collection of the documents of the former State Security for the purposes and according to the procedures provided by this law;
  - b) the evaluation, ordering, evidencing, preservation and administration of the documents according to the rules and principle of the legislation in force for the archives;
  - c) cooperation and coordination of work with the public authorities and archives for purposes of implementation of this law;
  - ç) giving information and notices about the documents, as well as guaranteeing their examination and delivering them to requesters;
  - d) supporting scientific research during the historical re-examination of the activity of former State Security, through guaranteeing the possibility for the examination of the documents and the delivery of duplicates of the documents;
  - dh) informing individuals, constitutional institutions, public authorities and other interested subjects according to this law.
2. The Authority reports to the Assembly on its activity once a year, as well as whenever requested by the Assembly.

#### Article 11

### **End of the mandate**

*(added the letter "ë" in point 1 and replaced the phrase in point 2 by law no. 72/2022, dated 20.10.2022)*

1. The mandate of a member of the Authority ends before the term defined in point 2 of article 8 of this law, when
  - a) he resigns;
  - b) he dies;
  - c) his capacity to act is lifted or restricted by a final judicial decision;
  - ç) he is convicted by a final criminal judicial decision;
  - d) he does not fulfil the obligations defined by this law and the subordinate legal acts issued in implementation of it correctly;
  - dh) he commits actions that seriously damage his position and figure;
  - e) it is verified that he holds one of the duties or qualities defined in letter "ë" of point 1 of article 10 of this law.
  - ë) when absent without reason for more than a consecutive 1 (one) month period
2. Within 15 days from ascertaining the end of the mandate of a member of the Authority for one of the reasons provided in point 1 of this article, the Assembly of Albania starts the procedure for his replacement, according to the procedure provided in this law.

Article 12

**Technical Secretariat**

1. During the exercise of its activity, the Authority is assisted by a technical secretariat.
2. The technical secretariat operates in conformity with the rules defined by this law and the subordinate legal acts issued on the basis and for implementation of it.
3. The conditions and criteria for being a member of this secretariat are the same as those of the members of the Authority, with the exception of letters "c" and "d" of point 1 of article 9 of this law, where the educational level is determined in conformity with the function.
4. The Technical Secretariat has these responsibilities:
  - a) it assists the Authority in the performance of its functions;
  - b) it creates the conditions necessary for the realisation and good conduct of meetings of the Authority;
  - c) it prepares the documentation necessary for holding meetings of the Authority;
  - ç) it performs every other duty assigned to it for the appropriate functioning of the Authority, in connection with matters included in the field of its activity.
5. The labour relations of the employees of the technical secretariat are subject to the labour legislation.
6. The structure and personnel chart of the technical secretariat are approved by the Assembly, on the proposal of the Authority.
7. The employees of the technical secretariat should meet the conditions and criteria and be supplied with a security certificate, according to the legislation in force for classified information.
8. Detailed rules on the functioning and activity of the technical secretariat are defined in the internal rules of the Authority.

**CHAPTER III**

**COLLECTION OF DOCUMENTS**

Article 13

**Identification of documents**

1. The public authorities and the archival network of the Republic of Albania support the Authority in its searches for finding the documents of the former State Security and collecting them.
2. When a public authority or archive has knowledge or finds, during the fulfilment of duties, that it has documents of the former State Security or copies or other duplicates of such documents, it immediately makes the Authority aware.
3. When the Authority judges that particular documents may be found with a public authority or archive, it addresses a request to them in writing for the identification of the documents and for them to be made available.
4. When the public authority or archive receives a request according to the definitions of point 3 of this article, it answers the Authority within 15 days from submission of the request, making the documents available or copies or duplicates of them, as the case may be. When a document sought is not located with the public authority or archive, but the latter have knowledge about its location, they make the Authority aware.

5. The Authority may, by good understanding with the public authorities and archives, examine the records, archives and information that are found with them, when credible data exist to believe that documents of former State Security are found with them.
6. When natural or private legal persons have knowledge or find that they have documents of former State Security or copies or duplicates of them, they immediately make the Authority aware.

#### Article 14

##### **Delivery of documents by a public authority and archive**

1. Every public authority and archive, at the request of the Authority, delivers to it the documents of the former State Security that are found with them, including copies and other duplicates.
2. When the public authority needs the documents to use them in the fulfilment of its functions and purposes, according to the provisions of section 2 of chapter IV of this law, it may make duplicates of them and use them. The original documents are permitted to be used as documents only to the extent that this is essential for the fulfilment of duty. In that case, duplicates are delivered to the Authority, on the basis of a request.
3. Notwithstanding the provisions of point 2 of this article, the documents about those affected are delivered to the Authority original and complete.
4. The Authority:
  - a) is unrestricted in becoming aware of, studying and utilising the original documents;
  - b) does not deliver original documents to the requester, but duplicate documents issued by the Authority.

#### Article 15

##### **Delivery of documents by a natural and private legal person**

1. Every natural and private legal person immediately delivers to the Authority, at its request, the documents of the former State Security that it possesses, as well as copies or other duplicates when those are not in the ownership of the natural or private legal person. It is for the natural or private legal person to prove ownership. For purposes of the implementation of this law, documents that the natural or private legal person has prepared itself, in collaboration with former State Security, are considered to be in the ownership of the latter.
2. When documents of former State Security, according to the definitions of point 1 of this article, turn out to be in the ownership of a natural or private legal person, the latter makes them available to the Authority, to prepare copies or duplicates of them.

#### Article 16

##### **Documents of the Albanian Party of Labour and other political-social organisations**

1. In implementation of its duties according to this law, the Authority may ask the respective organs for information about the type, content and place of safekeeping of documents of the Albanian Party of Labour and other political-social organisations that operated during the period defined in article 2 of this law.
2. The Authority, according to need, may ask to examine the documents provided in point 1 of this article.
3. At the Authority's request, duplicates of the documents provided in point 1 of this article are delivered to it, when they have a connection to the activity of former State Security and are necessary for the fulfilment of its functions.

4. The provisions of this article are applicable to those documents that were created through the joint action of the former State Security with its incitement or in implementation of its orders and instructions.

#### Article 17

### **Return of documents by the Authority**

1. When for documents that pertain to public authorities there are no data that their creation was incited or ordered by former State Security, the Authority returns them, at the request of the public authorities or on its own initiative when it finds as above. The Authority may keep copies or duplicates of those documents.
2. When during its activity the Authority comes up with documents and information classified according to the legislation in force on information classified a "state secret", according to the case and the level of classification, it acts in accordance with the provisions of this legislation for returning them.

#### Article 18

### **Archiving of documents**

1. The Authority creates its archives for the collection, preservation, administration and use of the documents. The archives are organised and function in conformity with the provisions of this law, the rules of the Authority and the legislation in force for archives.
2. The Authority archives all the documents, copies and duplicates collected according to the provisions of this law.
3. In its archives, the Authority:
  - a) documents the time, individual, institution or requester to whom documents or information from the documents of former State Security were delivered or forwarded;
  - b) specifies the information that was entered in the data processing systems and the time it was entered;
  - c) prohibits unauthorized entering;
  - ç) prohibits the giving of access to unauthorized persons to the documents of the former Security and the data processing systems by which the information from the documents is processed;
  - d) guarantees that the documents are not read, copied, changes, destroyed or removed without authorization;
  - dh) guarantees that the transporting of documents is accompanied by at least two members of the Authority or persons authorized by the Authority;
  - e) provides models of organization such as respond to the specific requirements for the preservation of data.
4. After the passage of the time period for preservation, the documents created by the Authority should be delivered to the archives from which they were taken or to which the documents produced pertain [lit. flow or follow].

## **CHAPTER IV**

### **THE RIGHT TO BE INFORMED AND MAKING DOCUMENTS AVAILABLE**

#### Section 1

#### **The right of those affected, third parties, collaborators of former State Security and favoured persons to be informed**

#### Article 19

#### **A request to be informed**

1. In order to be informed about the documents of former State Security, interested persons submit a request to the Authority.
2. A request to obtain information about a document, to examine or receive delivery of it, is made in writing.
3. The requester also submits together with the request copies of his identity card and also, in the case of a representative with a special power of attorney, the respective power of attorney.
4. When the requester thinks that his request should be treated with priority, he argues the need and urgency in the request. The Authority accepts that it is before an urgent need when the information sought is necessary for purposes of rehabilitation, compensation, avoiding a violation of private life or moral damage or proving the fact of non-collaboration with the former State Security.
5. The Authority gives information in writing, except when another form of giving the information is necessary.

#### Article 20

#### **Guaranteeing the right to be informed**

*(added point 1.1 by law no. 72/2022, dated 20.10.2022)*

1. A requester has the right to learn about the documents when he has the quality of an affected person, a third party, a collaborator or favoured person of former State Security or is a representative of the latter with a power of attorney. This right includes learning about and examining the original documents or duplicates of them.
  - 1.1 Every person has the right to get to know the documents of the former State Security and to request a copy of them in accordance with the law on the right to information, provided that the requester submits data in his request that enable the location of the information. The information is provided only when the commitment necessary to find and make the information available is in fair proportion to the applicant's justified interest in obtaining this information. The applicant is responsible for the misuse of the information obtained.
2. The Authority may limit, partly or entirely, the guarantee of the right to be informed, when the data constitute a real danger to National Security.
3. When because of disability, a requester needs the help of a third party to examine the documents, the Authority permits the presence of the third party when the requester declares in writing that he is a trusted person and there are sufficient reasons to believe he needs accompaniment.
4. When the documents or duplicates also contain, besides personal information about the requester, data about other affected persons or third parties, the examination of the original documents is guaranteed only when:
  - a) it is approved by the other affected persons or third parties; or
  - b) the separation of data about the other affected persons or third parties is impossible; or

- c) it is possible only with unjustifiable attempts and there is no reason to presume that the other affected persons or third parties have a lawful interest in keeping this information secret.
5. A requester is guaranteed the right also to learn about and examine duplicates in which the personal information about other affected persons or third parties has been made unreadable. The examination is done in the offices of the Authority.
6. Duplicates of the documents are delivered to the requester only after the personal data about other affected persons or third parties have been made unreadable.
7. The right to know about and examine documents and have them delivered is not applicable for the means provided by article 3, point 5, letter "a", subdivision "iii" of this law. When the documents cannot be found, the right to examine them and have them delivered extends also to duplicates of the file pages and index cards of the card catalogue, which are used for the interpretation of the documents and contain personal data about the requester.

#### Article 21

#### **The right of affected persons and third parties to be informed**

1. The Authority gives affected persons the information about the documents that exist and were prepared about them, at their request. An affected person gives data in the request, when such exist, that enable the documents to be found.
2. The information from the Authority contains a description of the documents existing and prepared about the affected person and a reproduction of the essence of their content. Based on the object and content of the request, the information may be limited to a notification that the documents exist and that the affected person may examine them.
3. At the request of an affected person, the Authority guarantees him the examination of the documents that exist and that were prepared about his person, as well as delivering duplicates of the documents. Personal data about other affected persons or third parties are made unreadable in the duplicates.
4. When the existing documents prepared about an affected person and examined by the affected person or of which duplicates have been received contain pseudonyms of collaborators of former State Security who collected or evaluated information about him or other employees of former State Security who processed them, or of other persons who gave information in writing about the affected person, when the content of the information given by them might have been to the detriment of the affected person, at the request of the affected person, the names of the collaborators. other employees of the former State Security and the third persons.
5. Point 4 of this article is not applicable when the collaborator, employee or informer of former State Security had not reached the age of 18 at the time of commission of the activity against the affected person.
6. The provisions of this article are also applicable to third parties, provided that the requester shall submit data in his request that enable the localisation of the information. The information is given only when the commitment necessary to find the information and make it available is in a fair proportion to the interest argued by the requester for the receipt of that information.

#### Article 22

#### **The right to be informed of the relatives of those who died or disappeared**

1. The right to ask for information about the existence of documents of former State Security about persons who have died and those declared to have disappeared, as well as to examine

the documents and have duplicates made available, is also recognised to their family members according to this priority ranking:

- a) spouses;
  - b) children;
  - c) children of children, when the persons provided in letters "a" and "b" have died or been declared to have disappeared;
  - ç) parents, when the persons provided in letters "a", "b" and "c" have died or been declared to have disappeared;
  - d) brothers and sisters, when the persons provided in letters "a", "b", "c" and "ç" have died or been declared to have disappeared;
  - dh) the children of brothers and sisters, when the persons of the above ranks have died or been declared to have disappeared.
2. The information according to point 1 of this article is made available to the relatives on request and for these purposes:
    - a) for the rehabilitation of those who have died or disappeared;
    - b) for the preservation of the rights of personality of those who have died or disappeared, in particular to clarify an accusation of collaboration with former State Security;
    - c) in order to clarify the fate of those who have died or disappeared.
  3. Together with a request for information according to point 1 of this article, the family members should explain and verify, with the respective documents, their relation to the person who has died or disappeared and argue the purpose of the request.
  4. In seeking information according to this article and giving the respective answers, the definitions of articles 20 and 21 of this law are applied to the extent possible.
  5. This article is not applicable in cases when the person who has died or disappeared expressed in writing, before his death or disappearance, his desire that the requested information not be disclosed or when this desire can be proven clearly from other objective or documented circumstances.

#### Article 22/1

### **Cooperation for the identification and recovery of the remains of the disappeared and executed, as well as measures for the preservation of burial sites**

*(added by law no. 114/2020, dated 29.7.2020; replaced words in the title, in point 1, added point 1.1 by law no. 72/2022, dated 20.10.2022)*

1. The Authority cooperates with central and local or international state institutions in the process of identifying and recovering the remains of those who disappeared or were executed during communism, as well as in taking measures to adequately protect and preserve the places that are currently or will be latter identified as burial sites.
  - 1.1 In the process of identifying and recovering the remains of missing and executed persons, within the framework of the Agreement of the Council of Ministers with the International Commission on Missing Persons (ICMP), ratified by the Parliament of Albania with law no. 83/2018, the Authority interacts with the Ministry of the Interior in terms of legal instruments and institutions under its jurisdiction.
2. The rules of cooperation between the Authority and central and local institutions for the identification and recovery of the disappeared bodies during communism shall provide for in bilateral or multilateral agreements achieved for this purpose.
3. The responsible authorities and the way of protection and preservation of identified or suspected burial sites shall determine by decision of the Council of Ministers.

Article 23

**The right to information of former State Security collaborators and their relatives**

*(changed the title, changed the first sentence of point 1 and point 2 by law no. 72/2022, dated 20.10.2022)*

1. The authority provides to former State Security collaborators and their relatives, according to the provisions of articles 20 and 22 of this law, information about the documents that exist and that have been prepared for them, at their request. The information may also include a description of the type and amount of activity, a description of the circle of persons reported on, and also the frequency of the reports.
2. At his request, the collaborator or his relative is guaranteed the right to learn about and examine the documents drawn up for him and to be provided with duplicates thereof. Personal information about affected persons or third parties should be made unreadable in the duplicates.
3. At his request, a collaborator is given information about the reports compiled by him and is guaranteed the examination of those reports, when he argues a lawful interest in knowing about those documents. Notwithstanding this provision, the interest of affected persons or third parties in preserving the secrecy of the information is higher than the interest of the collaborator.

Article 24

**The right of favoured persons to be informed**

1. For guaranteeing the right of favoured persons to be informed about the documents of former State Security, points 1 and 2 of article 23 of this law are applied.
2. In his request to the Authority, the favoured person should give data that enable the finding of the information.
3. Point 1 of this article is not applicable when the interests of a favoured person are in competition with a public interest.

Article 25

**Tariffs and Payments**

The tariffs and payments for the services to the institutions or persons that are supplied according to this law are determined by decision of the Council of Ministers.

Section 2

**The right of the constitutional institutions, public authorities  
and private persons to be informed**

Article 26

**Giving information to constitutional institutions, public authorities and other subjects**

1. The Authority notifies and makes access possible to the documents, and issues documents to, constitutional institutions, public authorities and other subjects provided by law, to the extent and for the purposes permitted by this law.
2. A constitutional institution and public authority addresses a request to the Authority to be informed about the documents of the former State Security for purposes of fulfilling its functions.

3. Before answering, the Authority checks whether the request for notification, examination or delivery of the documents:
  - a) contains a permissible purpose of use;
  - b) is in the framework of the duties of the requester, and to what extent;
  - c) the use is essential for the purpose declared.
4. For requests submitted by courts, prosecutor's offices or the Judicial Police, for purposes of a registered criminal proceeding, the Authority performs the verifications defined in point 3 of this article and in any case report in compliance with the provisions of the Code of Criminal Procedure in force.
5. The Authority gives the information in writing, except when another form of giving it is necessary.
6. When the requester thinks that his request should be treated with priority, he argues the need and urgency in the request. For purposes of implementing the provisions of this chapter, those cases are considered of urgent need when:
  - a) the information sought is necessary for purposes of rehabilitation, compensation, avoiding a violation of private life or moral damage or discharging an accusation of collaboration with former State Security;
  - b) the information is sought for purposes of verifying persons according to the provisions of article 29 and 30 of this law;
  - c) the information is required for purposes of investigation, criminal prosecution and the prevention of crime.
7. When notification of the existence of documents of former State Security and their content is not sufficient, the Authority makes it possible for the subjects of this article to learn about and examine the documents.
8. The Authority delivers the documents when the subjects of this article argue in the request that the notifications and examination are not sufficient. The original documents are delivered only when this is essential for purposes of evidence in criminal proceedings. registered in conformity with the provisions of the Code of Criminal Procedure in force. The original documents delivered are returned immediately to the Authority as soon as they are no longer needed for the purpose required. When the documents contain personal data about the person referred to in the request and data about other affected persons or third parties, points 4 and 5 of article 20 of this law are applicable.

#### Article 27

##### **Use of documents that do not contain personal data**

*(changed words in letter "d" of point 1, changed point 2 with law no. 114/2020, dated 29.7.2020; reformulated the letter "e" of point 1 by law no. 72/2022, dated 20.10.2022)*

1. The Authority permits the use of documents of former State Security according to the provisions of this chapter, when they do not contain personal data about affected persons or third parties, for the following purposes:
  - a) rehabilitation of affected persons and those who have died or disappeared;
  - b) compensation in conformity with the legislation in force;
  - c) preservation of the rights of the personality and avoidance of moral damage;
  - ç) clarification of the fate of those who were lost or who disappeared and unexplained instances of deaths;
  - d) verifications of officials in conformity with requests to the Authority from constitutional institutions and public authorities according to article 29 of this law;
  - dh) verifications of candidates for elective functions in conformity with requests to the Authority by them;

- e) verifications of proposals for awarding decorations, titles of honor, medals and local titles of honor, for the naming of streets, squares, public spaces and historical, cultural monuments, tombstones, with dates, names and symbols related to the past of the communist regime, according to the provisions of Article 30 of this law.
2. The Authority shall make available the documentation and allow the use of the documents, for the purposes of verification provided by point 1 (d) of this article.

#### Article 28

##### **Use of documents that contain personal data**

*(amended point 2 by law no. 114/2020, dated 29.7.2020)*

1. The Authority permits the use of documents of former State Security according to the provisions of this chapter, when they contain personal data about affected persons or third parties, for the following purposes:
  - a) rehabilitation of affected persons and those who have died or disappeared;
  - b) compensation in conformity with the legislation in force;
  - c) protection of the right to respect private and family life;
  - ç) clarification of the fate of those who were lost or who disappeared and unexplained instances of deaths;
  - d) verifications of officials in conformity with requests to the Authority from constitutional institutions and public authorities according to article 29 of this law;
  - dh) verifications of candidates for elective functions in conformity with requests to the Authority about them according to article 30 of this law.

In implementation of this point, the Authority respects, to the extent possible, the legislation in force for the protection of personal data.

2. The Authority shall make available the documentation and allow the use of the documents, for the purposes of verification provided by point 1 (d) of this article.
3. If the authority finds, during the fulfilment of its duties, that information is found in the documents about espionage, counterespionage or terrorism, in the meaning of the criminal legislation of the Republic of Albania, it notifies the authorities responsible for intelligence and security on its own initiative.

#### Article 29

##### **Request to be informed about officials before appointment/promotion**

*(amended points 2 and 4 by law no. 114/2020, dated 29.7.2020; replacing the letter "c" of point 1, repealing point 4 by law no. 72/2022, dated 20.10.2022)*

1. The Authority has the obligation to respond to every request of the constitutional institutions and public authorities in connection with the existence of information in the documents of former State Security, when this is requested in the framework of an evaluation, according to the respective legislation, of the ethical, moral and professional qualities of candidates for being appointed or promoted to such duties as:
  - a) President of the Republic;
  - b) member of the Council of Ministers, deputy ministers, political functionaries, members of the body of the high management level in the state administration and positions equivalent to them;
  - c) members of the governing bodies of the justice system, judges and prosecutors in the courts and prosecutor's offices of all levels;
  - ç) members of the Constitutional Court;
  - d) functionaries in the Armed Forces of the Republic of Albania, the General Staff of the Army, the Republican Guard, officers with the rank of "General" and "Colonel";

- dh) prefects;
  - e) directors and employees of the State Information Service, the Military Information Service and every other intelligence unit;
  - ë) directors in the State Police up to the level of region and commissariat;
  - f) directors of diplomatic representations;
  - g) governors and deputy governors of the Bank of Albania;
  - gj) members of the Academy of Science, rectors, deputy rectors, deans deputy deans in public universities;
  - h) the General Director and deputy directors of Albanian Public Radio-Television;
  - i) the Director and Deputy Director of the Albanian Telegraphic Agency;
  - j) every other person decreed by the President or elected by the Assembly.
2. The Authority shall answer to the constitutional institutions and public authorities for the official who is appointed or promoted, for the period defined in article 2 of this law, respectively whether he/she:
- a) has been or not prosecuted for espionage or terrorism;
  - b) has been or not a member, collaborator, favored of the former State Security, according to the provisions of this law;
  - c) appears or not in the former State Security documents
3. In the framework of transparency and in the service of evaluating the ethical, moral and professional qualities of officials, before their appointment or promotion, the national institutions and public authorities are guided by the principle of non-collective punishment and the rights and interests of the individual.
4. Repealed.

#### Article 30

#### **Request to be informed by candidates to be elected**

*(reformulated letter "b" of point 2 by law no. 72/2022, dated 20.10.2022)*

1. The Authority has the obligation to respond, according to points 2 and 3 of article 29, to every request submitted by candidates for deputy in the Assembly of Albania, mayors of a municipality or commune and chairmen of a regional council, in connection with the existence about them of information in the documents of former State Security, when this is requested by them for purposes of transparency of the figure during electoral campaigns.
2. When requested by the subjects and for the purpose provided in point 1 of this article, the Authority informs them, according to point 2 of article 29 of this law, about persons who, in the period defined in article 2 of this law, show up as:
- a) a member or candidate of the Political Bureau, member of the Central Committee of the Albanian Party of Labour, member of the Presidium of the People's Assembly, Chairman of the High Court, General Prosecutor, Chairman of the General Investigative Office, member of the Council of Ministers, START HERE chairman of the branches of internal affairs, member of the Central Commission of Banishment/Internments, investigator, prosecutor, judge in special political proceedings, or a high level employee of former State Security;
  - b) former State Security collaborator, according to the provisions of this law, denouncer in political processes or prosecution witness in special political proceedings, after reaching the age of 18.
  - c) person with data from the former State Security for espionage or terrorism.
3. When the documents contain personal data about other affected persons or third parties, points 4 and 5 of article 20 of this law are applied.

Article 31

**Cooperation with parliamentary investigative commissions**

At their request, the Authority cooperates with and makes information that it has available to parliamentary investigative commissions whose activity makes it necessary for them to learn about and examine the documents administered by it.

Article 32

**Giving information for purposes of investigation, criminal prosecution, adjudication and prevention of crime**

1. At their request, the Authority cooperates with and makes information available to the court, the prosecutor's office and the Judicial Police when that assists investigative activity, criminal prosecution, a fair trial in criminal proceedings or the prevention of crime or the avoidance of a danger to public and national security.
2. For the implementation of point 1 of this article, the rules and procedures provided in this law and in the Code of Criminal Procedure are applied.
3. When the Authority finds information during the exercise of its activity that constitutes a reason to believe that there is a danger of criminal offences or a danger to public security, it notifies the subjects provided in point 1 of this article on its own initiative, without a request.

Article 33

**Giving information for purposes of the intelligence services and security**

1. It is not permitted to make documents that contain personal data about affected persons or third parties available to or to be used by the intelligence services and those of security or in their favour, except for documents that contain data about:
  - a) employees of the intelligence services and those of security, when the use of the data is essential to prevent a danger for those employees or for the intelligence service;
  - b) documents of the former State Security that are related to National Security, when the use of the data is essential for counterespionage and the fight against national and international organised crime.
2. It is permitted to make documents that do not contain personal data about affected persons or third parties available to and to be used by the intelligence services for purposes of fulfilling their legal duties, according to the procedures provided in this chapter and according to the other legal acts in force.

Article 34

**Use of information**

Information related to persons, received in conformity with the provisions of this chapter is used only for the purposes for which it was requested, except when otherwise provided by this law.

Article 35

**Notice to those affected**

1. When the Authority forwards information in conformity with the provisions of article 28 of this law that contains personal data about affected persons, it notifies the latter about the type of information forwarded and the recipient of it.
2. The notification according to point 1 of this article is not done when it has been communicated to the Authority by the requester of the information that notification of the forwarding of the

documents during the period of verification of the documentation would endanger public security or impede law enforcement.

### Section 3

## **Giving information for historical and political purposes and of the media**

### Article 36

#### **Giving information for research and historical purposes**

*(added points 5 and 6 with law no. 114/2020, dated 29.7.2020; added the letters "a" and "b" in point 5 by law 72/2022, dated 20.10.2022)*

1. In the service of researching activity and scientific research, for the purpose of historical reexamination of the activity of the former State Security or of citizen education, the Authority makes available the following documents, on the basis of a request:
  - a) documents that do not contain personal data;
  - b) duplicates of documents in which personal data have been made unreadable;
  - c) documents that contain personal data about the employees, collaborators or favoured persons of the former State Security, for activity in favour of former State Security performed after reaching the age of 18;
  - ç) documents that contain personal data about persons of the history of the time, the holders of political functions, so long as it is a question of information pertaining to their role in the history of the time and of the exercise of functions;
  - d) other documents that contain personal data, if the written approval of the persons affected is submitted;
  - dh) documents that contain personal data about those who are dead, whose death happened at least 10 years previously.
2. Documents that contain personal data are made available only when the lawful interests and rights of the persons mentioned in those documents are not damaged through their use, in conformity with and so long as it is not contrary to the legislation on the protection of personal data.
3. For the publication of personal data obtained according to points 1 and 2 of this article, the legislation in force on the protection of personal data is applicable.
4. In implementation of points 1 and 2 of this article, the Authority makes the affected persons aware, when this is possible, that the data have been made available and takes their possible objections into consideration, evaluating the private interest against the public interest for every case.
5. For the civic education, in order to inform citizens about the documents and the activity of the former State Security in general, and focus on the younger generations in particular, the Authority shall develop activities that help in building civic awareness to reenact the narrative of the past communist time, based on scientific research, within the scope of this law.
  - a) The authority, in the function of its informative activity, cooperates with the national museums of memory, making available to cultural heritage institutions the archival documentation it has and cooperates with them for clarifying the truth of the crimes of communism;
  - b) The authority supports the organization of school visits, encouraged and suggested by Ministry of Education, Sport and Youth, as part of the annual program, to places of memory on historical commemorative days.
6. The Authority for carrying out the activity according to this law, shall have the right to select and contract external experts. The payment of external experts is determined according to the bylaws in force.

Article 37

**Examination of documents**

*(replaced words in point 1 and removed words in points 1 and 2 by law no. 72/2022, dated 20.10.2022)*

1. For purposes of scientific research and citizen education, the documents, in which the names of third parties appear, may be examined in the office of the Authority.
2. At the request of interested persons, when the examination of documents is permitted according to this law, duplicates may be issued, in which the names of third parties have been deleted. The duplicates may not be used by the recipient for purposes other than those for which they were requests nor may they be forwarded to other recipients.

Article 38

**Informing the media**

1. The documents are made available to the media and are used by the media in conformity with articles 36 and 37 of this law.
2. When the publication of personal data obtained according to this law is accompanied by contrary statements of the persons mentioned, those statements are attached to the personal data and are kept, made available and permitted to be published in the future only together with the contrary statements.

Section 4

**Contesting actions of the Commission**

Article 39

**Request for corrections**

1. When requesters of documents according to the definitions of this chapter, as well as persons mentioned in the documents, find that there are inaccuracies in the documents and data made available by the Authority, they make the Authority aware, submitting a request for correction of the data.
2. A request for correction of data contains a clear showing of the inaccurate information, the reasons for assessing this information as inaccurate, an identification of the parts where there is room to make it accurate, as well as the data or documents that prove the claims of inaccuracy and which assist in making the information accurate. When the requester does not have such documents or data, but has knowledge of their location, he makes the Authority aware of that fact.

Article 40

**Corrections**

1. On receipt of a request according to article 39 of this law, the Authority is put in motion to verify the requester's claims.
2. When the claim of inaccuracy is proven from the documents submitted by the requester, according to point 2 of article 39 of this law, or from the research of the Authority, the Authority makes the respective corrections in the document produced by the Authority itself, one copy of which is attached to the original document. In every case, the correction is made with a reasoned decision and may be appealed to the court competent for the trial of administrative cases.

3. The documents corrected according to this article are kept and made available, in the future, together with the respective corrections.

Article 41  
**Judicial appeal**

An appeal is submitted to the court competent for the trial of administrative cases against the refusal of the Authority to respond to a request for information according to this chapter.

**CHAPTER V**  
**FINAL PROVISIONS**

Article 42  
**Administrative infractions**

*(added letters "c" and "d" in point 1 by law no. 72/2022, dated 20.10.2022)*

1. In the meaning of this law, the following violations constitute administrative infractions, when they do not constitute a criminal offence, and are punishable by a fine of from 100,000 (one hundred thousand) to 200,000 (two hundred thousand) lek:
  - a) not making the Authority aware according to the provisions of point 6 of article 13 of this law;
  - b) not delivering documents to the Authority according to the provisions of article 15 of this law.
  - c) non-compliance with the recipient's obligations according to the provisions of point 2, article 37, of this law.
  - ç) refusal or avoidance of the obligation to cooperate according to the provisions of point 1.2, article 5, of this law
2. In finding a violation, taking a decision and determining the amount of the fine for every infraction, the Authority applies the legislation in force for administrative infractions.

Article 43  
**Subordinate legal acts**

1. Within two months from the entry of this law into force, the Council of Ministers approves subordinate legal acts for the transfer to the Authority for administration of the archival materials provided by articles 14 and 15, the manner of their physical preservation as well as the payment tariffs provided by article 35 of this law
2. Within three months from the entry of this law into force, the Authority approves its rules of organisation and functioning, in reliance on the principles provided by article 4 of this law.

Article 44  
**Transitional provision**

*(added points 4 and 5 by law no. 72/2022, dated 20.10.2022)*

1. Within one month from the entry of this law into force, the Assembly elects the members of the Authority.

2. Within two months from the creation of the Authority, the archival network of the Republic of Albania submits information to the Authority and makes available to it the information and documents required by it, according to this law.
3. Within three months from the beginning of functioning of the Authority, the Ministry of the Interior, the Ministry of Defence and the SIS should forward all the archives of former State Security to the Authority for administration.
4. To declassify all documents of the former State Security, Ministry of Internal Affairs of the People's Socialist Republic of Albania provided for in this law for the period November 29, 1944 until the day of creation of the National Intelligence Service, July 2, 1991, which are available from all archives of the archival network of the Republic of Albania.
5. The authority responsible for the collection and administration of the former State Security documents, when during work comes across documents containing information related to the violation of national security, he classifies them according to the legislation in force on classified information.

Article 45

**Repeals**

*(reformulated by law no. 72/2022, dated 20.10.2022)*

Articles 14 and 16 of Law no. 8043, dated 30.11.1995 "On verification of the official figures and other persons related to the protection of the Democratic State", as amended, and any legal provisions that contradict this law are repealed.

Article 46

**Entry into force**

This law enters into force 15 days after publication in the "Official Journal". Approved on 30.4.2015 **Promulgated by decree no. 9113, dated 22.5.2015, of the President of the Republic of Albania, Bujar Nishani.**