

Sensitive and personal data protection



Kaunas Internship - June 2017



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Case Title

Decision of the Commissioner for the Right to Information and Protection of Personal Data regarding the implementation of the law "On the Protection of Personal Data" by the Elbasan Regional Educational Directorate, 2016

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The scope and level of education from which the case is taken

Protecting personal data in primary and secondary education

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Description of the Case

- 1. The Commissioner for the Right to Information and Protection of Personal Data carried out an administrative investigation in July 2016**
- 2. Purpose of the investigation:**
Implementation by Elbasan Regional Educational Directorate of the Law No. 9887, date 10.03.2008 "On the Protection of Personal Data", as amended, and relevant bylaws.

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ADMINISTRATIVE INVESTIGATION FINDINGS

1. The Regional Educational Directorate **had no regulation** regarding the protection of personal data.
2. The Regional Educational Directorate **had not signed the confidentiality agreement** with teachers.
3. Teachers' data such as **ID number**, were **published on the portal** of the Regional directorate (www.darelbasan.arsimi.gov.al)

ADMINISTRATIVE INVESTIGATION FINDINGS

4. The data (the personal files) created by the school psychologists for students with special needs, mental health problems and problematic behavior were **preserved up to 3 years** after students' disconnection from school, but there was **no one procedure how to deal with**.
5. The **results of the tests** conducted with teachers **to evaluate their performance were published** on the Regional Education Directorate portal.

INTERPRETATION OF THE ADMINISTRATIVE INVESTIGATION FINDINGS

1. The abovementioned facts constituted an **administrative violation of Articles 27 and 28 of the Personal Data Protection Law**, as amended.
2. The publication of the unique ID on the regional directorate website **violated the privacy of teachers** who were identified through a code that was attached to the ID.
3. The Commissioner concluded that the identified violations of the personal data security, mainly of students and **teachers were serious and constituted and administrative offence**

The Commissioner's decision

1. The Regional Education directorate **was fined 100.000 Albanian Leks (approximately 800 euros)** for the violation of the obligations stipulated in the article 27 and 28 of the law "On personal data protection."

Other compulsory enforcement measures taken by the commissioner

The regional directorate **SHOULD**:

1. Sign the confidentiality agreement with teachers and other school staff within a period of three months.
2. Create the regulation for the use and protection of the sensitive and personal data and put it into effects within a period of three months
3. Discontinue the practice of recording (storing) sensitive information related to the problematic behavior and special needs students

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Other compulsory enforcement measures taken by the commissioner

1. Abolish the practice of publishing personal information such as personal ID , on the portal of regional directory
2. Put and end to the practice of publishing the results of tests used to evaluate teachers' performance on the portal of Regional Directory
3. Set the terms and deadlines for keeping sensitive personal data related to the problematic behavior, mental health problems and special needs students

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Reference

• **Source: Decision 44 of the Commissioner for the Right to Information and Protection of Personal Data, date 29.07.2016.**

• <http://www.idp.al/hetimi-administrativ-vendime/>

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- Degradation ceremony a process that serves to lower a person social status within a group for the purpose of shaming that person for violating norms, rules or laws
- The parliament passes the laws but this laws should be put into effects by creating and enforcing regulations because the laws often do not include all the details needed to explain how an individual might follow the law.

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