

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

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

Protecting personal data in primary and secondary education

Description of the Case Problem

The Commissioner for the Right to Information and Protection of Personal Data undertakes the administrative investigation process for the Elbasan Regional Educational Directorate in July 2016 with the subject: Implementation by Elbasan Regional Educational Directorate of Law No. 9887, date 10.03.2008 "On the Protection of Personal Data", as amended, and relevant bylaws.

Findings from the administrative investigation carried out in the Elbasan RED

1. The RED has no regulation regarding the protection of personal data.
2. The RED does not apply for the teachers the "Confidentiality Statement".
3. On the portal www.darelbasan.arsimi.gov.al, are published the applicants' data such as ID number, and the personal identification number etc.
4. It is noted that personal files created by the gymnasium school psychologists for students with disabilities or behavioral disorders are preserved up to 3 years after disconnection from school, but this procedure is not specified in the regulation.
5. It is noted that the Elbasan RED administers only one official e-mail address and all employees communicate via personal email to each other.
6. The RED publishes the teachers' test results on the RED portal.

The above facts constitute an administrative violation of Articles 27 and 28 of the Personal Data Protection Law, as amended.

Viewed from the perspective of the investigation team, the publication of the unique ID on the RED website violates the privacy of teachers who are identified through a code that is attached to the ID.

At the end of the administrative investigation, a report was prepared which was read to the RED representatives who did not present any claims.

The Commissioner concluded that the identified violations are serious as they relate to the violation of the personal data security, mainly of students and teachers, and constitute an administrative offense.

The Commissioner's decision

1. The imposition of a fine of 50.000 lekë for the Elbasan RED for the violation of the obligation stipulated in Article 27 of Law no. No. 9887, date 10.03.2008 "On the Protection of Personal Data", as amended.
2. The imposition of a fine of 50.000 lekë for the Elbasan RED for the violation of the obligation stipulated in Article 28 of Law no. No. 9887, date 10.03.2008 "On the Protection of Personal Data", as amended.
3. The RED should equip the teachers with the Confidentiality Statement and should formulate a Regulation for the Protection of Personal Data within a period of three months.
4. The RED should set the terms of keeping sensitive personal data for students with social problems, students with mental health problems and problematic behavioral students.
5. The RED should not store sensitive data.
6. The RED should not to publish the teachers' personal ID.

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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