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Recently the Office of the Commissioner for the Right to Information and Personal Data Protection (hereinafter referred to as the “*Commissioner*”) has published the report “*Proactive Transparency Index of 61 local self-government units*” (hereinafter referred to as the “*Report*”). The Report has been published after monitoring the Transparency Programs of the Albanian municipalities for 2020.

The findings of this monitoring and index aim not only to encourage local self-government units to increase the level of transparency through proactive publication of information, but also to serve as a reference before the decision of the Commissioner in compliance with legal provisions.

*Some of the most important aspects of the Report are as follow:*

➤ **The right to information**

The right to information is the citizens’ right to have access to official documents and the obligation of public authorities to fulfill this right without seeking motives. The right to information is a right sanctioned in the Constitution of the Republic of Albania, which after the approval of law No. 119/2014 “*On the right to information*” has brought a greater legal guarantee for citizens' access to information and appropriate conditions of proactive transparency to exercise their rights.

One of the innovations of Law no. 119/2014 “*On the right to information*” is the preparation and approval of transparency

programs according to the Model approved by the Commissioner. Through the Transparency Program, which is published on the official website, municipalities make available to citizens a wide range of information, ways and deadlines for their publication, as well as procedures to access and use them.

One of the important phases in ensuring transparency at the local level is the monitoring of the implementation of the Transparency Program. Monitoring allows to assess the level of transparency at the municipal level. The Commissioner, which oversees compliance with the provisions of

the law on the right to information and in cases where their non-compliance is observed, assesses the offense and decides on the relevant administrative measure.

The Commissioner in cooperation with UNDP Albania has conducted the first monitoring of the implementation of the Transparency Model Program for local self-government units during September 2019 and the results of this report have been sent to all municipalities. At the end of 2019, the Office of the Commissioner conducted a second monitoring noting that 57 out of 61 municipalities had approved the Transparency Model Program.



### ➤ Proactive transparency

Proactive transparency through the publication of information in the Transparency Program requires a commitment of public institutions to update and supplement it with information on an ongoing basis. For this reason, the monitoring of the transparency of local self-government units is performed on an annual basis, thus facilitating the performance of comparative analyzes in the future. During 2020, the Commissioner has again monitored the implementation of the Transparency Model Program, but this time bringing a new methodology which allows

comparison between 61 local self-government units and clearly and concisely identifies the biggest shortcomings of those units of local self-government which have not fulfilled the legal obligations arising from Law No. 119/2014 “*On the right to information*” and Decision of the Council of Ministers 145/2018 “*On the establishment of the state database of the Electronic Register of Requests and Responses for the Right to Information*”.

### ➤ Transparency Measurement System

The Transparency Measurement System includes 4 transparency indicators in order to measure and report periodically the level of transparency of each municipality. Such a system mainly serves the Commissioner as a basis for monitoring the functional level of transparency of each municipality, in order to identify progress, strengths and weaknesses. This report also serves as a reference before the decision of the Commissioner in compliance with legal provisions.

*The first indicator is the Publication of the Transparency Model Program for Local Self-Government Units. The second indicator is the Publication of the Register of Requests and Responses updated during 2020. The third one is the publication of the name and surname of the Coordinator for the Right to Information and the fourth indicator is the installment of the Electronic Register of Requests and Responses for the Right to Information.*

### ➤ Findings of the Report

In conclusion of monitoring the Proactive Transparency of Local Self-Government Units the Commissioner has noticed that compared to 2019 there is a decrease in proactive transparency, especially in the first

3 indicators of the methodology and specifically, in terms of "*publication of the Transparency Model Program*", "*Updating the register of requests and responses for 2020*" and "*publishing the data of the coordinator for the right to information*". Regarding the fourth indicator, the "*Electronic Register of Requests and Responses for the Right to Information*", it is the only indicator that has seen an increase.

The results of this monitoring show that there are 49 Local Self-Government Units that have published the Transparency Model Program (even if formally) according to Order No. 211, dated 10.09.2018 "*On the Approval of the Transparency Model Program for Local Self-Government Units*", which is mandatory for 61 municipalities in the country. Compared to a year ago, there were 57 local self-government units that reported to the Office of the Commissioner for the approval of the Transparency Model Program. Regarding the register of requests and responses, the monitoring records with positive points only those cases when the register was updated during 2020. The total number of local self-government units that have updated the register of requests and responses is 26, which is slightly more than 42% of local self-government units that have implemented the legal obligation to update the register of requests and responses. Regarding the data of the coordinators for the right to information, it results that 37 of the local self-government units, i.e. a little more than 60% of them have published and updated the data of the coordinators for the right to information. Meanwhile, 26 local self-

government units have installed and become part of the Electronic Register of Requests and Responses for the Right to Information compared to 7 local self-government units that had installed it at the end of 2019.



Regarding the indexation of proactive transparency between local self-government units, according to the monitoring it results that 3 local self-government units have "*Negative Proactive Transparency*", 18 local self-government units have Insufficient Proactive Transparency, 27 local self-government units have Minimum Proactive Transparency, as well as 13 local self-government units have "*Functional Proactive Transparency*".

*The results speak for themselves and unfortunately such a low level of transparency is clearly an indicator of the insufficient implementation of the right to information in Albania.*



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[contact@mujalaw.com](mailto:contact@mujalaw.com)

**Muja Law Office**

Rr. "Ibrahim Tukeqi", Nr.2  
1057 Tirana  
Albania  
Mob: +355 69 28 28 562  
Web: [www.mujalaw.com](http://www.mujalaw.com)

**Muja Law** is a family-run law office where we work hard for the success of our clients and to provide excellence in legal service. Our roots go back to 2001 when our Managing Partner, Krenare Muja (Sheqeraku), opened her law practice office in Tirana, Albania. Krenare's son Eno joined her in 2014, and the other son Adi entered the practice in 2019. What started in Tirana as a small, family-run law office has grown and flourished in the community for the last 20 years. The office consists of various respected and talented lawyers who possess outstanding educational and community service backgrounds and have a wealth of experience in representing a diverse client base in various areas of the law.

The office is full-service and advises clients on all areas of civil, commercial and administrative law. With significant industry expertise, we strive to provide our clients with practical business driven advice that is clear and straight to the point, constantly up to date, not only with the frequent legislative changes in Albania, but also the developments of international legal practice and domestic case law. The office delivers services to clients in major industries, banks and financial institutions, as well as to companies engaged in insurance, construction, energy and utilities, entertainment and media, mining, oil and gas, professional services, real estate, technology, telecommunications, tourism, transport, infrastructure and consumer goods. In our law office, we also like to help our clients with mediation services, as an alternative dispute resolution method to their problems.

While we have grown over the past 20 years and become recognized as one of Albania's leading law offices, we are grounded in the essence of "who" we are and "where" we started. We understand the importance of family, hard-work, and dedication.

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