Authority:
Information and Data Protection Commissioner

Country/State:
Albania

Case title:
Audit Report of the Central Bank

Official citation:
Decision no. 21/2024

Date of decision:
2024

Relevant law:
State Secret Law, On the organization and functioning of the Supreme State Audit Office;

Decision:

The public authority should implement the procedure to classify this document as "*state secret*" information. The audit report is not considered a classified information on the level of state secret.

The authority should provide the applicant with access to information.

Key words:
Principles of right to information, audit report, central bank, classified information

Case Summary:
1. Facts

The requester asked the Supreme State Audit Office (Public Entity) for a copy of the audit report conducted by the Supreme State Audit Office at the Bank of Albania for 2017.

The Public entity answer: The authority stated that the report is considered confidential classified as "state secret" due to the information it contains.

The requester lodged an appeal to the Commissioner, stating that he was dissatisfied with the outcome of the authority's review because:

1. The public authority has not the right to classify documents, based on the Law no. 154/2014 "On the organization and functioning of the Supreme State Audit Office".
2. Audit results of the Supreme State Audit Office are not classified as state secrets.

The public authority has refused to share with the requester any findings or points of this report.

2. Decision

The Commissioner decided to initiate an administrative investigation.
The inspection team, examined the requested documentation, in accordance with the relevant law and it resulted that the information was not classified as “*state secret*”.
In this context, the Commissioner referred to letter "a" of point 1 of article 2 of the Law no.119/2014 ”On *the Right to Information*”, as amended, which provides that Public Authorities are therefore obliged to guarantee the public's knowledge of information.
The Commissioner referred that the public authority has not implemented the procedure to classify this document as “*state secret*” information.
In conclusion, the Commissioner also referred on point 2 of Article 2 and on point 6 of Article 17 and stated that the audit report is not considered a classified information on the level of state secret.

Note (Optional):

Resource:
Link to the resolution: Decision no. 21/2024| Information and Data Protection Commissioner

https://idp.al/wp-content/uploads/2024/10/Vendim-urdherimi-nr.21-2024.pdf