

Authority:

Information and Data Protection Commissioner

Country/State:

Albania

Case title:

Access to the Minutes of the Security Council Meeting on the Gerdec Incident

Official citation:

Decision no. 4/2024

Date of decision:

2024

Relevant law:

The Right to Information Law, State Secret Law, Decision of the Council of Ministers "On the approval of the regulation for the declassification and devaluing of classified information 'state secret'";

Decision:

The Commissioner concluded that, although in principle the requested minutes constitute public information under Law no. 119/2014, access is lawfully restricted on the grounds of national security. The minutes remain classified as "top secret" and excluded from declassification.

Key words:

Right to information, national security, exemptions, state secret, Security Council.

Case Summary:**1. Facts**

The requester asked for a copy of the minutes of the Security Council meeting dated 21 March 2008, concerning the Gerdec incident (a massive explosion in a military depot that caused the death of 26 citizens).

The public authority responded that the document was classified as "state secret information" and could not be provided.

The requester appealed to the Commissioner, arguing that:

1. No evidentiary document was provided to prove the "state secret" classification.
2. The law on classification had not been correctly applied.
3. The public authority did not justify what damage disclosure would cause.

2. Decision

The Commissioner reviewed the case and referred to Decision no. 3280/2, dated 28.07.2023 of the President of the Republic of Albania, classifying the minutes as “top secret.”

Further, the Commission for Declassification decided to exclude this document from declassification under Decision no. 662, dated 15.11.2017.

Based on these grounds, the Commissioner concluded that while the document falls under the general scope of public information, access is limited pursuant to Article 17(2)(a) of Law no. 119/2014 on the grounds of national security.

Note (Optional):

Resource:

This case illustrates the balance between the principle of the right to information and national security exemptions.

Link to the resolution: Decision no. 4/2024 | Information and Data Protection Commissioner

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