

(Non official translation)

**REPUBLIC OF ALBANIA
ASSEMBLY**

DRAFT LAW

No _____ dated _____

ON CENSUS OF POPULATION AND HOUSING

Pursuant to the Articles 78 and 83 of the Constitution, based upon the proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED:

**CHAPTER I
GENERAL PROVISIONS**

Article 1

The object of the law

This law provides for the organisation and execution of the population and housing census in the territory of the Republic of Albania, pursuant to the Article 3 of the Law no 17/2018 “On official statistics”.

Article 2

The aim of the Census

1. The census aims to provide the Parliament, the Government, the local authorities, the economic, scientific and cultural organisations, as well as the whole civil society, with reliable statistical information that is needed for planning and implementing general policies of development, for private and public analysis and decision making, for scientific research and, in general, for improving the citizens’ knowledge and understanding of the demographic, economic and social reality of the country.

2. The census provides information on:
- a) the number and the geographical distribution of the resident population;
 - b) the demographic structure and main characteristics of the population;
 - c) the number, the geographical distribution and the structure of dwellings and buildings used for housing purposes;
 - ç) the housing conditions of the population.

Article 3 **Definitions**

In the meaning of this law, the terms below shall be understood as follows:

a) “Population” shall mean the national, regional and local population at its usual residence at the reference date.

b) “Building” shall mean permanent structure that contain housings designed for human habitation or that are reserved for seasonal or secondary use, or that are vacant.

c) “Dwelling” shall mean a separate and independent place of abode either intended for habitation by a single household whether or not it is occupied at the moment of the Census, or not intended for habitation but is used as a place of abode at the moment of the Census.

ç) “Usual residence” shall mean the place where a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage.

The following persons alone shall be considered to be usual residents of the geographical area in question:

(i) those who have lived in their place of usual residence for a continuous period of at least 12 months before the reference date; or

(ii) those who arrived in their place of usual residence during the 12 months before the reference date with the intention of staying there for at least one year.

Where the circumstances described in point (i) or (ii) cannot be established, ‘usual residence’ shall mean the place of legal or registered residence;

d) “Household” shall mean a person living alone, or a group of persons who live together in the whole or part of a dwelling and who share food and other essentials for living

dh) “Collective living quarters” shall mean premises which are designed for common habitation by groups of individuals or several households and which are used as the place of abode of at least one person at the moment of the Census.

e) “Census” shall mean the collection of information by means of questionnaires, and the processing of such information, so as to provide a complete count of all

individuals, households, dwellings and buildings used for residential purposes within the territory of the Republic of Albania, at a single point in time, and the production of statistics relating to the demographic, economic and social characteristics of the population of Albania.

ë) "Census day" shall mean the first day of the beginning of the period of enumeration.

f) "Census moment" shall mean the 00.00 hrs of the midnight that precedes the census day.

g) "Enumeration" shall mean the process of collecting the census information in respect of in a given territory over a specified period of time by means of interviews conducted by field staff and carried out through the completion of questionnaires in respect of each building, dwelling, household and individual in that territory.

gj) "Period of enumeration" shall mean the period of time in which data may be collected from the public by census field staff.

h) "INSTAT" shall mean the Institute of Statistics in Albania and is the executive authority responsible for the planning, implementation and management of the Census.

i) "Personal data" shall mean any information defined under legislation on protection of personal data.

j) "Refusal", shall mean the refusal or rejection of the persons defined in paragraph 1 of Article 5 of this Law for the provision of the information required in the census questionnaires.

Article 4

Census questionnaire

1. The census questionnaire is the instrument drafted by INSTAT and reflected in the annual plan, according to Article 9 of Law No.17 / 2018, "On official statistics", which contains mandatory questions and requests for the collection of the information necessary for the production of population and housing official statistics.

2. The census questionnaire may contain questions about the ethnic group, religion and languages whose responses are based on the free and non-mandatory declaration of the individual. These questions shall contain the answer option for the respondent "I prefer not to answer".

Article 5

Obligation to respond

1. All adult people, with Albanian or foreign citizenship, and stateless persons, but excluding foreign diplomatic personnel accredited to Albania, who at the census

moment are living within the territory of the Republic of Albania, shall be required to provide the information requested in the census questionnaires.

2. The persons mentioned in paragraph 1 of this Article shall be responsible for providing that information:

- a) completely,
- b) accurately and reliably.

3. In order to fulfill the obligation to provide the required information, persons with disabilities should be provided with the necessary access, according to the type of disability.

4. The persons referred to in paragraph 1 of this Article, charged to provide the information required in the census questionnaire have the right to be informed by INSTAT of:

- a) the aim and purpose of the census;
- b) the rights and obligations related to the provision of the required information;
- c) mandatory questions to provide information and non-mandatory questions;
- ç) measures taken by INSTAT to ensure statistical confidentiality.

Article 6

The authority for the census

1. The census shall be organised and carried out by the Institute of Statistics (INSTAT), under support of the Central Commission for the Census and of the Census Offices in Municipalities. The competencies of these bodies are determined in Chapter II of this law.

2. The Central Census Commission and the Census Offices, bodies established under the provisions of this Law, have a supporting function for INSTAT to facilitate the work on the successful conduct of the Census, and exercise their activity up to one month after completion of data collection on the ground.

Article 7

Census day and the period of the data collection

The date of the census day and the period of the enumeration shall be determined in the annual plan for the implementation of Official Statistics Program, under the provisions of Articles 9 and 10 of the Law no. 17/2018 “On official statistics”.

Article 8

Categories of data and their use

1. The data collected by the census shall be categorized into:
 - a) identification and personal data of individuals and households; and
 - b) identification and structural data of buildings, dwellings, collective living quarters.
2. The data collected by census shall be used only for statistical purposes, in accordance with the law No. 17/2018 "On official statistics", and taking account the standards and recommendations of Eurostat and United Nations regarding censuses.
3. The data collected by census shall not be used for any electoral list or to update any civil registry or other administrative register.

Article 9

Data protection and confidentiality

1. The confidentiality of the data collected by the census is protected by the provisions of Article 31 of the Law no. 17/2018 "On official statistics".
2. Any person or public authority who, through involvement in the census operation, holds or has knowledge of any personal data, is subject to the confidentiality obligation put on them in accordance with the Law No. 17/2018 "On official statistics", and the legislation on the protection of personal data.
3. It shall be considered a breach of such an obligation to the confidentiality referred to in paragraph 2 of this Article, if any person does not continue to preserve the confidentiality of such personal data after that person has terminated any involvement with the Census.
4. INSTAT shall take all appropriate technical, organizational and security measures to prevent unauthorized access to installations where personal census data are held, processed or conserved, and to protect them from unlawful destruction, accidental, accidental losses or any other form of unlawful processing.
5. INSTAT, shall treat the collected, processed and stored census data as strictly confidential when they allow individuals and other statistical units to be identified directly or indirectly.
6. INSTAT shall take the appropriate measures to ensure the accuracy and reliability of census data. When data processing is made by INSTAT in a manner that involves the direct identification, such data shall be encrypted.
7. INSTAT shall store the collected census data in accordance with Article 32 of the Law no. 17/2018 "On official statistics".

Article 10

The results of the census

The statistical results of the census are a common good of the whole of Albanian society and shall be disseminated in accordance with the following conditions:

a) INSTAT shall publish the provisional and final results of the census on a scientific and professional basis;

b) The statistical results, as specified in paragraph (a) of this Article, shall be published at the national and local level and may be published at other levels of geography, in such a way as to ensure that they are presented in a form that precludes direct or indirect identification of an individual person or household.

c) INSTAT shall publish the census results only in a form that precludes the direct or indirect identification of individuals and other statistical units.

ç) For scientific and research purposes, the access to confidential data may be granted under the conditions of Article 31 (7) of the Law no. 17/2018 “On official statistics”.

CHAPTER II

COMPOSITION, RESPONSIBILITIES AND RELATIONS OF THE BODIES IN CHARGE OF THE CENSUS

Article 11

Composition of the Central Commission of the Census

1. The Central Census Commission is chaired by General Director of INSTAT and composed by following members:

- Minister of Finances and Economy;
- Minister of Interior;
- Minister of Infrastructure and Energy;
- Minister of Europe and Foreign Affairs;
- Minister of Justice;
- Minister of Protection;
- Minister of Education, Sport and Youth;
- Minister of Health and Social Protection;
- Minister of Agriculture and Rural Development;
- Minister of Tourism and Environment;
- Minister of Culture;
- Minister of State for Diaspora;
- Minister of State for the Protection of Entrepreneurship;
- Director of Social Statistics Directory in INSTAT;
- General Director of ALUIZN;
- Head of Immovable Property Registration Office;

- General Director of Social Insurance Institute;
 - Dean of Economic Faculty, University of Tirana;
 - Three specialists from academic world, respectively in the field of geography, informatics and demography;
 - Head of Department for the Development and Good governance in Prime Ministry;
 - Commissioner for the Right of Information and Protection of Personal Data;
 - Head of National Minorities Committee.
2. Representatives of the academic world are directly selected from the academic staff of the University of Tirana and are appointed by the Rector of this University within 5 days from the submission of the request by INSTAT.

Article 12

Responsibilities of the Central Commission of the Census

1. The Central Commission of the Census, following “Commission”, is established to support the preparation and implementation of the census of population and housing.
2. The Central Census Commission has the following responsibilities:
 - a) Compile and approve the regulation of the Central Commission of the Census;
 - b) Follows the preparation and execution of the census and support INSTAT on providing the statistical data, expected by public authorities, scientific organisations, and civil society;
 - c) Facilitate the co-ordination of work between Ministries, central bodies and the scientific organisations in support of the census;
 - ç) Approve the calendar of activities for the preparation and execution of the census, in accordance with the annual plan, pursuant to the Articles 9 and 10 of the Law no. 17/2018 “On official statistics”;
 - d) It examines any request submitted in connection with the approval for collecting the information from the public over a period of 6 weeks prior to the day of the census and during the period of collecting the census data in accordance with Article 21 of this law.

Article 13

Function of the Central Census Commission

1. The Commission shall convene not less than once a month until the end of the calendar of activities for the preparation and implementation of the Census. In the absence of the chair of the Commission, the meeting is chaired by the Minister of Interior.

2. INSTAT is charged to cover the duties of the Secretariat of the Commission and has the following tasks:

- a) Notifies the members of the Commission for the next meeting;
- b) Holds the minutes of the meeting;
- c) Prepare basic collection documentation, at least 5 days before the date of the meeting.

3. The Central Census Commission shall hold its first meeting no later than four months after the entry into force of this law.

Article 14

Responsibilities of INSTAT

1. INSTAT shall have the following competencies:

a) Compile the programme of work, define the methodologies, select and procure the appropriate technological hardware and software programmes, design the questionnaire, acquire appropriate facilities, issue the necessary instructions, prepare a field staff instruction manual, and conduct the necessary preliminaries for the preparation and execution of the census on professional and scientific basis;

b) Manage the human and financial resources provided for the census and report to the Central Commission and to any international donors on the use of these resources;

c) Inform the relevant government authorities and public institutions, on the steps that should be taken for the census;

ç) Instruct the Census Offices in the Municipalities on the duties required of them to support the census;

d) Appoint INSTAT's representatives as members of Census Office in the Municipalities;

dh) Conduct a public information campaign in accordance with Article 19 of this Law;

e) Undertake the recruitment, selection, training and appointment of field staff with support, as necessary, from the Census Offices in the Municipalities.

ë) Manage the census enumeration and capture the data collected by field staff;

f) Process the data collected in the Census and take all such measures as are necessary to protect the confidentiality of the data in accordance with the provisions of Article 8 of this Law;

g) Present and publish the preliminary and final results in accordance with Article 10 of this Law;

gj) Report to the Central Commission of the Census on the progress of the census activities;

h) Undertake the duties of the Secretariat of the Central Commission of the Census.

2. INSTAT may undertake any other activity as necessary to carry out the Census, when necessary.

Article 15

Census Offices in the Municipalities

1. Census Offices shall be established in each municipality, within the territory of the Republic of Albania, established pursuant to Law no.115/2014 "On the administrative-territorial division of the units of local self-government in the Republic of Albania".

For the Tirana Administrative Unit, the census offices are established in each municipal unit.

2. The Census Office shall follow the instructions and guidelines of INSTAT, provide data, facilities and other assistance to census staff within the territory of the Municipality, and take all other necessary measures for ensuring the successful operation of the census enumeration within that territory.

3. The Census Offices shall function up to one month after finishing the process of data collection.

Article 16

The composition of the census office

1. The Censuses Office is headed by the mayor, has the deputy chairman the representative of regional office of INSTAT and consists of the following members:

- Censor Supervisor;
- Head of the Civil Status Office;
- Head of the social services structure in the municipality;
- Head of the Urbanization Planning Office;
- Representative of the State Police.

2. The census office in the Tirana municipal units has this composition:

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|--------------------------------------|------------------|
| - Administrator of Municipality Unit | Chairman; |
| - Representative of INSTAT | deputy chairman; |
| - Censor Supervisor | member; |
| - Head of the Civil Status Office | member; |

- Representative of the State Police in the respective territory member.

Article 17

Responsibilities of the Census Office

1. The duties and responsibilities of the census office are:

- a) Supports INSTAT in organizing and conducting preparatory work in enumeration areas, within the respective jurisdiction of the administrative unit;
- b) Assist INSTAT in the preparation and dissemination of materials to be used during the information campaign;
- c) Provide the necessary facilities to facilitate the training of the staff of the census and the coordination of work among the interviewers, auditors, supervisors and IT specialists during the data collection period;
- ç) Report to INSTAT the performance of the duties provided for in letters "a", "b" and "c" of this article:
 - i. once a week, during the preparatory phase of the test;
 - ii. every day, during the data collection period.

Article 18

Functioning of the census office and meetings

1. The Censuses Office is led by the representative of the INSTAT regional office:

- a) in the absence of the head of the census office;
- b) when, based on the periodic reports referred to in Article 17, point d, of this Law, submitted to the Central Census Commission, it is assessed by this Commission that the obligations of the head of the Census Office have not been met to carry out the duties of defined in this law;
- c) when the mayor or the administrator of a municipal unit is not mandated in this function.

2. In the meeting of Census Office shall participate only its members, except the cases when Chairman have invited others, according to the cases under discussion as follows:

- a) specialists of institutions at the regional or local level who are not represented in the census office;
- b) experts or other staff of INSTAT, committed to the census.

3. Census meetings take place when more than half of its members are present.
4. Meetings should be held, at least once a month, except when it is necessary for the census office to convene more frequently.
5. The Chairman should make available to the members of the Census Office the documentation of the matter to be considered at the Census Office's meeting according to the agenda.
6. The announcement for the meeting and the agenda according to point 5 of this Article shall be signed by the Chairman and, in his absence, by the deputy chairman.
7. The agenda and the documentation of the issues for discussion are proposed by INSTAT.
8. The Chairman and, in his absence, the deputy chairman, after considering the proposal for the agenda and the submitted documentation, decides the date of collection of the census office, which in no case may be later than 3 days from the date of submission of the request by INSTAT, as defined in point 7 of this Article.
9. The Census Office may, on specific issues, establish working groups that make assessments, remarks and recommendations on matters within their competence, in accordance with the duties defined in this law.
10. Decisions in the Census Office shall be taken by majority vote of the members and, if they are equal, the vote of the Chairman prevails.
11. Decisions of the census office are signed by the Chairperson and the secretary in charge by the head of the census office. The minutes of the meeting are signed by all members present.

CHAPTER III CENSUS PROCEDURES

Article 19 Information campaign

1. The aims and procedures of the census, and the legal obligations related to it, shall be made public through the media and by means of a broad information campaign, conducted by INSTAT.
2. The information campaign shall start at least eight weeks before census day, and shall conclude with the release of the final results of the census.

Article 20 Census staff

1. Census staff shall comprise:
 - a) Census field staff who shall comprise:

- (i) Enumerators, who, equipped with a distinctive form of official identification, shall visit every dwelling within their assigned enumeration area to interview inhabitants, and complete the census questionnaires accurately;
- (ii) Controllers, who shall control, support and report on the work of a number of enumerators;
- (iii) Supervisors, who shall manage, support and report on the work of a number of controllers; and
- (iv) IT Support Officers, who shall support the field staff in the provision and maintenance of any information technology equipment deployed during the field operation.
- (v) GIS Support Specialists, who shall support the field staff in the geocoding of the collected in the census data through the use of GIS technology.

b) Other census staff who shall comprise:

- (i) Trainers who shall train the field staff to undertake their duties;
- (ii) Operators, who shall enter the data into the computerised systems;
- (iii) Managerial staff who shall organise and conduct the preparation, field operation, logistics, and administration of the census;
- (iv) Statisticians, demographers and other staff, who process the data, analyse and report on the data, and issue the statistical results of the census.

2. INSTAT shall establish the criteria, and set up ad-hoc commissions for the recruitment, selection and appointment of census staff.

Article 21

Prohibition of similar data collections

1. During the period of time six weeks prior to Census day, and the period of the data collection, it shall be prohibited for any individual or organisation to collect data from the public within the territory of the Republic of Albania except under the provision of paragraph 2 of this Article.

2. Any individual or organisation to which paragraph 1 refers, who during the period of time six weeks prior to Census day, and the period of the data collection, intends to collect data on persons, households or dwellings, or on private commercial activities, shall request a special authorisation to do so from the Central Commission of the Census.

CHAPTER IV

ADMINISTRATIVE CONTRAVENTIONS

Article 22

Contraventions

1. The following violations constitute an administrative offense and are punishable, respectively, as follows:

a) Refusal to provide the information required under Article 5 of this Law or the provision of false information, in a fine, from 50 000 (fifty thousand) to 100 000 (one hundred thousand) ALL;

Refusal to provide information on the individual's will based on paragraph 2 of Article 4 of this law does not constitute an administrative contravention.

b) Failure to comply with the confidentiality rules set forth in Article 9 of the law by the person/ persons responsible with a fine from 10 000 (ten thousand) to 50 000 (fifty thousand) ALL;

c) Contravention of the provisions specified in the Article 21 of this law, by the responsible person/persons, shall be punishable with a fine of 50,000 (fifty thousand) to 100 000 (hundred thousand) ALL.

2. For any administrative investigation of the contraventions prescribed in this Article, INSTAT has the right to consult state databases in the Republic of Albania, in accordance with the legislation into force.

Article 23

The evaluation of administrative contraventions

1. INSTAT shall be responsible for the review of any document that certifies the administrative contraventions, in accordance with Article 22 of this Law, the setting and execution of fines, applies the procedures in accordance with Law no. 10 279, dated 20.5.2010 "On administrative infringements".

2. INSTAT shall be responsible for ascertainment of administrative contraventions in accordance with Article 9 of this law and refer the case at the Commissioner for Personal Data Protection and the Right of Information.

Article 24

Claims against the sanction for administrative contraventions

1. A claim against any decision of INSTAT, to impose a fine, according point 1, letters "a" and "c" of Article 22 of this law, may be submitted to the Central Census Commission, within 10 days of the declaration of that decision.

2. A claim against any decision of the Central Census Commission, pursuant to paragraph 1 of this Article, may be submitted at the Court within 45 days of the declaration of that decision.

CHAPTER V
FINAL PROVISIONS

Article 25

The Law no. 8669, dated 26.10.2000 “On Population and Housing Census”, as amended, shall be repealed.

Article 26

This law comes into force 15 days after its publication in the *Official Journal*.

S P E A K E R

GRAMOZ RUÇI