



REPUBLIC OF ALBANIA
ENERGY REGULATORY AUTHORITY

**RULES
ON THE PROTECTION OF CONFIDENTIAL
INFORMATION**

CHAPTER I

GENERAL PROVISIONS

**Article 1
Authority**

This regulation is drafted in conformity with the provision of articles 16 and 46 of Law no. 43/2015 “*On Power Sector*” and articles 20 and 41 point 1 letter “e” of Law no. 102/2015, “*On Natural Gas Sector*”. ERE approved the rules of practice and procedure, that regulate its proceedings for natural gas sector, including the handling of confidential information.

**Article 2
Object**

1. This Regulation shall define the general principles and the organizational and technical measures for the protection, maintenance, safety, administration and destruction of confidential information
2. This regulation describes the concept and types of confidentiality, as well as the measures and procedures for the identification, usage, and protection of confidential information possessed by ERE.
3. Protection measures and the procedures for the protection of confidential information, defined by this regulation are obligatory for anyone that uses the information or documents classified as confidential.

**Article 3
Used terms**

The terms used on these rules shall have the same meaning as those referred on Law no. 102/2015 “*On natural gas sector*” and Law no. 43/2015, “*On Power Sector*” , Law no. 9887, dated 10.03.2008, “*On the protection of personal data*” as amended, Law no. 9154, dated

Article 4
Types of confidential
information

1. The confidential information shall be considered as follows:
 - a. the information identified as confidential by ERE, from natural and legal persons during the procedures under ERE authority accepted by ERE as such.
 - b. the information that is defined by law or other regulations as confidential.
 - c. the information classified as confidential with an international legal document.
 - d. information that by its nature, does not have confidentiality character, but by being connected with other information, the information is as such that shall be protected.
 - e. the information classified as confidential by another public, administrative or legal institution.

CHAPTER II
THE MEASURES AND PROCEDURES TO PROTECT THE
CONFIDENTIAL INFORMATION

Article 5
General rules and basic principles

1. All confidential documents and the printed or electronic information, recorded ones, shall be on closed envelopes with the "CONFIDENTIAL" mark in a visible place, being recorded in a special protocol book.
2. They shall be archived in a special way and be stored on closed lockers at ERE premises with limited access.
3. Documents and information declared by ERE as official secret, except of the "CONFIDENTIAL" notification shall also contain "OFFICIAL SECRET" mark.
4. The information and the document, the confidentiality of which is defined by an authorized person of another authority or institution, is processed and used without changing the type, level and duration of confidentiality.
5. The documents attached to the confidential information are also confidential when this is defined on the request of the company.
6. Electronic documents containing confidential information and the basis of the electronic data shall be ensured with the appropriate password by unauthorized access.
7. Identification of the documents and ERE confidential information, shall be with special ERE Board decision.

Article 6
Handling of confidential
information

1. ERE takes appropriate organizational and technical measures to protect the

documentation containing confidential information from the illegal, accidental destructions, accidental losses to protect the access or distribution from unauthorized persons, especially when the process of the data shall be on the grid as well as any other illegal form of processing.

Article 7

Remarks on the Confidential Document

1. The registration of confidential documents on ERE protocol book shall be performed according to the method defined in the legislation for the archival activity in Albania.
2. On each case the movement, recognition, communication, delivery and other activities for the confidential documentation, shall be recorded by the Archive Employee, these records include: the name and function of the person or the name of the bodies, structures of which are communicated or issued the information and confidential information, which are the communicated information and documents, where and for what purpose are communicated as well as other necessary information.

Article 8

Destruction of the confidential information

1. Destruction of the confidential information is performed by a commission, to ensure that the confidential information shall not be disclosed and on any case shall be kept the Destruction Minutes.
2. The Chairman appoints the commission and the way of destroying the confidential documentation.
3. The commission composed of 3 persons shall have:
 - a) one protocol-archive employee,
 - b) one representative from the Legal Department
 - c) one representative of the organic structure of the institution, which had or may have access to the confidential information.

Article 9

Unauthorized access to the confidential information

1. In the event of discovery or disappearance of the materials containing confidential information, the person that has learned this shall inform without delay the responsible person at ERE or/and ERE chairman which shall take the necessary measures to eliminate the unfavorable consequences and define the reasons which have affected in discovering or disappearance of the confidential documentation and information.
2. For the discovered documents and their missing and the confidential information shall be registered in a minute.
2. ERE may not permit the inspection or their use by other persons and neither make declarations regarding these documents and information without the authorization of the head of the institution.
3. ERE staff that works with the conception, creation, the writing and copy of the documents and confidential information, shall save these documents including the

protection of the document and other materials in the computer and shall take the measures not to affect the safety and content of these documents and information. The copying of confidential document and information may be only after prior written approval of the head of the institution where each copy, transcript and others is marked with the respective series number from the Archive employee.

4. ERE takes special safety measures:
 - a. Defines the functions between organizational structures to use the data;
 - b. The use of the data shall be organizational structures decision or with the decision of the authorized persons;
 - c. Instructs the employees, without exception for the obligations that they have in conformity with the Law on the protection of personal data and the internal regulations for the protection of the data, including the regulation for the safety of the data;
 - d. Prevents the entry of unauthorized persons on the environment of the data controller or processors.
 - e. The access on the data and programs, is made only by authorized persons, prevents the entry on the archive means of the unauthorized persons;
 - f. Set into operation of the equipment to process the data is only by the authorized person and any means is protected with preventive measures to unauthorized set into operation;
 - g. IT specialist of the institution, records and documents the modifications, corrections, deletions, transmissions, updates, etc.
 - h. Any time the ERE employee leave the working place, they shall close their computers, lockers, safe and office, where it is protected the confidential information.
 - i. The employee shall not leave the work premises where there are protected data on the table, and is on the presence of persons that are not employed by ERE;
 - j. Employees does not issue out of office at any case the computers, laptop, usb (flash drives) or other equipment that contain confidential information and shall not leave them on unsecure places, without having ensured the delete or destruction of the data;
 - k. Data shall be protected verifying the identification of the user and permitting access only to authorized individuals.
 - l. Continuously perform the procedure for the entry and exit using personal passwords.
 - m. Documented data not used for other purposes, not in conformity with the collection purpose.

Article 10

Provision of the confidential information

The confidential information is retained by the Commission members, all ERE staff and other persons, engaged for ERE needs which are on duty.

Article 11

Other obligations

1. For the documentation and the information defined on this Regulation as official secret, ERE shall inform the parties that are interested for the document classified as official secret.
2. Any ERE employee being informed with documents classified as confidential, is

obliged to retain the confidentiality of their content and keeps responsibility, for any case of secret disclosure or their publication.

Article 12
Notification of the confidential information

When the confidential information is necessary for performing its duties, ERE shall exclude the public during any debate where are published or discussed on the confidential data.

Article 13
Violation of the duty to retain the confidential information

1. As violation of the obligation to retain the confidential information, shall be considered:
 - a. any handling of the information and confidential documentation contrary to this Rules.
 - b. unauthorized communication, delivery or alienation of the confidential information.
 - c. receive of the confidential information to deliver it to an unauthorized person.
2. Violation of the obligation mentioned on point 1 letters “a”, “b”, “c” of this article composes a serious violation of the work according to the definitions sanctioned in conformity with ERE rules.

Article 14
Exemption

1. It is not considered as violating the confidential information if this information is given or communicated with natural or legal persons to whom shall be given this information on the basis of other laws and regulations on the basis of the authority deriving from the functional duties of those persons or the institutions they represent.² It is not considered as breach of the confidential information, the communication for an investigation of a penal act, offence

Article 15
Responsibility of violating the rule to handle the confidential information

1. For any breach of this Rule provisions, ERE employee shall be responsible according to the legislation in force.
2. In case of unauthorized communication of the data, from the responsible employee, shall begin an administrative investigation to take the administrative measures to the responsible person.

Article 16
Implementation

With the provisions of these Rules, all ERE staff shall be directly informed from the Human Resources Directory.

Article 17 Control

Supervision of the implementation to protect the confidential data, within the meaning of this Rules, is performed with a specific ERE decision, as part of the internal control.

Article 18 Final Provisions

1. These rules are approved with ERE Board Decision no. 65, dated 26.03.2018.
2. These Rules is object of review by ERE in conformity with the Regulation on ERE Organization, Operation and Procedures.
3. These Rules enter into force after the publication in the Official Gazette.