Disclaimer

Please note that this document is an unofficial translation and is provided for information purposes only. It confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published in the Albanian language. EURALIUS makes no guarantee of accuracy and waives responsibility for the use that might be made of the following information.

REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE
THE MINISTER

Prot. No. 2249 Tirana on 08/03/2019

INSTRUCTION

No. 1, Date 08/03/2019

ON
THE APPROVAL OF RULES AND PROCEDURES FOR THE COLLECTION, COMPLETION AND ADMINISTRATION OF REGISTERS' DATA

Pursuant to Article 102, point 4 of the Constitution, Law No. 8678, dated 14.05.2001, "On the organization and functioning of the Ministry of Justice", as amended, and Article 7, letter i) of Law No. 111/2017, dated 14.12.2017 "On state guaranteed legal aid",

I HEREBY INSTRUCT:

1. The Directorate for Free Legal Aid maintains, collects, completes and administers:
   a) the data of the register of requests and self-declarations of the beneficiary subjects of the state guaranteed legal aid;
   b) the data of the register of non-profit organizations providing primary legal aid.

2. The data of the register of requests and self-declarations of the beneficiary subjects of state guaranteed legal aid shall be collected on the basis of a request for legal aid, self-declaration and any other documentation filed by the applicant for this purpose.

3. Each stateguaranteed legal aid service provider shall periodically send to the Directorate of Free Legal Aid every month, the data of requests and self-declarations of the requesting entities submitted in order to receive stateguaranteed legal aid. The data is sent within the first 5 (five) days of the month following the reference month.

4. Completion and updating of the register of requests and self-declarations of the beneficiary subjects of state guaranteed legal aid are carried out within 5 (five) business days from the time of filing information at the Directorate of Free Legal Aid, according to point 3 of this Instruction.

5. The Register of non-profit organizations providing primary legal aid shall be completed and updated with data from the Directorate of Free Legal Aid within 24 hours of the completion of an action or receipt of information related to their activity.

6. The registration of requests and self-declarations for primary legal aid for each applicant includes the following data:

i. name, fatherhood, surname,
ii. gender,
iii. date of birth,
iv. citizenship,
v. family situation (number of members in the family),
vi. status of employment,
vii. address and other contact information,
viii. self-declaration about income and assets,
ix. if the request for aid is accepted or rejected and the reason for the rejection,
x. the nature of the legal case(s) for which the aid is requested (civil, administrative, criminal);
xi. the data of the service provider that has provided the primary legal aid.

7. The registration of requests and self-declarations for secondary legal aid for each applicant includes the following data:

i. name, fatherhood, surname,
ii. gender,
iii. date of birth,
iv. citizenship,
v. family situation (number of members in the family),
vi. status of employment,
vii. address and other contact information,
viii. the court or the proceeding authority to which the request was filed;
ix. type of self-declaration regarding income and assets;

x. type of the secondary aid requested: (i) representation; (ii) exemption from the payment of court fees; (iii) exemption from the payment of court expenses; and/or (iv) exemption from the execution order fee;
xi. the nature of the legal case(s) for which aid is requested (civil, administrative, criminal);
xii. if the request for aid is accepted or rejected by the court/prosecution body, in whole or in part;
xiii. the date and number of the respective decision and if the decision was appealed (at the court of first instance or appeal, respectively, and the appealing party);
xiv. data on the decision on appeal against the refusal of legal aid, as applicable
xv. the name and the data of a lawyer assigned for the provision of secondary legal aid;
xvi. payments received by the lawyer;
xvii. reimbursement of payments by the party that has lost the court case or by the legal aid beneficiary, as appropriate.

8. The following data are included in the registration of non-for-profit organizations providing primary legal aid:

i. the name of the non-profit organization, its legal representatives and contact details;
ii. data on the decision of the Minister of Justice for the authorization of the non-profit organization;
iii. jurisdiction or geographical area where the non-profit organization is authorized to provide primary legal aid, and other specifications on the type of primary aid for which it is authorized
iv. data on the financing contract for the provision of primary legal aid, if such a contract has been concluded;
v. data on the revocation of the authorization issued by the Minister of Justice, as applicable.

9. The register of requests and self-declarations of the beneficiary subjects and non-profit organizations providing free legal aid (hereinafter “Registers”) is kept in electronic form, in Microsoft Excel format.

10. The registers are made public through the website of the Free Legal Aid Directorate, in accordance with the rules of the applicable law on personal data protection.

11. Registers with full data, according to this instruction, are held at the Free Legal Aid Directorate. The full data of the Registers are made available whenever required to the justice authorities in accordance with the purpose of the processing, according to the applicable legislation on personal data protection.

12. The registers are filled in and updated by the authorized employee in writing from the Director of Free Legal Aid.

13. The authorized employee is responsible for the accuracy and updating of the data submitted by him.

14. The authorized employee cannot intervene and change the registers' columns. In the event of material errors in recording the information in the Register, the authorized employee corrects and writes the correct information.

15. Registers are administered by the Free Legal Aid Directorate and for their storage and disposal the rules provided by the legislation in force for the archives are applied.

16. The authorized employee completes and updates the Registers with data, starting from the first day of providing the stateguaranteed legal aid service.

17. The Directorate of Free Legal Aid is responsible for the implementation of this Instruction.

This instruction comes into effect immediately and is published on the official website of the Ministry of Justice and the Directorate of Free Legal Aid.

MINISTER

Etilda Gjonaj (Saliu)
(seal) (signature)