

NEWSLETTER

LAW NO. 43/2023 FOR ELECTRONIC GOVERNANCE



The new law approved and announced on 03.07.2023 is Law no. 43/2023 on electronic governance.

-It is applied by public authorities and private entities for exercising their powers in providing public services electronically through the use of information systems and networks.

- General principles of electronic government:

- a) security of infrastructures of information systems and services related to it;**
- b) lawfulness;**
- c) protection of public interest;**
- ç) presentation only once;**
- d) for open data;**
- dh) construction of the infrastructure of electronic government;**
- e) Personal data protection.**



In order to facilitate the administrative procedures for natural and legal persons, the principle of presenting the citizen only once to the authorities for the benefit of the public service electronically is applied.

The only way of receiving services is electronically through the e-albania portal, as a single point of contact between natural/legal persons and the authorities responsible for providing the service.

Communications related to electronic services will be carried out through the state e-mail, through the e-albania portal for requests, submission of documents, etc

Electronic Document

With the approval of the law on electronic governance, the law on the electronic document is repealed, since the regulation for it is already made in the new law.

The electronic document has legal validity only in those cases when it is created, sent, received, maintained and stored, applying information technologies, through computers, computer systems, similar devices and electronic programs meeting legal requirements.

The electronic document must provide:

- a) electronic signature and/or electronic seal according to the legislation in force on signature electronic, electronic identification and trusted services;**
- b) data of the creator of the electronic document;**
- c) the integrity of the electronic document;**
- ç) access to the content of the electronic document throughout the entire documentation cycle;**
- d) clarity in reading its content.**

Each electronic document is unique, even if two documents with the same content are prepared, they are treated as independent. There is also the possibility of certifying the paper copy of the electronic document, which is done through a notary.

The electronic document, as well as its paper copy, have the same legal value and evidential force as the physical document.



Responsible authority

The authority responsible for e-government is the National Agency of the Information Society, AKSHI.

AKSHI has the obligation and responsibility for the implementation of the law on electronic government, contributing in particular as a creator, developer and administrator of systems and infrastructures of services, systems, portals and registers as well as policy makers in the field of communication and information technology in Albania.

What does the infrastructure of ICT systems and electronic services contain?

1. The government platform e-Albania, of interaction for the provision of government-government, government-citizen, government-business electronic services.
2. National Registry of Registered Database Services;
3. National Register of Registered Data Bases;
4. the government data center (Government Datacenter);
5. the center for restoration and/or continuity of work of the Government Datacenter in case of disaster (Disaster Recovery Center);
6. the business continuity center (Business Continuity Center, BCC) and the information storage center (Back-up Center), in order to enable the provision of services without interruption 24 hours a day, 7 days a week;
7. the government network (Govnet);
8. public key and management of digital certificates for state administration and private entities;
9. electronic document administration system, including protocol and electronic archive;
10. the government electronic payment platform on the "e-Albania" portal;
11. system of documents with electronic seal;
12. "e-Residence" system
13. etc...





State e-mail (PESH)

State e-mail is the only form of official electronic communication in the government-citizen-government, government-business-government relationship.

• State e-mail address is created automatically:

a) for the citizen according to the model Numerunic@e-Albania.al;

b) for public authorities and private entities according to the model NumerNUIS@e-Albania.al.

• Communication exchanged through PESH has the same legal value as a written notification.

• Each PESH user is responsible for checking new notifications at most every 48 hours from the moment the notification arrives.

• PESH's address is the only contact method on the "e-Albania" portal, replacing the private e-mail even for existing accounts registered on the platform.

Open data

In order to create new information products and services, which are based on the information and data found on the opendata.gov.al portal, as well as for the promotion and development of the data economy, public authorities and AKSHI offer to natural and legal person the legal right to reuse information that is produced and maintained by public authorities as part of open data.



Provision of electronic information services

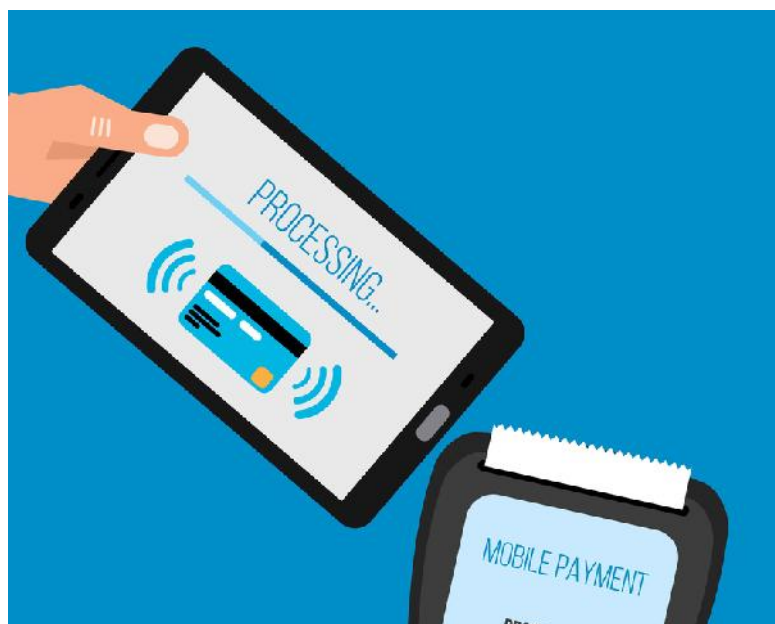
The electronic information service is open to any user. It is offered without the need for registration and identification of the recipient of the service.

Provision of non-informative electronic services/ request for receiving an electronic administrative document

This service is provided only after user registration and authentication. The request is made through the e-Albania portal. The provision of the service is carried out according to the deadlines defined in the Code of Administrative Procedures and the special legislation that regulates the requested service.

Electronic payment

The "e-Albania" portal offers the possibility of electronic payment for receiving services, directly and independently from electronic payment platforms from financial institutions.



Administrative offenses

The private entities which are responsible for the provision/realization of the public service according to the specific sectoral legislation, have the obligation to keep a copy of the data they have within the territory of the Republic of Albania, as well as to realize the services they offer in accordance with principles of law.

Failure to fulfill this obligation: constitutes an administrative offense and is punishable by a fine from 5,000,000 (five million) to 10,000,000 (ten million) ALL.

Judicial appeal

Against the decision on the administrative offense, an appeal can be made to the competent court within 30 days from the date of notification of the decision.



The e-Residence system for foreign citizens

"E-Residence" is the ICT system, which enables foreign citizens who do not have a residence permit in Albania to submit a request for a digital ID, without the need for a physical appearance.

The foreign citizen has the right, but not limited to:

- a) the request to be provided with a virtual identity at a consulate, where it is presented only once;**
- b) the online request for obtaining the electronic residence;**
- c) the request for the registration of a private entity with the institution that covers business registration, as well as manage it via the Internet;**
- ç) the request for registration as a digital nomad;**
- d) to have access to international payment service providers;**
- dh) to sign and transmit documents digitally.**

The digital ID of the e-Resident can be given to a person in accordance with the law on the electronic document, who has a justified interest in using the electronic services of the Albanian state, regardless of whether or not he has a residence permit in the Republic of Albania.

Within 9 months, the Council of Ministers and the General Director of AKSHI are tasked with issuing by-laws in implementation of the Law.

JBC & ASSOCIATES

**Rr. Faik Konica (pranë
stadiumit
"Air Albania")**

+355 (0) 696058406

info@jbc.al | www.jbc.al

LinkedIn | Facebook

Instagram