

**REPUBLIC OF ALBANIA ASSEMBLY**

**LAW**

**No. 10 273, dated 29.4.2010**

**FOR THE ELECTRONIC  
DOCUMENT**

*(-Changed by law No. 101/2015,  
- Changed by law No. 124/2016 ) Updated*

In support of the 78-th and 83-th articles, clause 1 of the Constitution, upon the proposal of the Council of Ministers,

**A S S E M B L Y O F  
THE REPUBLIC OF ALBANIA**

**D E C I D E D :**

**TITLE I**

**GENERAL PROVISIONS**

**ARTICLE 1**

**The purpose**

The purpose of this law is to create the necessary legal framework for the recognition and use of the electronic document in the Republic of Albania.

**ARTICLE 2**

**The object**

1. This law regulates the use of electronic documents by physical, legal, public and private people, whose electronic programs and devices enable the realization, production, transmission, receipt, storage and security of the electronic document information.

2. Provisions of this law shall not apply in cases where the in force law asks expressly for the use of a written form of it.

### ARTICLE 3 Definitions

In this law, the following terms have these meanings:

1. An "electronic document" is any information created with "documentary quality", sent, received or stored electronically from a computer system or similar mechanism, which is eligible for validity, in accordance with articles 5 to 9 of this Law. The content of the electronic document includes all forms of data, reflected in letters, numbers, symbols, sound and image.

2. A "documentary quality" means an enforcing information attached to or accompanied by an electronic document, such as: electronic signature, creation time, creator name and other data created with the electronic document, for the purposes of recording, preserving and authenticity, completeness and validity of the electronic document throughout the documentation cycle.

3. A "document cycle" is the circulation of an electronic document from the moment of it's creation, to it's archiving or elimination.

4. A "computer system" is a system which consists of equipments, a set of devices or related equipments, of which, one or more are continuous and perform an automatic data transmission process.

5. A "numerical form" means the presentation of the electronic document in the computer language.

6. A "creator" is a physical or legal person who creates, designs and signs an electronic document using an electronic signature.

7. A "sender" is the physical or legal person who creates the electronic document and sends it.

8. A "receiver" is the physical or legal person to whom the electronic document is addressed.

9. An "information system" is an information communication network, which includes a set of programs, electronic communication and information tools, methods and procedures applicable to the preparation, delivery, receipt, control and security of the electronic document.

10. An "information intermediary" is an authorized operator who provides the electronic communications network and / or associated facilities for the exchange and circulation of the electronic document, on behalf of third parties.

11. A "double-dimensional code" is a graphical logo, readable by computer systems, which contains encoded data and / or information in numeric, alphanumeric and binary format.

12. An "electronic seal" is data provided in electronic form, according to the definition of law no. 107/2015, "On electronic identification and trusted services."

### ARTICLE 4 Use of electronic document

1.The use of the electronic document, in communication between the sender and the receiver, is done with mutual consent.

2. The receiver, who has accepted the use and circulation of the electronic document, can not reject the electronic document unilaterally, just for the fact that he has been prepared, used and circulated in electronic form.

## TITLE II

### THE VALIDITY OF THE ELECTRONIC DOCUMENT

#### ARTICLE 5

##### **The legal validity of the electronic document**

The electronic document has legal validity only in those cases when it is created,sent, received, maintained and stored, by applying information technologies,through computers, computer systems, similar devices and electronic programs, filling the requirements set out in Articles 6,7 and 8 of this law.

#### ARTICLE 6

##### **Electronic document criteria**

Throughout the document cycle, in the actions included in it, the electronic document should provide:

- a) **Electronic signature and / or electronic seal, according to the legislation in force for electronic signature, electronic identification and trusted services;**
- b) the data of the electronic document's creator;
- c) the inviolability of the electronic document;
- d) access to the contents of the electronic document throughout the documentation cycle; e) clarity in reading its contents.

#### ARTICLE 7

##### **The structure of the electronic document**

The electronic document consists of its general and special part, which are inseparable:

- a) The general part presents information about the content of the electronic document. If the electronic document is intended to be sent to a defined recipient, this part also contains the name of the recipient;
- b) the special part includes one or more electronic signatures **and / or electronic seals** and information which belong to the time of creation of an electronic document and other data

which belong to documentary quality, as provided for in the 3-rd article, point 2 of this law.

## ARTICLE 8

### **Form of filing of electronic document**

The electronic document has the form of its internal appearance and form external appearance:

- a) the internal form of electronic document submission is a numerical form, obtained from processing, sending, receiving and saving one electronic document with one software system and computer equipment;
- b) the external form of an electronic document submission is an visual representation and understandable of its contents on the computer screen or on other devices whether or not in paper or other fabricated material, whether or not made from internal appearance, according to letter "a" of this article.

## ARTICLE 9

### **The unicity of the electronic document**

1. Every electronic document is unique
2. If the same person prepares two or more electronic documents, with the same content, in electronic form, or when one of them is created in paper, these documents are treated as independent.

## ARTICLE 10

### **Paper copy of an electronic document**

1. The verification of the paper copy of the electronic document by public institutions is carried out by persons authorized by the head of the institution.

**a) The copy of the electronic document on paper may be made by placing in it, one or more two-dimensional codes, which enable verification of the compliance of the copy on paper, with the original electronic document.**

**The rules and procedures for authenticating the copy on paper of the electronic document by setting one or more dimensional codes, are defined by instruction of the minister responsible for the field of information technology.**

2. In all other cases, the proof of the copy of the electronic document paper is carried out by a public notary. Rules and procedures for attestation by a public notary are determined by the instruction of the Minister of Justice.

3. The paper copy, certified as a copy of the electronic document, must be attached with the note "The same copy with the electronic document".

#### ARTICLE 11

##### **The legal power of the electronic document and its copy on paper**

An electronic document, as well as a copy on paper, made in accordance with the 10-th article of this law, are equivalent in the performance of juridical transactions or actions, where the presentation of the electronic document or its copy on paper e certified are required.

#### ARTICLE 12

##### **The electronic document as a test tool**

1. The electronic document, which meets the criteria of the 6-th article of this Law, is used as a test.
2. The body that receives the electronic document as evidence, determines its validity, taking into data account on preparation, storage, transmission, security and the authenticity of the electronic signature **and / or its electronic** seal as well the rules defined by the legislation in force.

#### TITLE III

##### THE USE AND ADMINISTRATION OF THE ELECTRONIC DOCUMENT

#### ARTICLE 13

##### **The circulation of an electronic document**

Actions related to an electronic document circulation are performed through each electronic communications technology that people have in their use, with except when the legislation in force requires the use of aspecific set of electronic communications.

**The procedure and rules for electronic document circulation are defined by decision of the Council of Ministers.**

#### ARTICLE 14

##### **Sending an electronic document**

1. The electronic document is considered sent when sent:
  - a) personally by the sender; or
  - b) by the person authorized by the sender, to carry out the actions related to the sending of the electronic document;
  - c) automated by the computer system of the sender or by the computer of the person authorized by the sender to perform actions on it.
2. The people to whom the electronic document is addressed, should be made known to them

also competence given of electronic signature through authorization. If such a thing is missing and has been unknown to third parties, all the consequences coming from this lack of knowledge, are in charge of the person who started the document.

## ARTICLE 15

### **Time to send and receive an electronic document**

1. Time when the electronic document comes out of the sender's computer system and enters in the computer system, which is not under the control of the sender or under the control of a person authorized by him, is considered as the time when the electronic document was sent.
2. Time when the electronic document enters the receiver's computer system and / or in the computer system of the person authorized by him, is considered as the time of receipt of the electronic document.
3. When receiving the confirmation of the electronic document is required, the time when the recipient sends confirmation, is considered as the time of receipt of the electronic document.
4. Time of delivery and receipt is considered as a separate part of the structure of the electronic document and it's change is forbidden.
5. Time recorded by the computer system is calculated according to the standard of measurement of the official hour in the Republic of Albania.
6. The presentation of current time, recorded by computer system or electronic communications, should be the same as the Albanian standards of hour and date presentation.

## ARTICLE 16

### **Receiving an electronic document**

1. An electronic document is considered received when:
  - a) is personally handled by the recipient or
  - b) by the person authorized by the recipient or
  - c) automated in the computer system of the receiver or the person of authorized by him.
2. When the confirmation of receipt of the electronic document is requested by the sender, the recipient must confirm receipt, in accordance with the prior request of the sender for notification of receipt.
3. The recipient must provide confirmation of receiving the electronic document with one default action by the sender, including automatic confirmation of receiving from the recipient's computer system.
4. If the confirmation required by the sender is not received within the time limit the sender must notify the recipient that he has not received this confirmation for the electronic document he sent.
5. Provisions provided for in this article shall apply only to the actions of dispatch and receiving the electronic document and does not regulate the content of the document

electronic or other circumstances that arise or are generated by sending or receiving electronic document.

#### ARTICLE 17

##### **Information brokerage services**

1. Circulation of the electronic document, except for its own systems information can also be performed with information systems that are put on available from the information broker.
2. When the electronic document circulation is performed through the broker's electronic system of information, the broker can take over preservation and security of the electronic document in it's original form, if requested by the parties.
3. The information broker performs his services according to the terms and limits defined in this law, in the Criminal Code of the Republic of Albania, in the laws and other sublegal acts for the preservation and security of documents and procedures received under prior agreements with the sender and receiver, who use it's communication system and / or complementary services.
4. The information broker is not responsible for the content of the electronic document. Information brokers are forbidden to interfere in the form and the contents of the electronic document.

#### ARTICLE 18

##### **Preserving an electronic document**

1. The electronic document is stored within the time limits specified by legislation on archives.
2. The electronic document shall be stored in it's original form in the respective information systems, which enables the sustainability of electronic records during the designated storage term, as well as in the electronic document archive.
3. The archive of the electronic document shall ensure that:
  - a) The electronic document is filed in the form that is created, sent, received and saved, not changing its entirety, including electronic signature's data **and / or electronic seal**, as well as the data for it's authentication;
  - b) electronic document, together with electronic signature **and / or electronic seal** involved, stored through procedures and technologies, that provide assurance of it's invulnerability and it's entirety throughout the storage time, as well as non-elimination without proper authorization;
  - c) the electronic document, during the designated storage time, shall be in the form of readable, accessible to people who have the right to access it;
  - d) to enable reliable definition of any electronic document, it's origin, the creator, the time, the way and the form of taking in the storage system;
  - e) The maintenance procedure of the electronic document preservation system does not compromise the integrity of the electronic document.

#### ARTICLE 19

## **Protection of an electronic document**

1. Invulnerability of the electronic document is provided through the procedures and the technological equipment needed to protect the electronic document during the filing cycle.
2. Information system operators are required to install equipment for protection of the systems and electronic documents, against external factors for the protection of systems and documents circulating in their information systems, as well as inform the user about the risks and ways of avoiding them.
3. If the integrity of the electronic document is violated because of the interference in the information systems, despite the safeguards, the content of the electronic document becomes invalid for the recipient.

## TITLE IV

### FINAL PROVISIONS

#### ARTICLE 20

#### **Electronic document containing "State secret" classified information**

The use of electronic document containing "state secret" classified information, is regulated in accordance with the legislation for "state secret" classified information.

#### ARTICLE 21

#### **The extraction of sub-legal acts**

1. The responsible ministry in the field of information society is charged, within 6 months from the entry into force of this law, to issue the necessary by-laws pursuant to Article 10, point 1.
2. The Minister of Justice is charged to issue the necessary by-laws pursuant to Article 10, paragraph 2, within 6 months from the entry into force of this law,.
3. The Council of Ministers is charged, within 6 months from the entry into force of this law, to approve the rules for signing, sending, receiving, securing, protection, storage, archiving and destruction of electronic documents.

#### ARTICLE 22

#### **Entry into force**

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



**Chairman of Assembly**

Jozefina Topalli (Çoba)



