



**Republika e Kosovës**  
**Republika Kosova-Republic of Kosovo**  
**Qeveria - Vlada - Government**

*Ministria e Drejtësisë -Ministarstvo Pravde -Ministry of Justice*

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**ADMINISTRATIVE INSTRUCTION MoJ-NO. 06/2024**  
**FOR THE KEEPING AND COLLECTION OF RECORDS FOR THE PERSONS**  
**AGAINST WHOM CRIMINAL SANCTIONS ARE EXECUTED<sup>1</sup>**

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<sup>1</sup> Administrative Instruction MD – No. 06/2024 for the Keeping and collection of Records for the Persons Against whom Criminal sanctions are Executed, approved by the Minister of the Ministry of Justice dated: 16.07.2024, with decision No. 277/2024 dated 16.07.2024.

**Minister of the Ministry of Justice,**

In support of Article 10 (paragraph 3) of Law No. 08/L-132 for the Execution of Criminal Sanctions (GZ No. 21, dated 10.08.2022), article 193 (paragraph 5) of the Code NR.08/L-032 of Criminal Procedure (GZ No. 24 dated 17.08.2022), based on article 11 (paragraph 1, under paragraph 1.5) of Law No. 08/L-117 for the Government of the Republic of Kosovo as well as in accordance with Article 9 (paragraph 2) of the Regulation (GRK) - No.17/2024 on Rules of Procedure of the Government of the Republic of Kosovo,

Issued:

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**Article 1**  
**Purpose**

This Administrative Instruction regulates the keeping, registration, maintenance and collection of data evidence for the persons against whom criminal sanctions are executed, including the measure of detention.

**Article 2**  
**Scope**

This Administrative Instruction is applied by all Correctional Institutions and other relevant Units of the Correctional Service of Kosovo that deal with the processing and storage of evidence and data for persons against whom criminal sanctions and detention are executed.

**Article 3**  
**Definitions**

1. For the purposes of this Administrative Instruction, the terms used as follows have this meaning:

**1.1. Personal data** - means personal data as defined in Law No. 06/L-082 for the Protection of Personal Data.

**1.2. Personal file** – means the summary of data on persons against whom criminal sanctions and detention are executed.

**1.3. Central Registry** – means the Integrated Prisoner Management System (IPMS).

**1.4. Unique identification number of the prisoner** – means the number assigned to each person against whom criminal sanctions and detention are executed.

#### **Article 4**

### **Registration of persons against whom criminal sanctions are executed and detention during the admission procedure to the Correctional Institution**

1. After the admission of the person against whom the criminal sanction or detention is executed in the correctional institution, the competent official of the correctional institution recorded the relevant data in the physical and electronic register through SIMB.
2. The physical recording of the prisoner's personal data is done in the admission book.
3. The registration of the person against whom the criminal sanction or detention is executed is done in the relevant form for admission, which includes the following data:
  - 3.1. first name (parent's name) and last name;
  - 3.2. personal number;
  - 3.3. the unique identification number of the person against whom the criminal sanction or detention is executed;
  - 3.4. the status of the person against whom the criminal sanction or detention is executed;
  - 3.5. date and place of birth;
  - 3.6. profession;
  - 3.7. marital status;
  - 3.8. nationality/citizenship/religious affiliation;
  - 3.9. address;
  - 3.10. phone number;
  - 3.11. court;
  - 3.12. subject number;
  - 3.13. data of the official who handed over the prisoner;
  - 3.14. data of the official who accepted the prisoner;
  - 3.15. criminal offense;
  - 3.16. eye/hair color;
  - 3.17. height/weight;
  - 3.18. date and time of arrest/admission;
  - 3.19. duration, continuation or removal of detention

3.20. recidivism;

3.21. gender;

3.22. bodily injury/tattoos.

4. During the admission procedure, the prisoner is photographed and the photo is attached to the relevant form.

5. Electronic data registration is done in SIMB by the competent official.

6. Identification of prisoners in SIMB and physical files is done through the prisoner number which is automatically generated in SIMB during the admission procedure and is identified with the same number during detention in the Correctional Institution.

7. Competent officials of the Correctional Institution or other units within the Kosovo Correctional Service (hereinafter: KCS) may record other data on the person against whom the criminal sanction or detention is executed in the SIMB by official duty.

## **Article 5 Prisoners' file**

1. After the admission of the person against whom the criminal sanction or detention is executed in the Correctional Institution, the responsible official creates the personal file for the imprisoned person.

2. The prisoner's personal file consists of the following parts:

2.1. Part 1: personal data;

1.2. Part 2: court documents;

2.3. Part 3: data on the implementation of the criminal sanction or detention measure;

2.4. Part 4: data on education, work and other activities;

2.5. Part 5: medical records;

2.6. Part 6: data related to complaints and requests;

2.7. Part 7: release data.

## **Article 6 Personal data**

1. The part with personal data includes the following data:

1.1. Acceptance form with personal data;

- 1.2. The list of personal belongings of the person against whom the criminal sanction or detention is executed;
- 1.3. Form of raid and acceptance of things by the Institution;
- 1.4. Admission interview;
- 1.5. Photo of the person against whom the criminal sanction or detention is executed (escape package).

### **Article 7** **Court documents**

1. The section on court documents includes but is not limited to the following documents:
  - 1.1. Judgments;
  - 1.2. Decisions;
  - 1.3. Decisions;
  - 1.4. Ordinance;
  - 1.5. The request for the execution of the criminal sanction by the competent body;
  - 1.6. Other judicially relevant documents.

### **Article 8** **Data on the implementation of the criminal sanction or detention measure**

1. The part for implementation of the sanction contains the following information:
  - 1.1. chronological records and staff reports including risk and needs assessment and sentence planning;
  - 1.2. disciplinary procedures and disciplinary decisions;
  - 1.3. data on the incident;
  - 1.4. data on attempted escape and escape;
  - 1.5. data on visits, strikes, correspondence and benefits;
  - 1.6. other data.

**Article 9**  
**Education, work and other activities**

1. Correctional Institutions keep accurate data on the education, work and other activities of the person against whom the criminal sanction or detention is executed while in the Correctional Institution.
2. The responsible official takes care of the collection of data related to the activities of the person against whom the criminal sanction or detention is executed, including participation in rehabilitation programs as well as work.
3. The data as in paragraph 1 and 2 of this article must be part of the file.

**Article 10**  
**Prisoner release data**

1. The part for the release data of the person against whom the criminal sanction or detention is executed, contains the following information:
  - 1.1. the summary report for parole, early release, pardon and suspension of the criminal sanction;
  - 1.2. decrees for parole and early release, decrees for remission of sentence and decrees for suspension of the decision;
  - 1.3. rulings on termination of detention or punishment;
  - 1.4. transfer decisions;
  - 1.5. decision by the institution for regular release;
  - 1.6. release form from the institution for regular release;
  - 1.7. correspondence between institutions for parole, early release, pardon or suspension of sentence;
  - 1.8. other issues of a similar nature.

**Article 11**  
**Medical File**

1. The medical file is an integral part of the file of the person against whom the criminal sanction or detention is executed, but it is kept separately under the control of the medical personnel with access also for the convicted person upon request.
2. Medical care personnel are responsible for maintaining an up-to-date and confidential medical file for each person who is subject to a criminal sanction or detention, including the results of all consultations, evaluations and tests, as well as the identity of the staff who reviewed them.

## **Article 12**

### **Complaints and requests**

The person against whom the criminal sanction or detention is executed while being held in the Correctional Institution has the right to appeal against the decisions, actions or inactions of the staff of the SKK in case he claims that his rights were violated during the detention, as well as to submit a request for the realization of benefits or other issues which are kept in his personal file as a separate part.

## **Article 13**

### **Evidence of prisoners during the release procedure from the Correctional Institution**

1. For the release of the person against whom the criminal sanction or detention is executed by the Correctional Institution, the competent official of the Correctional Institution recorded the relevant data in the physical and electronic register through SIMB.
2. In the case of the release of the person against whom the criminal sanction or detention is executed, his data are recorded in physical form in the release book, while the data such as the date of release and the number of the decision are recorded in SIMB.

## **Article 14**

### **Processing of prisoners' records**

1. The Correctional Institution from the register of the admission and release book as well as the SIMB, process the data of the evidence of prisoners in order to generate reports and statistics of changes.
2. The Operational Center of the SKA collects the evidence for the admission and release of prisoners from the Correctional Institution physically, electronically through SIMB, processes them in the form of reports and general statistics for the KCS.

## **Article 15**

### **Keeping evidence for the convicted person**

1. The Correctional Service of Kosovo prepares and maintains evidence for the person against whom the criminal sanction or detention is executed.
2. Evidence of the convicted person is kept separate, including but not limited to the following categories, according to:
  - 2.1. the type of criminal offences;
  - 2.2. gender;
  - 2.3. age;
  - 2.4. other necessary characteristics.

**Article 16**  
**Transfer of the person's file convicted**

1. In case of transfer of the person against whom the criminal sanction or detention is executed to another Correctional Institution, the personal file of the convicted person must also be transferred.
2. The competent official will organize the general file of the person against whom the criminal sanction or detention is executed, ensuring that all relevant information is attached.
3. The file of health data of the person against whom the criminal sanction or detention is executed will be securely closed in another package and attached to his general file.
4. Upon receipt, the receiving officer will keep an inventory of all documents included in the package and update the SIMB.

**Article 17**  
**Procedure during file transfer of the convicted person**

1. Files that are transferred, both inside and outside the Correctional Institution, are the responsibility of the competent person entrusted with the file.
2. When documents are received from a Correctional Institution, the accompanying staff must ensure that the documents are placed in a closed file, the bag or box is in the possession or control of the staff and kept in such a way as to secure the contents.
3. The closed file, bag or box must not have any visible identifying details.
4. Access to any document during the transfer should be limited only to authorized persons and records should be kept of any such access.
5. Upon arrival, the official responsible for forwarding the file must hand over the file to the receiving official.

**Article 18**  
**Data storage**

1. The General Directorate of the KCS and the Correctional Institutions are responsible for the implementation of the legislation in force for the protection and storage of the data of convicted persons
2. The Correctional Institutions in implementation of the protection and storage of files are obliged to act as follows:
  - 2.1. keeping files in order and protecting them from damage;
  - 2.2. the transfer of files at the request of the competent bodies, as well as informing them of any changes or additions related to it;



- 2.3. the identification and classification of files according to the system defined for the official management of materials;
- 2.4. disclosure of the information contained in these files in accordance with the legislation in force;
- 2.5. ensuring personnel access to data on the person against whom the criminal sanction or detention is executed based on the need for information as well as the evidence of such access;
- 2.6. providing access to information to external parties must be done in compliance with the legislation in force for the protection of personal data and at all times the convicts' right to privacy and confidentiality must be respected;
- 2.7. The storage of inactive data is done according to the provisions of this Administrative Instruction and in accordance with the relevant legislation in force.

### **Article 19**

#### **Confidentiality for data processing**

1. Any employee who processes data or becomes aware of the processed data cannot disclose the content of this data to other persons. He is obliged to maintain confidentiality and reliability even after the end of the task.
2. Any person acting under the authority of the responsible person must not process personal data, to which he has access without the authorization of the responsible person, except when provided by law.

### **Article 20**

#### **Access to data on file**

1. Only the officials who are in charge of work in the executive office where the files are kept have full access to the file data of the person against whom the criminal sanction or detention is executed in the Correctional Institutions.
2. In case the official responsible for execution is absent from work or for some other reason cannot perform the task, the Director of the Correctional Institution authorizes another official temporarily according to the level of responsibility.
3. The authorized official has the obligation to notify the responsible official of all work and actions undertaken during his absence.
4. In special cases, other officials of the Correctional Institution or other relevant Institutions, according to their official duties, may have access to the files of the persons against whom the criminal sanction or detention is executed in the presence of the responsible official of the executive office.
5. The person against whom the criminal sanction or detention is executed has the right to have limited access to the processed data, including the video recordings processed by the security

cameras within the Correctional Institution after the approval of his request by the Director of the relevant Correctional Institution.

6. The Director of the Institution after accepting the request for access to the processed data, after assessing the sensitivity of the data, within a reasonable period but not longer than thirty (30) days decides and gives an answer to the prisoner's request.

7. In case of transfer of persons against whom the criminal sanction or detention is executed to another correctional institution, the documents of the case file by the responsible official must be delivered in a sealed envelope to the official responsible for their transportation, who must hand it over to the responsible officials of the Correctional Institution where the prisoner is admitted.

8. When the person against whom the criminal sanction or detention is executed is released from the Institution, the case files must be kept in the archives of the institution as a passive file in accordance with the relevant legislation in force

### **Article 21 Withdrawal**

With the entry into force of this Administrative Instruction, the Administrative Instruction MoJ- no. 08/2015 for keeping and collecting evidence for convicted persons

### **Article 22 Entry into force**

This Administrative Instruction enters into force seven (7) days after publication in the Official Gazette.

**Albulena Haxhiu**

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**Minister of Justice**

**16/07/2024**