

Nru. 111

10. 12. 2019

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Michael Farrugia, M.P., Ministru għall-Intern u s-Sigurtà Nazzjonali, u moqri għall-Ewwel darba fis-Seduta tat-28 ta' Ottubru 2019.

A BILL introduced by the Honourable Michael Farrugia, M.P., Minister for Home Affairs and National Security, and read the First time at the Sitting of the 28th October 2019.

ATT li jemenda l-Att dwar il-Kummissarji għall-Ġustizzja, Kap. 291.

AN ACT to amend the Commissioners for Justice Act, Cap. 291.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIGI
imsejjah

ATT li jemenda l-Att dwar il-Kummissarji għall-Ġustizzja, Kap. 291.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ liġi b'dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2019 li jemenda l-Att dwar il-Kummissarji għall-Ġustizzja u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att tal-Kummissarji għall-Ġustizzja, hawnhekk iżjed 'il quddiem imsejjah "l-Att principali".

Titolu fil-qosor.

Kap. 291.

2. Is-subartikolu (6) tal-artikolu 3 tal-Att principali għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 3 tal-Att principali.

Kap. 77

"(6) Minkejja d-dispożizzjonijiet tas-subartikoli (4) u (5) jew ta' xi liġi oħra, reat msemmi fis-subartikolu (4) m'għandux jittiehed f'konsiderazzjoni għall-finijiet tal-ħruġ ta' ċertifikati tal-kondotta skont l-Ordinanza dwar iċ-Ċertifikati ta' Kondotta iżda r-Registratur tat-Tribunal jew kwalunkwe persuna oħra kif tista' tiġi nominata permezz ta' regolamenti magħmula mill-Ministru għandhom iżommu regjistru tal-kundanni kollha jew ħlasijiet volontarji ta' pieni fir-rigward ta' reati msemmija fis-subartikolu (4) u dan ir-regjistru għandu jkun aċċessibbli għall-Pulizija Eżekuttiva, għar-Registratur tal-Qrati Kriminali u Tribunali Kriminali, għall-Forzi Armati ta' Malta u għal kull awtorità pubblika oħra, fl-eżerċizzju tal-

funzjonijiet tagħhom fil-liġi, kif il-Ministru jista' permezz ta' regolamenti jinnomina. It-talbiet għall-aċċess għar-reġistru għandhom jiġu sottomessi bil-miktub lir-Registratur tat-Tribunal jew persuna oħra li tagħti aċċess, skond il-każ, li għandu jżomm notament tiegħu, inklużi d-dati meta waslet it-talba u meta l-aċċess gie pprovdut. Ir-Registratur tat-Tribunal jew persuna oħra li tagħti aċċess, għandu jżomm dawn in-notamenti għal tliet snin mid-data ta' din it-talba:

Iżda l-awtorità pubblika li tagħmel talba għal aċċess għandha jkollha fis-seħħ salvagwardji xierqa għad-drittijiet u l-libertajiet ta' suġġetti tad-data b'rabta b'mod partikolari għal-limitazzjoni tal-iskop, l-integrità u l-kunfidenzjalità, kif meħtieġ skont ir-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni ta' persuni fiżiċi fir-rigward tal-ipproċessar ta' *data* personali u dwar il-moviment liberu ta' dik id-*data*, jew skont ir-Regolamenti dwar il-Protezzjoni tad-*Data* (Ipproċessar ta' *Data* Personali minn Awtoritajiet Kompetenti għall-Finijiet tal-Prevenzjoni, l-Investigazzjoni, is-Sejbien jew il-Prosekuzzjoni ta' Reati Kriminali jew l-Eżekuzzjoni ta' Pieni Kriminali).".

L.S. 586.08

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz huwa sabiex jemenda l-Att sabiex jipprovidi lill-Forzi Armati ta' Malta aċċess għar-reġistru tal-kundanni kollha jew hłasijiet volontarji ta' pieni. Barra minn hekk dan l-Abbozz ifittex li jstabilixxi mekkaniżmu li permezz tiegħu l-awtoritajiet ikkonċernati jitolbu aċċess, u r-Registratur tat-Tribunal iżomm notament tat-talbiet għal aċċess.

A BILL
entitled

AN ACT to amend the Commissioners for Justice Act, Cap. 291.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. The short title of this Act is the Commissioners for Justice (Amendment) Act, 2019, and this Act shall be read and construed as one with the Commissioners for Justice Act, hereinafter referred to as "the principal Act".

Short title.

Cap. 291.

2. Sub-article (6) of article 3 of the principal Act shall be substituted by the following:

Amendment of article 3 of the principal Act.

Cap. 77

"(6) Notwithstanding the provisions of sub-articles (4) and (5) or of any other law, an offence referred to in sub-article (4) shall not be taken into account for the purposes of the issue of conduct certificates under the Conduct Certificates Ordinance but the Registrar of the Tribunal or any other person as may be designated by regulations made by the Minister shall keep a register of all convictions or voluntary payments of penalties in respect of offences referred to in sub-article (4) and such register shall be accessible to the Executive Police, to the Registrar of Criminal Courts and Criminal Tribunals, to the Armed Forces of Malta and to any other public authority, in the exercise of their functions at law, as the Minister may by

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regulations designate. Requests for access to the register shall be submitted in writing to the Registrar of the Tribunal or other person granting access, as the case may be, who shall keep a record thereof, including the dates when the request was received and when access was provided. The Registrar of the Tribunal or other person granting access, as the case may be, shall keep such records for three years from the date of such request:

S.L. 586.08 Provided that the public authority requesting access shall have in place appropriate safeguards for the rights and freedoms of data subjects in relation in particular to purpose limitation, integrity and confidentiality, as required pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, or pursuant to the Data Protection (Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection or Prosecution of Criminal Offences or the Execution of Criminal Penalties) Regulations."

Objects and Reasons

The object of this Bill is to amend the Act to provide the Armed Forces of Malta with access to the register of all convictions or voluntary payments of penalties. Moreover this Bill seeks to establish a mechanism via which the authorities concerned request access, and the Registrar of the Tribunal retains a record of requests for access.

