

MALTA

**ATT Nru X tal-2026**

ATT maħruġ b'liġi mill-Parlament ta' Malta.

**ATT sabiex jipprovdi għall-Protezzjoni kontra Konsegwenzi Negattivi għal Persuni li fiequ minn Mard Onkoloġiku (Dritt li Tintesa).**

**ACT No. X of 2026**

AN ACT enacted by the Parliament of Malta.

**AN ACT to provide for the Protection against Adverse Consequences for Persons who recovered from Oncological Diseases (Right to be Forgotten).**



Naghti l-kunsens tiegħi.

(L.S.)

**MYRIAM SPITERI DEBONO**  
**President**

2 ta' April, 2026

**ATT Nru X tal-2026**

*ATT sabiex jipprovi għall-Protezzjoni kontra Konsegwenzi Negattivi għal Persuni li fiequ minn Mard Onkologiku (Dritt li Tintesa).*

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

**1.** (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2026 dwar il-Protezzjoni kontra Konsegwenzi Negattivi għal Persuni li fiequ minn Mard Onkologiku (Dritt li Tintesa). Titolu fil-qosor u bidu fis-seħh.

(2) Dan l-Att għandu jidhol fis-seħh fl-1 ta' Jannar 2027.

**2.** F'dan l-Att, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra: Tifsir.

"Bord" tfisser il-Bord ta' Reviżjoni stabbilit bl-artikolu 5;

"data tad-dijanjozi" tfisser l-ewwel jum meta professjonist mediku kwalifikat jiddetermina li persuna għandha marda onkologika;

"data tat-tmjem tat-trattament" tfisser id-data tal-aħħar trattament attiv skont il-protokoll mediku applikabbli, u f'każ ta'

tilwima bejn il-persuna li fieqet u l-parti l-oħra, din id-data tista' tiġi determinata skont l-artikolu 7;

"ftehim dwar servizzi finanzjarji" tfisser kwalunkwe kuntratt ta' assigurazzjoni għall-ħajja, ftehim ta' self bankarju, jew kwalunkwe kuntratt jew ftehim ieħor ancillari għalihom;

Kap. 452.

"kuntratt ta' servizz" u "kuntratt ta' impieg" għandu jkollhom it-tifsira mogħtija lilhom fl-artikolu 2 tal-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali;

"marda onkoloġika" tfisser kwalunkwe marda li tinvolvi tkabbir u tixrid anormali taċ-ċelloli fil-ġisem, b'mod komuni magħrufa bħala kanċer;

"Ministru" tfisser il-Ministru responsabbli għas-saħħa;

"parti l-oħra" tfisser il-parti li toffri ftehim dwar servizzi finanzjarji, kuntratt ta' servizz jew kuntratt ta' impieg;

"perjodu stabbilit" tfisser il-perjodu ta' żmien li jkun iddekorra mid-data tat-tmiem tat-trattament mingħajr rikaduta;

"persuna li fieqet" tfisser persuna li kienet dijanjostikata b'marda onkoloġika u tinsab f'remissjoni wara trattament b'suċċess;

"rikaduta" tfisser ir-ritorn tal-marda onkoloġika wara t-tmiem tat-trattament, u ma għandhiex tinkludi kwalunkwe kwistjoni oħra tas-saħħa li tista' tinqala' fil-perjodu ta' wara t-tmiem tat-trattament anke jekk tkun konsegwenza diretta tal-marda onkoloġika;

"storja medika" tfisser kwalunkwe rekords mediċi relatati mad-dijanjozi u t-trattament ta' kwalunkwe marda onkoloġika, inkluż kwalunkwe rekords li jmorru lura għal qabel id-dijanjozi jekk jirreferu għat-testijiet relatati, u tinkludi wkoll kwalunkwe verifiki mediċi, testijiet u riżultati sussegwenti li jsiru wara t-tmiem tat-trattament inkwantu jirrelataw mal-marda onkoloġika, u għandha tinkludi wkoll kwalunkwe mistoqsija, talba jew żvelar, kemm bil-fomm kif ukoll bil-miktub, dwar jekk persuna qatt ġietx dijanjostikata bi kwalunkwe marda onkoloġika jew trattata għaliha.

Dritt li tintesa.

**3.** (1) Għall-finijiet tad-dhul fi kwalunkwe kuntratt ta' servizz, kuntratt ta' impieg jew ftehim dwar servizzi finanzjarji, l-istorja medika ta' persuna li fieqet ma għandhiex tintalab, tiġi kkunsidrata jew użata sabiex tiskoraġġixxi, tfixkel jew jiġi rrifjutat l-aċċess għal

kwalunkwe kuntratt ta' servizz, kuntratt ta' impieg, jew servizz finanzjarju, jew sabiex jiġu imposti kundizzjonijiet aktar onerużi, jew sabiex b'xi mod taffettwa l-kontenut tal-kuntratt ta' servizz, kuntratt ta' impieg, jew ftehim dwar servizzi finanzjarji, jekk ikun għadda perjodu stabbilit ta' għaxar (10) snin mid-data tat-tmiem tat-trattament tal-persuna li fieqet:

Iżda fil-każ ta' dijanjożi qabel l-età ta' hamsa u għoxrin (25) sena, il-perjodu stabbilit għandu jitqassar għal hames (5) snin mit-tmiem tat-trattament:

Iżda wkoll il-Ministru, bi qbil mal-Ministru responsabbli għall-finanzi u mal-Ministru responsabbli għax-xogħol, jista' b'regolamenti jippreskrivi perjodi stabbiliti iqsar taht tali kundizzjonijiet li jistgħu jiġu speċifikati u f'dak il-każ il-perjodi stabbiliti iqsar u l-kundizzjonijiet applikabbli għalihom jistgħu jiġu inkluzi permezz ta' Skeda.

(2) L-istorja medika msemmija f'dan l-artikolu ma tistax tintalab jew tinkiseb lanqas minn sorsi oħra li mhumiex il-persuna li fieqet jew il-parti l-oħra, u f'każ li tkun magħrufa jew disponibbli għall-parti l-oħra, tali storja medika ma għandhiex tiġi kkunsidrata jew użata sabiex jiġi rrifjutat aċċess għal kwalunkwe kuntratt ta' servizz, kuntratt ta' impieg, jew ftehim dwar servizzi finanzjarji, jew sabiex jiġu imposti kundizzjonijiet aktar onerużi jew sabiex jiġi bi kwalunkwe mod affettwat il-kontenut tal-kuntratt ta' servizz, kuntratt ta' impieg, jew ftehim dwar servizzi finanzjarji, jekk il-perjodu stabbilit f'dan l-Att ikun iddekorra.

(3) Fejn fil-waqt tad-dhul tal-ftehim dwar servizzi finanzjarji wara l-bidu fis-sehħ ta' dan l-Att il-perjodu stabbilit ikun għadu ma għaddiex, il-ftehim dwar servizzi finanzjarji għandu jispeċifika li wara li jiddekorri l-perjodu stabbilit rilevanti, l-istorja medika tal-persuna li fieqet ma tistax tibqa' titqies, u kwalunkwe klawsola li taffettwa l-kontenut tal-ftehim dwar servizzi finanzjarji bbażata fuq l-istorja medika ma għandux ikollha effett mid-data tal-iskadenza tal-perjodu stabbilit:

Iżda l-istorja medika tal-persuna li fieqet miżmuma mill-parti l-oħra għandha, wara t-tmiem tal-perjodu stabbilit, tiġi anonimizzata u l-persuna li fieqet għandha tiġi avżata bil-miktub li tkun saret tali anonimizzazzjoni.

(4) Fejn ftehim dwar servizzi finanzjarji jkun eżistenti qabel il-bidu fis-sehħ ta' dan l-Att u jinkludi klawsola inkompatibbli ma' dan l-Att, u l-perjodu stabbilit ikun iddekorra jew se jiddekorri ma', jew wara l-bidu fis-sehħ ta' dan l-Att, il-klawsola rispettiva ma għandhiex

tibqa' effettiva u għandha titqies nulla u bla effett skont l-artikolu 4 mid-data ta' meta jkun iddekorra l-perjodu stabbilit jew mid-data tal-bidu fis-seħħ ta' dan l-Att, skont liema waħda hija l-aktar tardiva:

Iżda l-istorja medika tal-persuna li fieqet miżmuma mill-parti l-oħra għandha, wara t-tmiem tal-perjodu stabbilit, tiġi anonimizzata u l-persuna li fieqet għandha tiġi avżata bil-miktub li tkun saret tali anonimizzazzjoni.

(5) Fejn l-istorja medika ta' persuna li fieqet tkun ġiet rikjesta meta l-persuna daħlet f'kuntratt ta' servizz jew kuntratt ta' impieg qabel id-dhul fis-seħħ ta' dan l-Att u l-istorja medika għadha tinzamm mill-parti l-oħra, din għandha, wara t-tmiem tal-perjodu stabbilit, tiġi anonimizzata u l-persuna li fieqet għandha tiġi avżata bil-miktub li tkun saret tali anonimizzazzjoni.

(6) Fil-każijiet kollha msemmija fis-subartikoli (3) sa (5) għandha tkun ir-responsabilità tal-persuna li fieqet li tinforma lill-parti l-oħra li l-perjodu stabbilit ikun għadda, u l-effetti tas-subartikoli msemmija għandhom joperaw biss mid-data meta din l-informazzjoni tasal għand il-parti l-oħra:

Iżda f'każ ta' tilwima dwar id-data tat-tmiem tat-trattament, kwalunkwe parti tista' tirreferi l-kwistjoni quddiem il-Bord skont l-artikolu 7.

In-nullità ta' klawnsola ma ġġibx magħha n-nullità tal-kuntratt.

**4.** Fejn kwalunkwe klawnsola f'kuntratt ta' servizz, kuntratt ta' impieg, jew ftehim dwar servizzi finanzjarji tikser xi dispożizzjoni ta' dan l-Att, il-klawnsola rispettiva għandha tkun nulla u bla effett limitament għal tali ksur iżda tali ksur ma għandux jannulla l-kuntratt kollu:

Iżda n-nullità ta' tali klawnsola ma għandhiex topera b'tali mod li ċċaħħad minn xi drittijiet li l-persuna li fieqet setgħet akkwistat permezz tal-istess klawnsola, f'liema każ il-klawnsola jibqa' jkollha effett biss sal-punt imsemmi.

Bord ta' Reviżjoni.

**5.** (1) Għandu jkun hemm Bord ta' Reviżjoni li jkollu l-funzjonijiet stabbiliti f'dan l-Att.

(2) Il-Bord ta' Reviżjoni għandu jkun magħmul minn President u żewġ (2) membri maħtura mill-Ministru. Il-President għandu jkun persuna li Prattikat bħala avukat f'Malta għal perjodu jew perjodi li jammontaw, fit-total tagħhom, għal mhux anqas minn seba' (7) snin, u ż-żewġ (2) membri għandhom ikunu professjonisti mediċi li għandhom kwalifiki u esperjenza fil-qasam tal-mard onkoloġiku:

Iżda fejn fl-opinjoni tal-Ministru ma jkunx possibbli jew

prattiku minhabba f'ċirkostanzi partikolari li l-Bord ikun magħmul kif imsemmi qabel, il-Ministru jista' jahtar membri tal-Bord kif iqis li jkun adattat għat-twettiq tal-funzjonijiet tal-Bord skont dan l-Att fiċ-ċirkostanzi:

Iżda wkoll il-Ministru jista' jahtar ukoll Presidenti u membri sostituti jekk il-kariga ta' President jew membru tkun battala jew jekk għal kwalunkwe raġuni tali President jew membru ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu. Il-Ministru jista' jappunta wkoll kompożizzjonijiet differenti tal-Bord.

(3) Il-President u l-membri tal-Bord għandhom jinhatru għal perjodu ta' tliet (3) snin, u għandhom ikunu eliġibbli għal hatra mill-ġdid.

(4) Fl-eżerċizzju tal-funzjonijiet tagħhom il-President u l-membri tal-Bord ma għandhomx ikunu soġġetti għad-direzzjoni jew għall-kontroll ta' kwalunkwe persuna jew awtorità oħra.

(5) Il-Bord jista' jaġixxi minkejja kwalunkwe post battal fil-kompożizzjoni tiegħu.

(6) Il-Ministru għandu jahtar persuna sabiex taġixxi bħala Segretarju tal-Bord.

(7) Il-President u l-Membri tal-Bord jistgħu jitneħħew mill-Ministru qabel l-iskadenza tal-kariga tagħhom unikament minhabba inkapaċità ppruvata li jwettqu l-funzjonijiet tal-kariga tagħhom kemm jekk tirriżulta minn inabilità tal-ġisem jew tal-moħħ jew xi kawża oħra, jew għal imġiba hażina ppruvata.

6. (1) Il-Bord għandu jwettaq il-funzjonijiet li ġejjin:

(a) id-determinazzjoni tad-data tad-dijanjozi u, jew id-data tat-tmiem tat-trattament skont il-proċedura stabbilita fl-artikolu 7;

(b) ir-rakkomandazzjoni ta' reviżjoni u riduzzjoni tal-perjodi ta' preskrizzjoni għal mard onkoloġiku speċifiku li għandu jiġi inkluż mill-Ministru fl-Iskeda, skont il-progress xjentifiku u mediku u l-artikolu 3;

(ċ) kwalunkwe tali funzjoni oħra li tista' tiġi assenjata lilu mill-Ministru għall-implimentazzjoni xierqa ta' dan l-Att.

(2) Il-proċeduri quddiem il-Bord għandhom isiru bil-magħluq u għandhom ikunu kunfidenzjali.

Funzjonijiet u setgħat tal-Bord ta' Revizjoni.

(3) Il-Bord, fl-eżerċizzju tal-funzjonijiet tiegħu, għandu s-setgħa li jieħu deċiżjonijiet, jagħmel rakkomandazzjonijiet, joħroġ deċiżjonijiet u jirreferi għall-awtoritajiet rilevanti għal azzjoni, assistenza jew informazzjoni.

(4) Il-Bord għandu s-setgħa li jaċċessa r-rekords mediċi kollha miżmuma minn kwalunkwe fornitur tat-trattament tas-saħħa pubbliku jew privat li jkunu rilevanti għat-talbiet li jsirulu.

(5) Il-Bord jista', kull meta jqis neċessarju, jinvolvi persuna waħda (1) jew aktar, li jqis li għandhom kompetenza xierqa, sabiex jassistuh fit-tweqqif ta' kompiti speċifiċi li jeħtieġu tali kompetenza u, għal dan il-għan, il-Bord jista' jimponi tali kundizzjonijiet li jqis meħtieġa.

(6) Il-Bord għandu fi tmiem kull sena, jew qabel jekk ikun mitlub, jagħmel rapport dwar l-attivitajiet tiegħu lill-Ministru. Ir-rapport imsemmi għandu jitqiegħed fuq il-Mejda tal-Kamra mill-Ministru f'forma li tirispetta l-kunfidenzjalità tad-data personali:

Iżda r-rapport jista' jinkludi informazzjoni anonimizzata għal skopijiet statistiċi.

Determinazzjoni tad-data tad-dijanjożi u t-tmiem tat-trattament.

7. (1) F'każijiet li għalihom japplikaw id-dispożizzjonijiet tal-artikoli 3(3), 3(4), u 3(5), jekk tinqala' tilwima dwar id-data tad-dijanjożi u, jew id-data tat-tmiem tat-trattament, kwalunkwe parti tista' tressaq applikazzjoni quddiem il-Bord għad-determinazzjoni tat-tilwim.

(2) Bla ħsara għall-ġeneralità tal-artikolu 6(3), il-Bord jista' jitlob aċċess għal kwalunkwe data tal-istorja medika mill-persuna li fieqet, strettament għad-determinazzjoni tad-data tad-dijanjożi u, jew id-data tat-tmiem tat-trattament, iżda l-parti l-oħra ma għandhiex ikollha aċċess għal tali data.

(3) Id-determinazzjoni għandha ssir malajr kemm jista' jkun u mingħajr dewmien u l-Bord għandu jagħmel hiltu sabiex tali determinazzjoni tingħata sa mhux aktar tard minn ġimgħa minn meta ssir l-applikazzjoni:

Iżda jekk il-Bord jagħmel talba għal data, il-limitu ta' żmien hawn fuq imsemmi jista' jiġi estiż għal perjodu ta' mhux aktar minn ġimgħa minn meta jirċievi d-data.

(4) Fid-determinazzjoni tat-tmiem tat-trattament, il-Bord ma għandux jikkunsidra xi trattament, mediċina, testijiet jew verifiki mediċi oħra tas-saħħa li mhumiex amministrati speċifikament bhala parti mit-tneħħija jew l-eradikazzjoni diretta taċ-ċelloli tal-kanċer jew

trattament dirett tal-marda onkoloġika. Sabiex jiġi evitat kull dubju, trattamenti fit-tul bħat-terapija bl-ormoni u kimoterapija ta' manteniment użata sabiex tipprevjeni rikaduta u, jew ittejjeb il-pronjożi ma għandhomx joperaw sabiex jestendu l-perjodu stabbilit.

(6) L-effetti tas-subartikoli 3(3), 3(4) u 3(5) għandhom joperaw:

(a) mid-data stabbilita mill-Bord jekk id-data tat-tmiem tat-trattament provduta mill-persuna li fieqet skont l-artikolu 3(6) tkun misjuba li kienet skorretta; jew

(b) retroattivament mid-data tat-tmiem tat-trattament provduta mill-persuna li fieqet skont l-artikolu 3(6), jekk din id-data tiġi konfermata mill-Bord.

(5) Id-deċiżjonijiet imsemmija f'dan l-artikolu għandhom jiġu kkomunikati bil-miktub unikament lill-partijiet u ma jistgħux jiġu mqassma ulterjorment.

**8.** Il-Ministru jista' jagħmel regolamenti kif awtorizzat taħt dan l-Att, inkluż Skedi annessi ma' dan l-Att fil-parametri tal-artikolu 3, u b'mod ġenerali għall-aħjar twettiq tad-dispożizzjonijiet ta' dan l-Att: Setgħa tal-Ministru li jagħmel regolamenti.

Iżda kwalunkwe Skedi li l-Ministru jista' jagħmel għandhom jiġu riveduti mill-inqas darba kull sena.

**9.** Kwalunkwe persuna, li ma tkunx il-persuna li fieqet, li tonqos Reati. milli tosserva d-dispożizzjonijiet ta' dan l-Att jew tonqos milli tikkonforma ma' kwalunkwe ordni jew talba magħmula mill-Bord għandha tkun ħatja ta' reat u għandha teħel, meta tinstab ħatja, multa ta' mhux inqas minn ħames mitt euro (€500) u ta' mhux aktar minn ħamest elef euro (€5,000), kif ukoll penali għal kull ġurnata li matulha jissussisti n-nuqqas ta' konformità ma' dan l-Att, liema penali ma għandhiex tkun ta' inqas minn għaxar euro (€10) u ta' mhux aktar minn mitt euro (€100) għal kull ġurnata.

A 384

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 451 tat-30 ta' Marzu, 2026.

ANĠLU FARRUGIA  
*Speaker*

ELEANOR SCERRI  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**MYRIAM SPITERI DEBONO**  
**President**

2nd April, 2026

**ACT No. X of 2026**

*AN ACT to provide for the Protection against Adverse Consequences for Persons who recovered from Oncological Diseases (Right to be Forgotten).*

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.** (1) The short title of this Act is the Protection against Adverse Consequences for Persons who recovered from Oncological Diseases (Right to be Forgotten) Act, 2026. Short title and commencement.

(2) This Act shall come into force on 1st January 2027.

**2.** In this Act, unless the context otherwise requires: Interpretation.

"Board" means the Review Board established by article 5;

"contract of service" and "contract of employment" shall have the meaning assigned to them in accordance with article 2 of the Employment and Industrial Relations Act; Cap. 452.

"date of diagnosis" means the first day a qualified medical professional determines a person has an oncological disease;

"date of end of treatment" means the date of the last active treatment in accordance with the applicable medical protocol, and in case of a dispute between the recovered person and the other party this date may be determined in accordance with article 7;

"established period" means the period of time which has elapsed since the date of the end of treatment without relapse;

"financial services agreement" means any life insurance contract, bank loan agreement, or any other contract or agreement ancillary thereto;

"medical history" means any medical records relating to the diagnosis and treatment of any oncological disease, including any records which may pre-date the diagnosis if they refer to the related testing, and also includes any follow-up medical check-ups, tests, and results following the end of treatment in so far as they relate to the oncological disease, and it shall also include any inquiry, request, or disclosure, whether oral or written, regarding whether a person has ever been diagnosed with or treated for any oncological disease;

"Minister" means the Minister responsible for health;

"oncological disease" means any disease involving abnormal growth and spread of cells in the body, commonly known as cancer;

"other party" means the party offering a financial services agreement, contract of service or contract of employment;

"recovered person" or "person who recovered" means a person who had been diagnosed with an oncological disease and is in remission following successful treatment;

"relapse" means the recurrence of the oncological disease following the end of treatment, and shall not include any other health issues which may arise during the period following the end of treatment even if emanating as a direct consequence of the oncological disease.

Right to be forgotten.

**3. (1)** For the purposes of entering into any contract of service, contract of employment or financial services agreement, a recovered person's medical history shall not be requested, considered or used in order to dissuade, impede or refuse access to any contract of service, contract of employment or financial service, or to impose more onerous conditions or to affect in any way the content of the contract

of service, contract of employment or financial services agreement, if an established period of ten (10) years has elapsed since the date of the end of treatment of the recovered person:

Provided that in the case of diagnosis before the age of twenty five (25) years, the established period shall be shortened to five (5) years from the end of treatment:

Provided further that the Minister, with the concurrence of the Minister responsible for finance and the Minister responsible for employment, may by means of regulations prescribe shorter established periods under such conditions as may be specified and in such case the shorter established periods and the conditions applicable thereto may be included in a Schedule.

(2) The medical history referred to in this article may not be requested or acquired even from sources other than the recovered person or the other party, and in case it is made known or made available to the other party, such medical history shall not be considered or used in order to refuse access to any contract of service, contract of employment or financial services agreement, or to impose more onerous conditions or to affect in any way the content of the contract of service, contract of employment or financial services agreement, if the established period as established in this Act has elapsed.

(3) Where when entering into a financial services agreement subsequent to the coming into force of this Act the established period has not yet elapsed, the financial services agreement is to specify that after the relevant established period elapses, consideration of the medical history of the recovered person may no longer be made and any clause which affects the content of the financial services agreement based on the medical history shall no longer have effect from the date when the established period elapses:

Provided that the medical history of the recovered person held by the other party shall, subsequent to the lapse of the established period, be anonymised and the recovered person shall be notified in writing that such anonymisation has taken place.

(4) Where a financial services agreement exists prior to the coming into force of this Act and includes a clause which is incompatible with this Act, and the established period has elapsed or shall elapse on or after the coming into force of this Act, the respective clause shall cease to have effect and shall be considered null and void in accordance with article 4 as from the date on which the established period has elapsed or from the date of coming into force of this Act, whichever is the later:

Provided that the medical history of the recovered person which was held by the other party shall, subsequent to the established period elapsing, be anonymised and the recovered person shall be notified in writing that such anonymisation has taken place.

(5) Where medical history of a recovered person was requested when the person entered into a contract of service or a contract of employment prior to the coming into force of this Act and the medical history is still being held by the other party, it shall, subsequent to the lapse of the established period, be anonymised and the recovered person shall be notified in writing that such anonymisation has taken place.

(6) In all cases mentioned in sub-articles (3) to (5) it shall be the responsibility of the recovered person to inform the other party that the established period has elapsed, and the effect of the aforementioned sub-articles shall only operate from the date when this information reaches the other party:

Provided that in case of a dispute as to the date of the end of the treatment any of the parties may refer the matter to the Board in accordance with article 7.

Nullity of clause does not nullify contract.

**4.** Where any clause in a contract of service, contract of employment or financial services agreement breaches any provision of this Act, the respective clause shall be null and void limitedly to such breach but such breach shall not nullify the entire contract:

Provided that the nullity of such clause shall not operate in such a way as to deny any rights which the recovered person may have acquired through the same clause, in which case the clause shall still have effect only to the said extent.

Review Board.

**5.** (1) There shall be a Review Board having the functions established in this Act.

(2) The Review Board shall be composed of a Chairperson and two (2) members appointed by the Minister. The Chairperson shall be a person who has practised as an advocate in Malta for a period or periods amounting, in the aggregate, to not less than seven (7) years, and the two (2) members shall be medical professionals having qualifications and experience in the field of oncological diseases:

Provided that where in the opinion of the Minister it is not possible or practical due to particular circumstances for the Board to be composed as aforesaid, the Minister may appoint members of the Board as he considers to be suitable for the carrying out of the functions of the Board in accordance with this Act in the

circumstances:

Provided further that the Minister may also appoint substitute Chairpersons and members if the office of Chairperson or a member is vacant or if for any reason such Chairperson or member is unable to perform the functions of his office. The Minister may also appoint different compositions of the Board.

(3) The Chairperson and members of the Board shall be appointed for a period of three (3) years, and shall be eligible for re-appointment.

(4) In the exercise of their functions the Chairperson and members of the Board shall not be subject to the direction or control of any other person or authority.

(5) The Board may act notwithstanding any vacancy in its composition.

(6) The Minister shall appoint a person to act as Secretary to the Board.

(7) The Chairperson and Members of the Board may be removed by the Minister prior to the expiry of their term of office only on the ground of proven inability to perform the functions of their office whether arising from infirmity of body or mind or any other cause, or for proven misbehaviour.

6. (1) The Board shall carry out the following functions:

Functions and  
powers of the  
Review Board.

(a) the determination of the date of diagnosis and, or the date of the end of treatment in accordance with the procedure established in article 7;

(b) the recommendation of the review and reduction of established periods for specific oncological diseases that shall be included by the Minister in the Schedule, in accordance with scientific and medical progress and article 3;

(c) any other such function as may be assigned to it by the Minister for the proper implementation of this Act.

(2) Proceedings before the Board shall be held *in camera* and shall be confidential.

(3) The Board shall, in the exercise of its functions, have the power to take decisions, make recommendations, issue rulings and refer to the relevant authorities for action, assistance or information.

(4) The Board shall have the power to access all medical records held by any public or private health care provider which are relevant to the requests made to it.

(5) The Board may, whenever it deems necessary, engage one (1) or more persons, whom it considers to be in possession of suitable expertise to assist it in carrying out specific tasks requiring such expertise, and, for this purpose, the Board may impose such conditions as it considers necessary.

(6) The Board shall at the end of each year, or earlier if so requested, make a report of its activities to the Minister. The said report shall be laid on the Table of the House by the Minister in a form which respects the confidentiality of personal data:

Provided that the report may include anonymised information for statistical purposes.

Determination of dates of diagnosis and end of treatment.

7. (1) In cases to which the provisions of articles 3(3), 3(4), and 3(5) apply, if a dispute arises as to the date of diagnosis and, or the date of the end of treatment, either party may submit an application before the Board for determination of the dispute.

(2) Without prejudice to the generality of article 6(3), the Board may request access to any medical history data from the recovered person, strictly for determination of the date of diagnosis and, or the date of the end of treatment, so however that the other party shall not have access to such data.

(3) The determination is to be made expeditiously and without delay and the Board shall endeavour to make such determination not later than one week from when the application is made:

Provided that if the Board makes a request for data the above referred time limit may be extended for a period of not more than one week from the receipt of data.

(4) In determining the end of treatment, the Board shall not take into account any treatment, medicine, testing or other health-checkups which are not specifically administered as part of the direct removal or eradication of cancer cells or direct treatment of the oncological disease. For the avoidance of doubt, long-term treatments such as hormone therapy and maintenance chemotherapy used to prevent relapse and, or improve prognosis shall not operate to extend the established period.

(5) The decisions referred to in this article shall be communicated in writing solely to the parties and may not be distributed further.

(6) The effects of sub-articles 3(3), 3(4) and 3(5) shall operate:

(a) from the date established by the Board if the date of end of treatment provided by the recovered person in accordance with article 3(6) is found to be incorrect; or

(b) retroactively from the date of end of treatment provided by the recovered person in accordance with article 3(6), if this date is confirmed by the Board.”.

8. The Minister may make regulations as authorized under this Act, including Schedules annexed to this Act within the parameters of article 3, and in general for the better implementation of the provisions of this Act: Power of the Minister to make regulations.

Provided that any Schedules which the Minister may make shall be revised at least once a year.

9. Any person, not being the recovered person, who fails to abide by the provisions of the Act or fails to comply with any order or request made by the Board shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than five hundred euro (€500) and not more than five thousand euro (€5,000), as well as a penalty for each day during which the failure to comply with this Act subsists, which daily penalty shall not be less than ten euro (€10) and not more than one hundred euro (€100). Offences.

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Passed by the House of Representatives at Sitting No. 451 of the 30th March, 2026.

ANĠLU FARRUGIA  
*Speaker*

ELEANOR SCERRI  
*Clerk of the House of Representatives*





# VERŻJONI ELETTRONIKA