

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,997, 28 ta' Mejju, 2018

Taqsim A

MALTA

ATT Nru XX tal-2018

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

ATT biex iħassar u jissostitwixxi l-Att dwar il-Protezzjoni u l-Privatezza tad-Data, Kap. 440.

ACT No. XX of 2018

AN ACT enacted by the Parliament of Malta.

AN ACT to repeal and to replace the Data Protection Act, Cap. 440.

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

28 ta' Mejju, 2018

ATT Nru XX tal-2018

ATT biex iħassar u jissostitwixxi l-Att dwar il-Protezzjoni u l-Privatezza tad-Data, Kap. 440.

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

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TAQSIMA I

Preliminari

- Titolu fil-qosor. **1.** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2018 dwar il-Protezzjoni u l-Privatezza tad-*Data*.
- Għan tal-Att. **2.** Dan l-Att jimplimenta u jispeċifika aktar id-dispożizzjonijiet rilevanti tar-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' *data* personali u dwar il-moviment liberu ta' tali *data*, u li jhassar id-Direttiva 95/46/KE (Regolament Ġenerali dwar il-Protezzjoni tad-*Data*).
- Tifsir. **3.** (1) F'dan l-Att, sakemm ir-rabta tal-kliem ma teħtieġ xort'oħra -
- Kap. 258. "dokument ta' identità" tfisser dokument ta' identità legalment validu kif previst fl-Att dwar il-Karta tal-Identità u Dokumenti oħra tal-Identità;
- "Kummissarju" tfisser il-Kummissarju għall-Infommazzjoni u l-Protezzjoni tad-*Data* maħtur skont l-artikolu 11 u tinkludi kull uffiċjal jew impjegat tal-Kummissarju awtorizzat minnu għal dak il-għan;
- "Ministru" tfisser il-Ministru responsabbli għall-protezzjoni u l-privatezza tad-*data*;
- "ir-Regolament" tfisser ir-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' *data* personali u dwar il-moviment liberu ta' tali *data*, u li jhassar id-Direttiva 95/46/KE;
- "statistiċi uffiċjali" għandha tfisser l-infommazzjoni miġbura, analizzata u prodotta għall-benefiċċju tas-soċjetà biex tikkaratterizza fenomenu kollettiv f'popolazzjoni partikolari u prodotta mill-Uffiċċju Nazzjonali tal-Istatistika kif previst mil-liġi, jew minn awtoritajiet nazzjonali oħra kif stabbilit bl-Eurostat wara rakkomandazzjoni tal-Uffiċċju Nazzjonali tal-Istatistika;
- "Tribunal" tfisser it-Tribunal tal-Appelli dwar l-Infommazzjoni u l-Protezzjoni tad-*Data* stabbilit taħt l-artikolu 24.
- (2) It-tifsiriet fl-Artikolu 4 tar-Regolament għandhom jgħoddu għal dan l-Att.

TAQSIMA II

Applikabilità

4. (1) Mingħajr hsara għad-dispożizzjonijiet tas-^{Skop.} subartikolu (2), id-dispożizzjonijiet ta' dan l-Att għandhom jgħoddu għall-ipproċessar ta' *data* personali, kompletament jew parzjalment b'mezzi awtomatizzati, u għall-ipproċessar għajr b'mezzi awtomatizzati meta tali *data* personali tiffirma parti minn sistema ta' arkivjar jew hi maħsuba li tiffirma parti minn sistema ta' arkivjar:

Iżda dan l-Att m'għandux japplika għall-ipproċessar ta' *data* personali:

(a) matul attività li ma taqax taht il-kamp ta' applikazzjoni tal-liġi tal-Unjoni;

(b) mill-Gvern ta' Malta meta jkun qed iwettaq attivitajiet li jaqgħu fi hdan l-ambitu tal-Kapitolu 2 tat-Titolu V tat-Trattat dwar l-Unjoni Ewropea;

(ċ) minn persuna fiżika waqt attività purament personali jew fid-dar; jew

(d) mill-awtoritajiet kompetenti għall-finijiet tal-prevenzjoni, investigazzjoni, sejbien jew prosekuzzjoni ta' reati kriminali, jew l-eżekuzzjoni ta' pjeni kriminali, inkluż is-salvagwardji kontra u l-prevenzjoni ta' theddid għas-sigurtà pubblika:

Iżda wkoll il-Ministru jista' permezz ta' regolamenti, wara li jikkonsulta mal-Kummissarju u bi qbil mal-Ministru responsabbli għall-Pulizija, jagħmel dispożizzjonijiet dwar l-ipproċessar ta' *data* personali minn awtoritajiet kompetenti għall-finijiet tal-prevenzjoni, investigazzjoni, sejbien jew prosekuzzjoni ta' reati kriminali, jew l-eżekuzzjoni ta' pjeni kriminali, inkluż is-salvagwardji kontra u l-prevenzjoni ta' theddid għas-sigurtà pubblika.

(2) Dan l-Att għandu japplika għal:

(a) l-ipproċessar ta' *data* personali mwettaq fil-kuntest ta' attivitajiet ta' stabbiliment ta' kontrollur jew proċessur f'Malta jew f'Ambaxxata Maltija jew Kummissjoni Għolja barra minn Malta, kemm jekk l-ipproċessar jitwettaq f'Malta jew le;

(b) l-ipproċessar ta' *data* personali ta' suġġetti ta' *data* li jkunu f'Malta minn kontrollur jew proċessur li mhuwiex

stabbilit fl-Unjoni Ewropea, meta l-attivitajiet għandhom x'jaqsmu ma':

(i) l-offerta ta' prodotti jew servizzi, irrispettivament jekk ikunx meħtieġ hlas mis-sugġett tad-*data*, għal tali sugġetti tad-*data* f'Malta; jew

(ii) il-monitoraġġ tal-imġiba tagħhom sakemm l-imġiba tagħhom isseħħ f'Malta;

(ċ) l-ipproċessar ta' *data* personali minn kontrollur li mhuwiex stabbilit fl-Unjoni iżda f'post fejn japplikaw il-liġijiet ta' Malta permezz tad-dritt internazzjonali pubbliku.

TAQSIMA III

Restrizzjonijiet, Konsultazzjoni u Awtorizzazzjoni minn qabel

Restrizzjonijiet.

5. Il-Ministru jista', wara konsultazzjoni mal-Kummissarju u bi qbil mal-Ministru responsabbli għall-gustizzja, permezz ta' regolamenti jipprovdi għal restrizzjoni għall-obbligi li kontrollur jew proċessur tad-*data* hu soġġett għalihom konformement mal-Artikolu 23 tar-Regolament.

Salvagwardji u derogi li jirrigwardaw l-ipproċessar għal finijiet tal-arkivjar fl-interess pubbliku, għal għanijiet ta' riċerka xjentifika jew storika jew għal għanijiet ta' statistika.

6. (1) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (4), kontrolluri u proċessuri jistgħu jidderogaw mid-dispożizzjonijiet tal-Artikoli 15, 16, 18 u 21 tar-Regolament għall-ipproċessar ta' *data* personali għal għanijiet ta' riċerka xjentifika jew storika jew għal statistika uffiċjali safejn l-eżerċizzju tad-drittijiet stabbiliti f'dawk l-Artikoli:

(a) x'aktarx jirrendi impossibbli jew serjament ifixkel it-twetiq ta' dawk il-finijiet; u

(b) il-kontrollur tad-*data* raġjonevolment jemmen li tali derogi huma neċessarji għat-twetiq ta' dawk il-finijiet.

(2) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (4), kontrolluri u proċessuri jistgħu jidderogaw mid-dispożizzjonijiet tal-Artikoli 15, 16, 18, 19, 20 u 21 tar-Regolament għall-ipproċessar ta' *data* personali għal għanijiet ta' arkivjar fl-interess pubbliku safejn l-eżerċizzju tad-drittijiet stabbiliti f'dawk l-Artikoli:

(a) x'aktarx jirrendi impossibbli jew serjament ifixkel it-twetiq ta' dawk il-finijiet; u

(b) il-kontrollur tad-*data* raġjonevolment jemmen li tali derogi huma neċessarji għat-twetiq ta' dawk il-finijiet.

(3) Meta l-ipproċessar tad-*data* msemmi fis-subartikoli (1) u (2) iservi fl-istess hin xi għan ieħor, id-derogi għandhom japplikaw biss għall-ipproċessar għall-finijiet imsemmija f'dawk is-subartikoli.

(4) L-ipproċessar għall-finijiet imsemmija fis-subartikoli (1) u (2) għandu jkun bla ħsara għal salvagwardji xierqa għad-drittijiet u libertajiet tas-suġġett tad-*data*, inklużi psewdonimizzazzjoni u miżuri tekniċi u organizzattivi oħra li jiżguraw rispettu għall-prinċipju ta' minimizzazzjoni ta' *data*:

Iżda, fejn dawn il-finijiet jistgħu jitwettqu permezz ta' pproċessar li ma jippermettix, jew m'għadux jippermetti, l-identifikazzjoni tas-suġġetti tad-*data*, dawk il-finijiet għandhom jitwettqu b'dak il-mod.

7. Kontrollur għandu jikkonsulta ma', u jikseb l-awtorizzazzjoni minn qabel ta', il-Kummissarju meta l-kontrollur biħsiebu jipproċessa fl-interess pubbliku:

Konsultazzjoni
u
awtorizzazzjoni
minn qabel.

(a) *data* ġenetika, *data* bijometrika jew *data* dwar is-saħħa għal għanijiet ta' statistika jew ta' riċerka; jew

(b) kategoriji speċjali ta' *data* fir-rigward tal-ġestjoni tas-servizzi u sistemi ta' kura soċjali, inkluż għal għanijiet ta' kontroll tal-kwalità, informazzjoni dwar il-ġestjoni u s-superviżjoni u monitoraġġ nazzjonali ġenerali ta' dawk is-servizzi u sistemi:

Iżda, meta d-*data* ġenetika, id-*data* bijometrika u d-*data* dwar is-saħħa huma meħtieġa li jiġu pproċessati għal finijiet ta' riċerka, il-Kummissarju għandu jikkonsulta ma' kumitat ta' riċerka dwar l-etika jew ta' istituzzjoni rikonoxxuta mill-Kummissarju għall-finijiet ta' dan l-artikolu.

8. Dokument tal-identità għandu jiġi pproċessat fil-każ biss fejn dak l-ipproċessar hu ġustifikat b'mod ċar meta jitqiesu l-għan tal-ipproċessar u -

Ipproċessar ta'
dokument ta'
identità.

(a) l-importanza ta' identifikazzjoni sikura; jew

(b) kull raġuni valida oħra kif jista' jiġi provdut bil-liġi:

Iżda n-numru ta' identità nazzjonali jew kull identifikatur ieħor ta' applikazzjoni ġenerali jista' jintuża suġġett għal salvagwardji xierqa għad-drittijiet u libertajiet tas-suġġett tad-*data* konformement mar-Regolament.

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Libertà tal-espressjoni u informazzjoni.

9. (1) *Data* personali pproċessata għall-finijiet tal-eżerċizzju tad-dritt ta' libertà ta' espressjoni u informazzjoni, inkluż l-ipproċessar għal finijiet ġurnalistiċi jew għal għanijiet ta' espressjoni akkademika, artistika jew letterarja, għandha tkun eżentata minn konformità mad-dispożizzjonijiet tar-Regolament, speċifikat fis-subartikolu (2) fejn, meta titqies l-importanza tad-dritt ta' libertà ta' espressjoni u informazzjoni f'soċjetà demokratika, il-konformità ma' xi waħda mid-dispożizzjonijiet kif speċifikat fis-subartikolu (2) tkun inkompatibbli ma' tali għanijiet ta' pproċessar:

Iżda meta jirrikonċilja d-dritt għall-protezzjoni ta' *data* personali mad-dritt tal-libertà tal-espressjoni u tal-informazzjoni, il-kontrollur għandu jiżgura li l-ipproċessar huwa proporzjonat, neċessarju u ġustifikat għal raġunijiet ta' interess pubbliku sostanzjali.

(2) Għall-finijiet tad-dispożizzjonijiet tas-subartikolu (1), id-dispożizzjonijiet tal-kapitoli li ġejjin tar-Regolament jistgħu jiġu eżentati jew issir deroga minnhom konformement mal-Artikolu 85(2) tal-imsemmi Regolament:

(a) il-Kapitolu II (Prinċipji):

(i) l-Artikolu 5(1)(a) sa (e) (prinċipji relatati mal-ipproċessar);

(ii) l-Artikolu 6 (legalità);

(iii) l-Artikolu 7 (kondizzjonijiet għal kunsens);

(iv) l-Artikolu 10 (*data* relatata ma' kundanni kriminali, eċċ);

(v) l-Artikolu 11(2) (ipproċessar li ma jeħtieġx identifikazzjoni);

(b) il-Kapitolu III (drittijiet tas-sugġett tad-*data*):

(i) l-Artikolu 13(1) sa (3) (*data* personali miksuba mis-sugġett tad-*data*: informazzjoni li għandha tiġi pprovduta);

(ii) l-Artikolu 14(1) sa (4) (*data* personali miksuba għajr mis-sugġett tad-*data*);

(iii) l-Artikolu 15(1) sa (3) (aċċess għal *data* u salvagwardji għal traferiment ta' *data* lejn pajjizi terzi);

- (iv) l-Artikolu 17(1) u (2) (dritt għal tħassir);
- (v) l-Artikolu 18(1)(a), (b) u (d) (restrizzjoni tal-iproċessar);
- (vi) l-Artikolu 20(1) u (2) (dritt għall-portabbiltà tad-*data*);
- (vii) l-Artikolu 21(1) (oġġezzjonijiet għall-iproċessar);
- (ċ) il-Kapitolu IV (kontrollur u proċessar):
 - (i) l-Artikolu 25 (protezzjoni ta' *data* mid-disinn u b'mod awtomatiku);
 - (ii) l-Artikolu 27 (rappreżentanti ta' kontrolluri jew proċessuri mhux stabbiliti fl-Unjoni);
 - (iii) l-Artikolu 30 (reġistru tal-attivitajiet ta' pproċessar);
 - (iv) l-Artikolu 33 (notifika ta' ksur ta' *data* personali lill-awtorità superviżorja);
 - (v) l-Artikolu 34 (komunikazzjoni ta' ksur ta' *data* personali lis-suġġett tad-*data*);
 - (vi) l-Artikolu 42 (ċertifikazzjoni);
 - (vii) l-Artikolu 43 (korpi ta' ċertifikazzjoni);
- (d) il-Kapitolu VII (kooperazzjoni u konsistenza):
 - (i) l-Artikoli 60 sa 62 (kooperazzjoni);
 - (ii) l-Artikoli 63 sa 67 (konsistenza).

TAQSIMA IV

Trasferimenti ta' *Data* Transkonfini

10. Fl-assenza ta' deċiżjoni ta' adegwatezza konformement mal-Artikolu 45(3) tar-Regolament, il-Ministru jista', wara konsultazzjoni mal-Kummissarju, permezz ta' regolamenti jistabbilixxi l-limiti għat-trasferiment ta' kategoriji speċifiċi ta' *data* personali lejn pajjiż terz jew lil organizzazzjoni internazzjonali għal raġunijiet importanti ta' interess pubbliku.

Limiti għal trasferimenti ta' *data* transkonfini.

TAQSIMA V

Il-Kummissarju għall-Infommazzjoni u l-Protezzjoni tad-*Data*

Il-Kummissarju
għall-
Infommazzjoni u
l-Protezzjoni
tad-*Data*.

11. (1) Għandu jkun hemm Kummissarju għall-Infommazzjoni u l-Protezzjoni tad-*Data*, li jkun mahtur mill-Prim Ministru wara li jkun ikkonsulta mal-Kap tal-Oppożizzjoni, biex iwettaq id-dmirijiet ta' awtorità superviżorja għall-finijiet tal-Kapitolu VI tar-Regolament.

(2) Il-Kummissarju jkun responsabbli biex iwettaq monitoraġġ u infurzar fuq l-applikazzjoni tad-dispożizzjonijiet ta' dan l-Att u tar-Regolament, sabiex jiproteġi d-drittijiet u libertajiet fundamentali ta' persuni fiżiċi fir-rigward tal-ipproċessar ta' *data* personali u sabiex jiffaċilita l-fluss liberu ta' *data* personali bejn Malta u xi Stat Membru ieħor.

(3) Persuna ma tkunx kwalifikata li jkollha l-kariga ta' Kummissarju jekk:

(a) tkun Ministru, Segretarju Parlamentari jew membru tal-Kamra tad-Deputati; jew

(b) tkun imħallef jew maġistrat fil-qrati tal-ġustizzja; jew

(ċ) tkun uffiċjal fis-servizz pubbliku; jew

(d) tkun membru ta' kunsill lokali; jew

(e) ikollha xi interess finanzjarju jew ieħor f'xi intrapriża jew attività li x'aktarx tolqot it-tweġġ tal-funzjonijiet tagħha bħala Kummissarju.

(4) Il-Kummissarju għall-Infommazzjoni u l-Protezzjoni tad-*Data* għandu jkollu l-kwalifiki, esperjenza u hilet, b'mod partikolari fil-kamp tal-protezzjoni ta' *data* personali, li huma meħtieġa biex iwettaq id-dmirijiet u jeżerċita s-setgħat tiegħu skont id-dispożizzjonijiet tal-Artikolu 53(2) tar-Regolament.

Indipendenza ta'
funzjonijiet.

12. (1) Fit-tweġġ tal-kompiti u tas-setgħat tiegħu taht dan l-Att u taht ir-Regolament, il-Kummissarju għandu jaġixxi b'mod kompletament indipendenti u jkun liberu minn kull influwenza esterna, kemm diretta kif ukoll indiretta, u m'għandux la jitlob u lanqas jieħu iSTRUZZJONIJET jew DIREZZJONI minn ebda persuna jew entità oħra.

(2) Il-Kummissarju ma jkun jista' jiġġestixxi ebda professjoni,

kummerċ jew negozju jew ikollu xi kariga oħra mnejn jikseb profitt, tkun xi tkun, ukoll jekk din tkun ta' xorta temporanja, bl-eċċezzjoni ta' kariga ġudizzjarja temporanja f'xi qorti jew tribunal internazzjonali jew xi korp aġġudikanti internazzjonali, u l-kariga ta' eżaminatur f'xi Università u fil-Kulleġġ Malti tal-Arti, Xjenza u Teknoloġija.

(3) Kull uffiċjal jew impjegat tal-Kummissarju jkun magħżul mill-Kummissarju u jkun suġġett għad-direzzjoni esklużiva tiegħu.

13. (1) Il-Kummissarju jkollu personalità ġuridika separata u distinta u jkun kapaċi li jagħmel kull kuntratt, li jakkwista, iżomm u jiddisponi minn kull xorta ta' proprjetà għall-għanijiet tal-funzjonijiet u setgħat tiegħu, u li jharrek u li jiġi mharrek, u li jagħmel dawk l-affarijiet kollha u li jidhol f'dawk l-operazzjonijiet kollha li jkunu inċidentali jew li jwasslu għat-twertiq effettiv tal-kompiti tiegħu u l-eżerċizzju tas-setgħat tiegħu taht dan l-Att u taht ir-Regolament.

Personalità
ġuridika u
rappreżentanza
tal-
Kummissarju.

(2) Kull dokument li huwa intiż bħala strument magħmul jew maħruġ mill-Kummissarju u li jiġi ffirmat minnu għandu jiġi riċevut xhieda u għandu, sakemm ma jiġix ippruvat il-kuntrarju, jitqies li jkun strument magħmul jew maħruġ mill-Kummissarju.

14. (1) Il-Kummissarju għandu jibqa' fil-kariga għal perjodu ta' hames snin, u jkun jista' jerga' jiġi mahtur mill-ġdid meta jispiċċa l-perjodu tal-ħatra tiegħu.

Zamma ta'
kariga.

(2) Il-Kummissarju m'għandux jitneħħa mill-kariga tiegħu ħlief mill-Prim Ministru wara indirizz mill-Kamra tad-Deputati li jkollu favur tiegħu l-vot ta' mhux anqas minn żewġ terzi tal-membri tagħha u li jitlob għal dik it-tneħħija minħabba f'inkapaċità ppruvata li jaqdi l-funzjonijiet tal-kariga tiegħu (kemm jekk għal mard korporali jew mentali jew għal xi raġuni oħra) jew imġiba ħażina bi provi.

(3) Il-Kummissarju għandu jinnomina persuna mill-uffiċċju tiegħu biex taġixxi bħala Viċi Kummissarju u li jkollha l-kwalifiki, l-esperjenza u l-ħiliet, b'mod partikolari fil-qasam tal-protezzjoni ta' *data* personali.

(4) Jekk il-Kummissarju jirriżenja, jekk il-kariga tiegħu tkun xort'oħra vakanti, jekk ma jkunx jista' għal liema raġuni li tkun iwettaq id-dmirijiet tal-kariga tiegħu, jew għal xi raġuni oħra temporanja fejn il-Kummissarju jqis li jkun hekk meħtieġ li ma jwettaqx xi waħda mill-funzjonijiet tiegħu li dwarha, li kieku huwa kien imhalled tal-qrati superjuri, huwa kien jastjeni, il-Viċi Kummissarju għandu jwettaq id-dmirijiet tal-Kummissarju u jeżerċita s-setgħat tiegħu konformement mal-Artikolu 53(2) tar-Regolament.

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Funzjonijiet u dmirijiet tal-Kummissarju. Kap. 496.

15. (1) Il-Kummissarju għandu jwettaq id-dmirijiet assenjati lilu taħt dan l-Att u taħt ir-Regolament u għandu jeżerċita l-funzjonijiet assenjati lilu taħt l-Att dwar il-Libertà tal-Infommazzjoni u kull liġi oħra.

(2) Il-Kummissarju jkollu s-setgħa li jibda proċeduri legali civili fil-każijiet fejn ma jkunux ġew jew ma jkunux sejr in ikunu osservati d-dispożizzjonijiet ta' dan l-Att jew tar-Regolament.

(3) Il-Kummissarju jista' jitlob il-parir ta', u jikkonsulta ma', xi awtorità kompetenti oħra fit-twertiq tal-funzjonijiet tiegħu taħt dan l-Att u r-Regolament.

Dritt tal-Kummissarju ta' aċċess għal infommazzjoni.

16. (1) Fl-eżerċizzju tas-setgħat ta' investigazzjoni skont l-Artikolu 58 tar-Regolament, jew taħt xi liġi oħra, il-Kummissarju jista' jitlob l-assistenza tal-pulizija eżekuttiva sabiex jidhul u jagħmel tfittxija f'kull fond.

(2) Fil-każ ta' operazzjonijiet kongunti ma' awtoritajiet superviżorji ta' Stat Membru ieħor jew aktar, il-Kummissarju jista', fejn ikun xieraq, konformement mad-dispożizzjonijiet tal-Artikolu 63 tar-Regolament, jikkonferixxi setgħat, inklużi setgħat ta' investigazzjoni, lill-membri jew persunal issekondati mill-awtorità superviżorja:

Izda dawn is-setgħat għandhom jiġu eżerċitati taħt il-gwida u fil-preżenza tal-Kummissarju.

Ġurament tal-kariga.

Kap. 50.
Kap. 377.

17. (1) Il-Kummissarju u kull uffiċjal u impjegat tal-Kummissarju għandhom, qabel ma jidhlu fil-kariga tagħhom, jieħdu ġurament tal-kariga kif imsemmi fl-Ewwel Skeda, li jwettqu d-dmirijiet tagħhom b'ekwità u imparzjalità u skont id-dispożizzjonijiet ta' dan l-Att u tar-Regolament, u jkunu suġġetti għad-dispożizzjonijiet tal-Att dwar is-Sigrietà Uffiċjali, l-Att dwar Segretezza Professjonali u l-Kodiċi ta' Etika kif japplikaw għal uffiċjali pubbliċi.

(2) Il-ġurament tal-kariga għandu jittiehed quddiem l-Avukat Ġenerali.

Dispożizzjonijiet finanzjarji. Kap. 496.

18. (1) Ir-rizorsi finanzjarji meħtieġa mill-Kummissarju għat-twertiq effettiv tal-kompiti tiegħu u l-eżerċizzju tal-funzjonijiet tiegħu taħt dan l-Att u r-Regolament, taħt l-Att dwar il-Libertà tal-Infommazzjoni u kull liġi oħra, kif jistgħu jiġu ffixxati mill-Kamra tad-Deputati skont dan l-artikolu, għandhom jiġu addebitati lill-Fond Konsolidat mingħajr ebda ħtieġa ta' xi approprjazzjoni oħra għajr dan l-Att.

(2) Meta, fil-kors ta' xi sena finanzjarja, is-somma ffissata mill-Kamra tad-Deputati tkun, fl-opinjoni tal-Kummissarju, insuffiċjenti biex hu jkun jista' jaqdi l-funzjonijiet tiegħu b'mod effiċjenti u effettiv, il-Kummissarju għandu jipprepara estimi supplimentari biex jiġu kkunsidrati mill-Kamra tad-Deputati.

(3) Il-Kummissarju għandu jara li jiġu ppreparati f'kull sena finanzjarja, u għandu mhux aktar tard minn sitt xhur wara l-għeluq ta' kull sena bħal dik jadotta, estimi tad-dhul u nfiq tal-Kummissarju għas-sena finanzjarja li tiġi minnufih wara.

(4) Kopja tal-estimi għandha, wara li jiġu adottati mill-Kummissarju, tintbagħat minnufih lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru għandu, mal-ewwel opportunità, u mhux aktar tard minn sitt ġimgħat minn meta jkun irċieva kopja tal-estimi mingħand il-Kummissarju, japprova l-istess b'emendi jew mingħajrhom, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi.

19. (1) Il-Kummissarju għandu jara li jinżammu kontijiet u *records* oħra sew għar-rigward tal-operazzjonijiet tiegħu taħt dan l-Att, ir-Regolament u taħt l-Att dwar il-Libertà tal-Informazzjoni u kull liġi oħra, u għandu jara li jithejja prospett ta' kontijiet għar-rigward ta' kull sena finanzjarja.

Kontijiet u verifika.
Kap. 496.

(2) Il-kontijiet tal-Kummissarju għandhom jiġu verifikati minn awditur jew awdituri li jinħatru mill-Kummissarju:

Izda l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jeħtieġ li l-kotba jew il-kontijiet tal-Kummissarju jiġu verifikati jew eżaminati mill-Awditur Ġenerali li għandu għal dak il-għan ikollu s-setgħa li jikkontrolla fizikament u jagħmel dawk l-aċċertamenti oħra li huwa jista' jqis li jkunu meħtieġa.

(3) Wara t-tmiem ta' kull sena finanzjarja, u mhux aktar tard mid-data li fiha l-estimi tal-Kummissarju jintbagħtu lill-Ministru taħt l-artikolu 18(4), il-Kummissarju għandu jara li kopja tal-prospett tal-kontijiet debitament verifikati tintbagħat lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien ma' kopja ta' kull rapport magħmul mill-awdituri dwar dak il-prospett jew fuq il-kontijiet tal-Kummissarju.

(4) Il-Ministru għandu, mal-ewwel opportunità u mhux aktar tard minn tmien ġimgħat wara li jkun irċieva kopja ta' kull prospett u rapport bħal dak, jew, jekk f'xi żmien waqt dak il-perjodu l-Kamra

tad-Deputati ma tkunx qed tiltaqa', fi żmien tmien ġimgħat mill-bidu tas-sessjoni li minnufih imiss wara, jara li kopja ta' kull prospett u rapport bħal dak jitqiegħdu fuq il-Mejda tal-Kamra tad-Deputati.

(5) Il-Kummissarju għandu, mhux aktar tard minn sitt xhur mit-tmien ta' kull sena finanzjarja, jagħmel u jibgħat lill-Ministru u lill-Ministru responsabbli għall-finanzi rapport li b'mod ġenerali jittratta l-attivitajiet tal-Kummissarju waqt is-sena finanzjarja u li jkun fih dik l-informazzjoni rigward il-proċeduri u l-*policy* tal-Kummissarju kif xi wiehed mill-Ministri fuq imsemmija jista' minn żmien għal żmien jeħtieġ. Il-Ministru għandu, mal-ewwel opportunità u mhux aktar tard minn tmien ġimgħat wara li jkun irċieva kopja ta' kull rapport bħal dak, jew, jekk f'xi żmien waqt dak il-perjodu l-Kamra tad-Deputati ma tkunx qed tiltaqa', fi żmien tmien ġimgħat mill-bidu tas-sessjoni li minnufih imiss wara, jara li kopja ta' kull rapport bħal dak titqiegħed fuq il-Mejda tal-Kamra tad-Deputati.

TAQSIMA VI

Multi u Penali Amministrattivi

Multi
amministrattivi.

20. (1) Meta l-Kummissarju jimponi multa amministrattiva, hu għandu permezz ta' ordni bil-miktub jeħtieġ lill-kontrollur jew lill-proċessur, kif ikun il-każ, li jhallas dik il-multa amministrattiva, li tkun dovuta lill-Kummissarju bħala dejn ċivili:

Iżda tali ordni jkun soġġett għall-proċedura ta' appell kif stabbilita taħt l-artikolu 26.

Kap. 12.

(2) Fl-assenza ta' appell, id-deċiżjoni tal-Kummissarju tkun finali u tikkostitwixxi titolu eżekuttiv għall-finijiet tat-Titolu VII tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, bħallikieku d-deċiżjoni kienet ġiet ordnata b'sentenza ta' qorti ta' ġurisdiżjoni ċivili.

(3) Meta persuna tiġi notifikata, permezz ta' avviż, li hemm impost fuqha piena amministrattiva u -

(a) dik il-persuna tonqos milli tappella fiż-żmien stipulat mil-liġi għal appell taħt l-artikolu 26, u tonqos milli tħallas il-multa hekk imposta; jew

(b) dik il-persuna tappella lit-Tribunal fiż-żmien imsemmi u l-appell jiġi ritirat jew it-Tribunal jikkonferma l-multa fl-ammont iffissat mill-Kummissarju jew f'ammont imnaqqas minnu, u ma jkun ipprezentat ebda appell ieħor fil-Qorti tal-Appell jew jekk appell jiġi pprezentat fil-Qorti tal-Appell u din il-Qorti jew tikkonferma d-deċiżjoni meħuda, jew

tiddeċiedi li l-piena hija dovuta f'ammont ieħor, jew il-piena imposta ma tiffallasx fi żmien hmistax-il ġurnata mid-data tad-deċiżjoni jew mid-data tal-irtirar tal-appell jew mid-data meta t-Tribunal jew il-Qorti tal-Appell jikkonfermaw jew ivarjaw l-penali kif hawn qabel imsemmi,

il-Kummissarju jkun intitolat li jieħu azzjoni ċivili sabiex jirkupra l-ammont dovut.

21. Il-Kummissarju jista', wara li jqis debitament iċ-ċirkostanzi tal-każ konformement mal-Artikolu 83(2) tar-Regolament, jimponi multa amministrattiva fuq awtoritajiet jew korpi pubbliċi:

Multi
amministrattivi
fuq awtoritajiet
jew korpi
pubbliċi.

Iżda tali multa m'għandhiex tkun iżjed minn hamsa u għoxrin elf euro (€25,000) għal kull ksur u, b'żieda, il-Kummissarju jista' jimponi l-ħlas ta' multa ta' kull jum ta' hamsa u għoxrin euro (€25) għal kull ġurnata li fiha jkompli l-ksur, liema multa għandha tiġi determinata u imposta mill-Kummissarju skont il-proċedura taħt l-artikolu 26 għall-ksur tal-Artikolu 83(4) tar-Regolament:

Iżda wkoll dik il-multa m'għandhiex tkun iżjed minn hamsin elf euro (€50,000) għal kull ksur u, b'żieda, il-Kummissarju jista' jimponi l-ħlas ta' multa ta' kull jum ta' hamsin euro (€50) għal kull ġurnata li fiha jkompli l-ksur, liema multa għandha tiġi determinata u imposta mill-Kummissarju skont il-proċedura taħt l-artikolu 26 għall-ksur tal-Artikoli 83(5) jew 83(6) tar-Regolament.

22. Mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 21 u tal-Artikolu 83 tar-Regolament, kull persuna li - Reati.

(a) xjentement tipprovdi informazzjoni falza lill-Kummissarju meta hekk mitluba mill-Kummissarju konformement mas-setgħat tiegħu ta' investigazzjoni taħt l-Artikolu 58 tar-Regolament, jew taħt xi liġi oħra; jew

(b) ma tosserrvax xi talba legali konformement ma' xi investigazzjoni mill-Kummissarju,

tkun hatja ta' reat kontra dan l-artikolu u tehel, meta tinsab hatja, multa ta' mhux inqas minn elf, mitejn u hamsin euro (€1,250) u mhux iżjed minn hamsin elf euro (€50,000) jew prigunerija għal żmien ta' sitt xhur jew dik il-multa u l-prigunerija flimkien:

Iżda l-ebda proċeduri ma jittieħdu fir-rigward ta' reat taħt dan l-artikolu ħlief fejn il-Kummissarju jipprovdi informazzjoni lil xi ufficjal tal-Pulizija Eżekuttiva.

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Metodi ta' notifika.

23. (1) Meta l-Kummissarju jeżerċita s-setgħat tiegħu konformement mar-Regolament, jew ma' xi liġi oħra, id-deċiżjoni tal-Kummissarju għandha minnufih tiġi notifikata lill-persuna li lilha d-deċiżjoni hi indirizzata, liema deċiżjoni għandha tiġi notifikata jew personalment, b'ittra reġistrata lill-indirizz tan-negozju jew privat l-aħħar magħruf tal-persuna, jew b'mezzi elettronici li jipprovdu reġistrazzjoni ta' min jorbot fuqha dwar meta tkun saret in-notifika.

(2) Fil-każ ta' notifika permezz ta' mezzi elettronici, id-deċiżjoni titqies li tkun giet notifikata lil kull persuna li lilha d-deċiżjoni hi indirizzata meta l-Kummissarju jirċievi:

(a) riċevuta elettronika ġġenerata awtomatikament mis-*server* tal-posta elettronika meta tiġi moqrija l-komunikazzjoni;

(b) konferma bil-miktub permezz ta' risposta bil-posta elettronika mingħand il-persuna li lilha d-deċiżjoni hi indirizzata; jew

(ċ) konferma verbali mingħand il-persuna li lilha d-deċiżjoni hi indirizzata li l-posta elettronika giet riċevuta.

(3) Jekk in-notifika ma tiġix effettwata fi żmien ġimgħa mill-ħruġ tad-deċiżjoni, għax ma setgħetx tinsab il-persuna li lilha d-deċiżjoni hi indirizzata, jew għal xi raġuni oħra attribwibbli għall-persuna li lilha d-deċiżjoni hi indirizzata, il-Kummissarju għandu jippubblika avviż fil-Gazzetta u f'gurnal ta' kuljum wiehed jew aktar, li fih jiġi dikjarat li ttieħdet deċiżjoni fir-rigward tal-persuna li lilha d-deċiżjoni hi indirizzata u li jistieden lil dik il-persuna tiġbor id-deċiżjoni mill-uffiċċju tal-Kummissarju. F'kull każ bħal dan, in-notifika titqies li tkun giet effettwata fit-tielet ġurnata wara d-data tal-pubblikazzjoni tal-aħħar avviż.

TAQSIMA VII

Appelli

Tribunal tal-Appelli dwar l-*Informazzjoni* u l-*Protezzjoni* tad-*Data*.

24. (1) Għandu jkun hemm tribunal li jkun magħruf bħala t-Tribunal tal-Appelli dwar l-*Informazzjoni* u l-*Protezzjoni* tad-*Data*, f'dan l-Att imsejjaħ "it-Tribunal", li jkollu l-funzjonijiet u s-setgħat mogħtija lilu b'dan l-Att jew b'xi liġi oħra.

(2) It-Tribunal ikun magħmul minn *chairperson* u żewġ membri oħra maħtura mill-Ministru.

(3) Iċ-*chairperson* ikun avukat b'esperjenza ta' mhux inqas minn tmax-il sena u jkollu l-kwalifiki, l-esperjenza u l-ħiliet, b'mod partikolari fil-kamp tal-*protezzjoni* ta' *data* personali, meħtieġa biex

iwettaq ir-rwol.

(4) Iż-żewġ membri l-oħra msemmija fis-subartikolu (2) ikunu persuni li, fl-opinjoni tal-Ministru, jirrapprezentaw b'mod ugwali l-interessi ta' suġġetti ta' *data* fuq naħa waħda u ta' kontrolluri ta' *data* u ta' proċessuri ta' *data* fuq l-oħra, u li għandhom il-kwalifiki, l-esperjenza u l-ħiliet, b'mod partikolari fil-kamp tal-protezzjoni ta' *data* personali, meħtieġa biex iwettqu r-rwoli tagħhom.

(5) Iċ-*chairperson* u l-membri l-oħra tat-Tribunal għandhom jibqgħu fil-kariga għal perjodu ta' tliet snin, u ma jistgħux jitneħhew mill-kariga waqt il-ħatra ħlief għal raġunijiet ta' inkapacità ppruvata li jaqdu l-funzjonijiet tal-kariga tagħhom, kemm jekk għal mard fiżiku jew mentali jew għal xi raġuni oħra, jew ta' mġiba ħażina ppruvata.

(6) Membru tat-Tribunal jista' jiġi rikuzat jew jastjeni għal xi waħda mir-raġunijiet li għalihom jista' jiġi rikuzat jew jastjeni mhallef skont l-artikolu 734 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. F'kull każ bħal dak il-Ministru għandu jahtar persuna, li jkollha l-kwalifiki tal-membru rikuzat jew li jastjeni, biex toqgħod bħala membru tat-Tribunal minflok il-membru msemmi. Kap. 12.

(7) Membru tal-Kamra tad-Deputati jew ta' xi kunsill lokali, imħallef jew maġistrat, jew uffiċjal fis-servizz pubbliku għandhom ikunu skwalifikati milli jinħatru jew ikomplu jkunu membri tat-Tribunal għal daqskemm idumu f'dik il-kariga.

(8) Il-Ministru għandu wkoll jahtar persuna biex tagħmilha ta' segretarju tat-Tribunal.

25. (1) Għandu jkun hemm Reġistru tat-Tribunal li fih jiġu merfugħin l-inkartamenti kollha u jkun aċċessibbli għall-pubbliku. Reġistru tat-Tribunal tal-Appelli dwar l-Infommazzjoni u l-Protezzjoni tad-*Data*.

(2) Is-Segretarju tat-Tribunal ikun responsabbli għall-ġestjoni tar-Reġistru. Is-Segretarju għandu jwettaq kull dmir ieħor li jista' jkun responsabbli għalih taħt dan l-Att jew xi regoli magħmulin taħtu.

26. (1) Persuna li lilha tkun ġiet indirizzata deċiżjoni legali vinkolanti tal-Kummissarju, ikollha l-jedd li tappella bil-miktub lit-Tribunal fi żmien għoxrin jum minn meta tiġi notifikata bl-imsemmija deċiżjoni kif previst fl-artikolu 23. Proċedura.

(2) Jista' jsir appell quddiem it-Tribunal għal kull waħda mir-raġunijiet li ġejjin:

(a) li jkun sar żball materjali dwar il-fatti;

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(b) li kien hemm żball materjali fil-proċedura;

(ċ) li jkun sar żball fil-liġi;

(d) li kien hemm xi illegalità materjali, inkluża l-irragonevolezza jew nuqqas ta' proporzjonalità.

(3) Appell minn deċiżjoni tal-Kummissarju għandu jiġi preżentat fir-Registru tat-Tribunal u għandu jkun fih:

(a) ir-raġunijiet li fuqhom hu bbażat l-appell;

(b) l-ismijiet ta' xhieda li l-appellant bihsiebu jipproduċi bhala xhieda, flimkien mal-indirizz sħiħ tagħhom, waqt li jiddikjara għal kull wieħed minnhom il-fatti u l-prova li bihsiebu jistabbilixxi bix-xhieda tagħhom; u

(ċ) kull dokument ieħor li jista' jkun neċessarju bhala appoġġ għall-appell.

(4) Ir-Registru tat-Tribunal għandu, mhux aktar tard minn għaxart ijiem mid-data tal-preżentata tal-appell:

(a) jinnotifika lill-Kummissarju b'kopja tal-appell, u jitolbu jippreżenta dikjarazzjoni dwar id-deċiżjoni tiegħu flimkien ma' kull informazzjoni oħra li fuqha kienet ibbażata d-deċiżjoni, fi żmien għoxrin jum mid-data tan-notifika tal-appell; u

(b) jinnotifika lill-intimat jew lill-intimati b'kopja tal-appell kontra d-deċiżjoni appellata, u jitlob lill-intimat jew intimati biex jippreżenta(w) risposta fi żmien għoxrin jum mid-data tan-notifika tal-appell.

(5) L-intimat jew l-intimati għandu/hom jippreżenta(w) ir-risposta għall-appell fir-Registru tat-Tribunal fi żmien għoxrin jum mid-data tan-notifika tal-appell. Dik ir-risposta għandu jkun fiha:

(a) dikjarazzjoni dwar il-fatti li fuqhom l-intimat jibbaża li jwaqqa' l-pretensjoni tal-appellant;

(b) l-ismijiet ta' xhieda li l-intimat bihsiebu jipproduċi bhala xhieda, flimkien mal-indirizz sħiħ tagħhom, waqt li jiddikjara għal kull wieħed minnhom il-fatti u l-prova li bihsiebu jistabbilixxi bix-xhieda tagħhom; u

(ċ) kull dokument ieħor li jista' jkun neċessarju bhala appoġġ għad-difiża.

(6) Ir-risposta, flimkien ma' kull dokument b'appoġġ għaliha, għandhom jiġu notifikati mingħajr dewmien mit-Tribunal lill-appellant u lill-Kummissarju.

(7) Malli jgħaddu ż-żminijiet perentorji għall-preżentata tad-dikjarazzjoni tal-Kummissarju u tar-risposta, it-Tribunal għandu jiffissa data u ħin għas-smiġh. It-Tribunal għandu jinnotifika dik id-data u dak il-ħin lill-appellant, lill-intimat jew intimati għad-deċiżjoni appellata u lill-Kummissarju.

(8) Il-partijiet f'appell jistgħu jkunu rappreżentati jew assistiti mill-avukati jew prokuraturi legali tagħhom, jew minn xi persuna oħra li tgawdi mill-fiduċja tagħhom:

Iżda l-ebda persuna ma tista' tippretendi xi hlas ta' drittijiet għax tkun irrappreżentat jew assistiet parti quddiem it-Tribunal sakemm dik l-assistenza ma tiġix provduta minn avukat jew prokuratur legali.

27 (1) It-Tribunal ikun kompetenti li jisma' u jiddeċiedi appell li jinġieb quddiemu skont id-dispożizzjonijiet ta' dan l-Att u, bla ħsara għad-dispożizzjonijiet tal-artikolu 29, id-deċiżjonijiet tat-Tribunal għandhom ikunu finali u vinkolanti.

Kompetenza tat-Tribunal.

(2) It-Tribunal jista' jharrek lil kull persuna biex tidher quddiemu sabiex tixhed u ġġib dokumenti magħha. It-Tribunal jista' wkoll jahtar periti biex jagħtuh parir fuq kull suġġett tekniku li jista' jkun relevanti għad-deċiżjoni tiegħu. Fil-ġurnata appuntata mit-Tribunal għas-smiġh tal-appell, hu għandu jisma', taħt ġurament, ix-xhieda tal-appellant u tal-intimat kif ukoll ta' xhieda oħra. Is-segretarju għandu jöhroġ it-taħrikiet neċessarji bil-mezz ta' notifika msemmi fl-artikolu 23 għal kull persuna involuta fis-smiġh tal-appell.

(3) It-Tribunal għandu jzomm is-seduti tiegħu fil-miftuħ, sakemm, meta titqies in-natura tal-appell jew kull haġa oħra quddiemu, ma jidhirlux li jkun aħjar li l-proċeduri, jew parti minnhom, jinżammu fil-magħluq.

(4) It-Tribunal ikollu l-istess setgħat bħalma jappartjenu lill-Prim'Awla tal-Qorti Ċivili skont il-liġi.

(5) Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-Att jew xi liġi oħra, it-Tribunal għandu jirregola l-proċedura tiegħu stess.

(6) Jekk xi parti teħtieġ l-attenzenza ta' xi xhud, dik il-parti għandha timla l-Formula A fit-Tieni Skeda, li għandha tiġi ffirmata miċ-*Chairman* tat-Tribunal u notifikata lil kull xhud konformement mas-subartikolu (2).

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Deċiżjonijiet
tat-Tribunal.

- 28.** (1) Fid-determinazzjoni ta' appell, it-Tribunal jista':
- (a) jiċċhad l-appell u jikkonferma d-deċiżjoni fl-intier tagħha;
 - (b) jissostitwixxi d-deċiżjoni;
 - (ċ) jimmodifika jew iwarja d-deċiżjoni; jew
 - (d) jannulla d-deċiżjoni.

(2) It-Tribunal għandu jagħti raġunijiet għad-deċiżjoni tiegħu u għandu jara li dik id-deċiżjoni ssir pubblika waqt li jhalli barra, jekk jidhirlu li jkun xieraq għal raġunijiet ta' kunfidenzjalità, l-identità tal-persuni involuti.

(3) L-effetti ta' deċiżjoni tal-Kummissarju li dwarha jkun hemm appell m'għandhomx, ħlief meta t-Tribunal jew il-Qorti tal-Appell, skont il-każ, hekk jordnaw, ikunu sospiżi bħala konsegwenza tal-għemil ta' dak l-appell:

Iżda kull multa amministrattiva imposta mill-Kummissarju ma għandhiex tibda tgħodd qabel ma l-persuna li fuqha tkun giet imposta l-multa amministrattiva tkun eżawriet ir-rimedji legali kollha previsti skont l-artikoli 26 u 29, jew sa meta l-persuna li lilha d-deċiżjoni hi indirizzata tkun ħalliet jgħaddu l-perjodi perentorji mingħajr ma tkun għamlet użu, hi stess, mill-imsemmija rimedji legali.

(4) Id-deċiżjonijiet tat-Tribunal għandhom jiġu notifikati lill-partijiet kollha fl-appell, kif ukoll lill-Kummissarju, b'xi wiehed mill-metodi msemmija fl-artikolu 23.

Qorti tal-Appell.

Kap. 12.

29. Kull parti f'appell quddiem it-Tribunal li thoss ruħha aggravata b'deċiżjoni tat-Tribunal, jew il-Kummissarju jekk iħoss ruħu aggravat b'xi tali deċiżjoni, jistgħu jappellaw quddiem il-Qorti tal-Appell kif kostitwita skont l-artikolu 41(6) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili permezz ta' rikors ipprezentat fir-reġistru ta' dik il-qorti fi żmien għoxrin jum mid-data li fiha d-deċiżjoni tat-Tribunal giet notifikata konformement mal-artikolu 26.

Dritt li tittiehed
azzjoni kontra
kontrollur jew
proċessur.

30. (1) Mingħajr preġudizzju għal kull rimedju ieħor li jista' jkollu, inkluż id-dritt li jirreġistra lment mal-Kummissarju, suġġett ta' *data* jista', fejn jidhirlu li d-drittijiet tiegħu taħt ir-Regolament jew taħt dan l-Att ġew miksura bħala riżultat tal-ipproċessar tad-*data* personali tiegħu bi ksur tad-dispożizzjonijiet tar-Regolament jew ta' dan l-Att, permezz ta' rikors ġuramentat quddiem il-Prim'Awla tal-Qorti Ċivili, jibda azzjoni għal rimedju ġudizzjarju

effettiv kontra l-kontrollur jew il-proċessur ikkonċernati.

(2) Suġġett tad-*data* jista' wkoll, permezz ta' rikors ġuramentat quddiem il-Prim'Awla tal-Qorti Ċivili, jibda azzjoni għad-danni kontra l-kontrollur jew il-proċessur li jipproċessa *data* personali bi ksur tad-dispożizzjonijiet tar-Regolament jew ta' dan l-Att.

(3) Jekk fid-determinazzjoni ta' azzjoni skont is-subartikolu (2) il-qorti ssib li l-kontrollur jew il-proċessur huma responsabbli għad-danni kkawżati konformement mal-Artikolu 82 tar-Regolament, il-qorti għandha tiddetermina l-ammont ta' danni, inklużi, iżda mhux limitati għal, danni morali kif il-qorti tista' tiddetermina, li jkunu dovuti lis-suġġett tad-*data*.

(4) Kull azzjoni taht dan l-artikolu għandha tinbeda fi żmien perjodu ta' tnax-il xahar mid-*data* li fiha s-suġġett tad-*data* sar jaf, jew kellu raġonevolment isir jaf, b'dak il-ksur, liema minnhom jkun l-aktar kmieni.

31. (1) Meta l-Kummissarju jonqos milli jaġixxi skont l-Artikolu 78(2) tar-Regolament, is-suġġett tad-*data* jista' jappella lit-Tribunal skont il-proċeduri stabbiliti fl-artikolu 26.

Azzjonijiet
kontra l-
Kummissarju.

(2) Fejn it-Tribunal isib li tali appell hu ġustifikat hu għandu, fejn ikun xieraq, jordna lill-Kummissarju biex jaġġorna lis-suġġett tad-*data* dwar il-progress jew l-eżitu tal-ilment ippreżentat jew jordna lill-Kummissarju biex jittratta l-ilment ippreżentat konformement mal-Artikolu 77(1) tar-Regolament.

TAQSIMA VIII

Dispożizzjonijiet Ġenerali

32. (1) Il-korpi ta' ċertifikazzjoni msemmija fl-Artikolu 43 tar-Regolament għandhom jiġu akkreditati mill-Bord Nazzjonali dwar l-Akkreditament (Malta) kif stabbilit bir-regolament 3 tar-Regolamenti dwar it-Twaqqif tal-Bord Nazzjonali dwar l-Akkreditament (Malta).

Akkreditament
ta' korpi ta'
ċertifikazzjoni.

L.S. 419.07

(2) Il-Bord imsemmi fis-subartikolu (1) għandu jakkredita korpi ta' ċertifikazzjoni skont l-EN-ISO/IEC 17065/2012 u bi kriterji u htigiet addizzjonali stabbiliti mill-Kummissarju.

(3) Għall-finijiet ta' dan l-artikolu, il-Bord Nazzjonali dwar l-Akkreditament (Malta) jista' jikkonsulta mal-Kummissarju fil-proċess tal-akkreditament ta' korpi ta' ċertifikazzjoni.

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(4) Meta l-Kummissarju jikkonkludi li l-kondizzjonijiet għall-akkreditament mhumiex, jew ma għadhomx iżjed, osservati, jew meta xi azzjoni meħuda minn korps ta' ċertifikazzjoni tmur kontra r-Regolament, il-Kummissarju għandu javża lill-Bord Nazzjonali dwar l-Akkreditament (Malta) biex dan ma johroġx dak l-akkreditament, jew jirrevoka dak l-akkreditament, kif ikun il-każ.

Setgħa għall-
għemil ta'
regolamenti.

33. Il-Ministru jista', wara konsultazzjoni mal-Kummissarju, jippreskrivi regolamenti sabiex id-dispożizzjonijiet ta' dan l-Att ikunu jistgħu jitwettqu aħjar, u mingħajr preġudizzju għall-ġeneralità ta' dak hawn aktar qabel imsemmi u għad-dispożizzjonijiet tar-Regolament, huwa jista' b'mod partikolari jippreskrivi regolamenti li jirrigwardaw:

- (a) id-drittijiet li jistgħu jingabru mill-Kummissarju;
- (b) il-pieni kriminali li jistgħu jiġu imposti taħt dan l-Att;
- (ċ) biex jiġu stabbiliti regoli, proċeduri, formalitajiet u żminijiet perentorji dwar kull haġa prevista taħt dan l-Att;
- (d) l-estensjoni tal-applikazzjoni ta' dan l-Att għal xi attività jew settur partikolari u biex jipprovdi għall-mod kif għandha tiġi implimentata l-protezzjoni tad-*data* f'setturi speċifiċi jew dwar attivitajiet speċifiċi;
- (e) dwar kull haġa li tista' tiġi preskritta taħt xi waħda mid-dispożizzjonijiet ta' dan l-Att jew tar-Regolament;
- (f) il-każijiet, għajr dawks imsemmija fl-Artikolu 37(1) tar-Regolament, fejn il-kontrollur jew il-proċessur jew assoċjazzjonijiet jew korpi oħra li jirrapprezentaw kategoriji ta' kontrolluri jew proċessuri jaħtru uffiċjal għall-protezzjoni tad-*data*;
- (g) l-istabbiliment ta' età li tkun anqas minn sittax-il sena fejn l-ipproċessar tad-*data* personali ta' minorenni għandu jitqies legali fl-assenza tal-kunsens tad-detentur tar-responsabbiltà ta' ġenitur fuq il-minorenni, hekk iżda li dik l-età m'għandhiex tkun ta' anqas minn tlettax-il sena, konformement mad-dispożizzjonijiet tal-Artikolu 8(1) tar-Regolament;
- (h) biex jemenda l-Iskedi li jinsabu ma' dan l-Att; u
- (i) dwar kull haġa li għandha x'taqsam mal-protezzjoni tad-*data*.

34. (1) L-Att dwar il-Protezzjoni u l-Privatezza tad-*Data*, hawn iżjed 'il quddiem imsejjaħ "l-Att imħassar", hu b'dan imħassar, u kull referenza f'xi ligi għall-Att imħassar għandha tinftiehem bħala referenza għal dan l-Att.

Thassir u Riżervi. Kap. 440.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1):

(a) l-Att imħassar għandu jibqa' fis-seħħ għall-finijiet ta' kull att, deċiżjoni, azzjoni jew proċeduri meħuda fir-rigward ta' xi ksur tal-Att imħassar li graw jew inbdew qabel il-bidu fis-seħħ ta' dan l-Att; u

(b) kull leġislazzjoni sussidjarja magħmula taħt id-dispożizzjonijiet tal-Att imħassar għandha, sakemm ma jsirux dispożizzjonijiet oħra taħt jew bis-saħħa ta' dan l-Att, tibqa' fis-seħħ u jkollha effett daqslikieku kienet saret taħt dan l-Att.

35. (1) Dan l-artikolu jemenda l-Att dwar l-Użu ta' *Data* tar-Reġistru tal-Ismijiet tal-Passiġġieri, u għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Użu ta' *Data* tar-Reġistru tal-Ismijiet tal-Passiġġieri, hawnhekk iżjed 'il quddiem f'dan l-artikolu msejjaħ "l-Att prinċipali".

Emenda konsegwenzjali għall-Att dwar l-Użu ta' *Data* tar-Reġistru tal-Ismijiet tal-Passiġġieri. Kap. 584.

(2) Fil-proviso tal-paragrafu (b) tas-subartikolu (3) tal-artikolu 5 tal-Att prinċipali, minflok il-kliem "ir-Regolamenti dwar il-Protezzjoni u l-Privatezza tad-*Data* (Proċessar ta' *Data* fis-settur tal-Pulizija)" għandhom jidhlu l-kliem "ir-Regolamenti tal-2018 dwar il-Protezzjoni tad-*Data* (Iproċessar 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. 440.05.

A 776

L.S. 440.05. (3) Fis-subartikolu (2) tal-artikolu 6 tal-Att prinċipali, minflok il-kliem "mar-Regolamenti dwar il-Protezzjoni u l-Privatezza tad-*Data* (Proċessar ta' *Data* fis-settur tal-Pulizija)" għandhom jidhlu l-kliem "mar-Regolamenti tal-2018 dwar il-Protezzjoni tad-*Data* (Iproċessar 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. 440.05. (4) Fil-paragrafu (a) tas-subartikolu (1) tal-artikolu 12 tal-Att prinċipali, minflok il-kliem "fir-Regolamenti dwar il-Protezzjoni u l-Privatezza tad-*Data* (Proċessar ta' *Data* fis-settur tal-Pulizija)" għandhom jidhlu l-kliem "fir-Regolamenti tal-2018 dwar il-Protezzjoni tad-*Data* (Iproċessar 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. 440.05. (5) Fis-subartikolu (2) tal-artikolu 12 tal-Att prinċipali, minflok il-kliem "r-Regolamenti dwar il-Protezzjoni u l-Privatezza tad-*Data* (Proċessar ta' *Data* fis-settur tal-Pulizija)" għandhom jidhlu l-kliem "r-Regolamenti tal-2018 dwar il-Protezzjoni tad-*Data* (Iproċessar 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. 440.05. (6) Fis-subartikolu (1) tal-artikolu 14 tal-Att prinċipali, minflok il-kliem "fir-Regolamenti dwar il-Protezzjoni u l-Privatezza tad-*Data* (Proċessar ta' *Data* fis-settur tal-Pulizija)" għandhom jidhlu l-kliem "fir-Regolamenti tal-2018 dwar il-Protezzjoni tad-*Data* (Iproċessar 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. 440.05. (7) Fis-subartikolu (2) tal-artikolu 14 tal-Att prinċipali, minflok il-kliem "tar-Regolamenti dwar il-Protezzjoni u l-Privatezza tad-*Data* (Proċessar ta' *Data* fis-settur tal-Pulizija)" għandhom jidhlu l-kliem "tar-Regolamenti tal-2018 dwar il-Protezzjoni tad-*Data* (Iproċessar 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. 440.05. (8) Fis-subartikolu (1) tal-artikolu 16 tal-Att prinċipali, minflok il-kliem "tar-Regolamenti dwar il-Protezzjoni u l-Privatezza tad-*Data* (Proċessar ta' *Data* fis-settur tal-Pulizija)" għandhom jidhlu

l-kliem "tar-Regolamenti tal-2018 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)".

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L-EWWEL SKEDA
(Artikolu 17)

Ġurament tal-Kariga

Jiena naħlef / solennement niddikjara illi bil-fedeltà u onestà kollha naqdi d-dmir tiegħi bħala (Kummissarju għall-Infurmazzjoni u l-Protezzjoni tad-*Data* / Uffiċjal tal-Kummissarju għall-Infurmazzjoni u l-Protezzjoni tad-*Data* / Impjegat tal-Kummissarju għall-Infurmazzjoni u l-Protezzjoni tad-*Data*) skont l-Att dwar il-Protezzjoni u l-Privatezza tad-*Data*, ir-Regolament Ġenerali dwar il-Protezzjoni tad-*Data* u skont il-liġijiet ta' Malta, mingħajr biża' jew favur. (Hekk Alla jghini.)

IT-TIENI SKEDA
(Artikolu 27)

FORMULA A

Taħrik ta' Xhieda

TRIBUNAL TAL-APPELLI DWAR L-INFORMAZZJONI U
L-PROTEZZJONI TAD-*DATA*

ATT DWAR IL-PROTEZZJONI U L-PRIVATEZZA TAD-
DATA

Fil-kawża

.....

versus

.....

Rikors ta'

Jintalab bir-rispett il-ħruġ ta' mandat ta' taħrik ta' xhieda fil-kawża msemmija hawn fuq kontra l-persuna msemmija aktar 'l isfel biex tattendi għas-seduta fil-ħin indikat aktar 'l isfel, u għal kull seduta oħra kif jista' jkun meħtieġ, u biex iġib/ġġib miegħu/magħha d-dokumenti msemmija aktar 'l isfel.

Isem u indirizz (id-dar jew ix-xogħol jew *e-mail*) tal-persuna mħarrka biex tattendi bħala xhud:

.....
.....

Dokumenti li għandu/għandha jġib/ġġib miegħu/magħha:

.....

Data, ħin li fih għandu/għandha jidher/tidher u fejn:

.....

L-imsemmi(ja)hu b'dan

A 780

imwissi(ja) li jekk hu/hi jonqos/tonqos milli jattendi/tattendi mingħajr ma javża/tavża lit-Tribunal dwar l-indisponibbiltà tiegħu/tagħha minn qabel, hu/hi jista'/tista' jiġi/tiġi mgiegħel/mgiegħla jattendi/tattendi permezz ta' mandat ta' skorta u jeħel/teħel il-konsegwenzi kollha skont id-dispożizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Mogħti b'ordni tat-Tribunal tal-Appelli dwar l-Informazzjoni u l-Protezzjoni tad-Data.

Illum, jum ta' 20.....

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 117 tal-24 ta' Meju, 2018.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

28th May, 2018

ACT No. XX of 2018

AN ACT to repeal and to replace the Data Protection Act, Cap. 440.

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:-

ARRANGEMENT OF THE ACT

| | | Articles |
|-------------------|--|----------|
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PART I

Preliminary

- Short title. **1.** The short title of this Act is the Data Protection Act, 2018.
- Purpose of the Act. **2.** This Act implements and further specifies the relevant provisions of 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, and repealing Directive 95/46/EC (General Data Protection Regulation).
- Interpretation. **3.** (1) In this Act unless the context otherwise requires -
- "Commissioner" means the Information and Data Protection Commissioner appointed under article 11 and includes any officer or employee of the Commissioner authorised by him in that behalf;
- "identity document" means a legally valid identity document as provided in the Identity Card and other Identity Documents Act;
- "Minister" means the Minister responsible for data protection;
- "official statistics" shall mean information collected, analysed and produced for the benefit of the society to characterize collective phenomena in a considered population and produced by the National Statistics Office as provided for by law, or by other national authorities as designated by Eurostat following recommendation by the National Statistics Office;
- "the Regulation" means 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, and repealing Directive 95/46/EC;
- "Tribunal" means the Information and Data Protection Appeals Tribunal established under article 24.
- (2) The definitions in Article 4 of the Regulation shall apply to this Act.

PART II

Applicability

- Scope. **4.** (1) Subject to the provisions of sub-article (2), the provisions of this Act shall apply to the processing of personal data,

wholly or partly, by automated means and to such processing other than by automated means where such personal data forms part of a filing system or is intended to form part of a filing system:

Provided that this Act shall not apply to the processing of personal data:

(a) in the course of an activity which falls outside the scope of Union law;

(b) by the Government of Malta when carrying out activities which fall within the scope of Chapter 2 of Title V of the Treaty on European Union;

(c) by a natural person in the course of a purely personal or household activity; or

(d) by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security:

Provided further that the Minister may by regulations, after consultation with the Commissioner and with the concurrence of the Minister responsible for the Police, make provisions on the 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, including the safeguarding against and the prevention of threats to public security.

(2) This Act shall apply to:

(a) the processing of personal data in the context of the activities of an establishment of a controller or a processor in Malta or in a Maltese Embassy or High Commission abroad, regardless of whether the processing takes place in Malta or not;

(b) the processing of personal data of data subjects who are in Malta by a controller or processor not established in the European Union, where the processing activities are related to:

(i) the offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in Malta; or

(ii) the monitoring of their behaviour in so far as their behaviour takes place within Malta;

(c) the processing of personal data by a controller not established in the Union but in a place where the laws of Malta apply by virtue of public international law.

PART III

Restrictions, Consultation and Prior Authorisation

Restrictions.

5. The Minister may, after consultation with the Commissioner and with the concurrence of the Minister responsible for justice, by regulations provide for a restriction to the obligations to which the data controller or processor is subject pursuant to Article 23 of the Regulation.

Safeguards and derogations relating to processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

6. (1) Subject to the provisions of sub-article (4), controllers and processors may derogate from the provisions of Articles 15, 16, 18 and 21 of the Regulation for the processing of personal data for scientific or historical research purposes or official statistics in so far as the exercise of the rights set out in those Articles:

(a) is likely to render impossible or seriously impair the achievement of those purposes; and

(b) the data controller reasonably believes that such derogations are necessary for the fulfilment of those purposes.

(2) Subject to the provisions of sub-article (4), controllers and processors may derogate from the provisions of Articles 15, 16, 18, 19, 20 and 21 of the Regulation for the processing of personal data for archiving purposes in the public interest in so far as the exercise of the rights set out in those Articles:

(a) is likely to render impossible or seriously impair the achievement of those purposes; and

(b) the controller reasonably believes that such derogations are necessary for the fulfilment of those purposes.

(3) Where data processing referred to in sub-articles (1) and (2) serves at the same time another purpose, the derogations shall apply only to processing for the purposes referred to in those sub-articles.

(4) Processing for the purposes referred to in sub-articles (1) and (2) shall be subject to appropriate safeguards for the rights and freedoms of the data subject, including pseudonymisation and other technical and organisational measures to ensure respect for the principle of data minimisation:

Provided that, where such purposes can be fulfilled by processing which does not permit, or no longer permits, the identification of data subjects, those purposes shall be fulfilled in that manner.

7. A controller shall consult with, and obtain prior authorisation from, the Commissioner where the controller intends to process in the public interest: Consultation and prior authorisation.

(a) genetic data, biometric data or data concerning health for statistical or research purposes; or

(b) special categories of data in relation to the management of social care services and systems, including for the purposes of quality control, management information and the general national supervision and monitoring of such services and systems:

Provided that, where genetic data, biometric data or data concerning health are required to be processed for research purposes, the Commissioner shall consult a research ethics committee or of an institution recognised by the Commissioner for the purposes of this article.

8. An identity document shall only be processed when such processing is clearly justified having regard to the purpose of the processing and - Processing of an identity document.

(a) the importance of a secure identification; or

(b) any other valid reason as may be provided by law:

Provided that the national identity number or any other identifier of general application shall be used only under appropriate safeguards for the rights and freedoms of the data subject pursuant to the Regulation.

9. (1) Personal data processed for the purpose of exercising the right to freedom of expression and information, including processing for journalistic purposes or for the purposes of academic, artistic or literary expression, shall be exempt from compliance with the provisions of the Regulation specified in sub-article (2) where, having regard to the importance of the right of freedom of expression and information in a democratic society, compliance with any of the provisions as specified in sub-article (2) would be incompatible with such processing purposes: Freedom of expression and information.

Provided that when reconciling the right to the protection

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of personal data with the right to freedom of expression and information, the controller shall ensure that the processing is proportionate, necessary and justified for reasons of substantial public interest.

(2) For the purposes of the provisions of sub-article (1), the provisions of the following chapters of the Regulation may be exempted or derogated therefrom pursuant to Article 85(2) of the said Regulation:

(a) Chapter II (Principles):

(i) Article 5(1)(a) to (e) (principles relating to processing);

(ii) Article 6 (lawfulness);

(iii) Article 7 (conditions for consent);

(iv) Article 10 (data relating to criminal convictions, etc);

(v) Article 11(2) (processing not requiring identification);

(b) Chapter III (rights of the data subject):

(i) Article 13(1) to (3) (personal data collected from data subject: information to be provided);

(ii) Article 14(1) to (4) (personal data collected other than from data subject);

(iii) Article 15(1) to (3) (access to data and safeguards for third country transfers);

(iv) Article 17(1) and (2) (right to erasure);

(v) Article 18(1)(a), (b) and (d) (restriction of processing);

(vi) Article 20(1) and (2) (right to data portability);

(vii) Article 21(1) (objections to processing);

(c) Chapter IV (controller and processor):

(i) Article 25 (data protection by design and by

default);

(ii) Article 27 (representatives of controllers or processors not established in the Union);

(iii) Article 30 (records of processing activities);

(iv) Article 33 (notification of personal data breach to supervisory authority);

(v) Article 34 (communication of personal data breach to the data subject);

(vi) Article 42 (certification);

(vii) Article 43 (certification bodies);

(d) Chapter VII (co-operation and consistency):

(i) Articles 60 to 62 (co-operation);

(ii) Articles 63 to 67 (consistency).

PART IV

Transborder Data Transfers

10. In the absence of an adequacy decision pursuant to Article 45(3) of the Regulation, the Minister may, following consultation with the Commissioner, by regulations set limits to the transfer of specific categories of personal data to a third country or an international organisation for important reasons of public interest.

Limits to transborder data transfers.

PART V

The Information and Data Protection Commissioner

11. (1) There shall be an Information and Data Protection Commissioner, who shall be appointed by the Prime Minister after he has consulted with the Leader of the Opposition, to perform the duties of supervisory authority for the purposes of Chapter VI of the Regulation.

Information and Data Protection Commissioner.

(2) The Commissioner shall be responsible for monitoring and enforcing the application of the provisions of this Act and the Regulation, in order to protect the fundamental rights and freedoms of natural persons in relation to processing of personal data and to facilitate the free flow of personal data between Malta and any other Member State.

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(3) A person shall not be qualified to hold office as Commissioner if he:

- (a) is a Minister, Parliamentary Secretary, or a Member of the House of Representatives; or
- (b) is a judge or magistrate of the courts of justice; or
- (c) is an officer in the public service; or
- (d) is a member of a local council; or
- (e) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a Commissioner.

(4) The Information and Data Protection Commissioner shall have the qualifications, experience and skills, in particular in the area of the protection of personal data, required to perform his duties and exercise his powers in accordance with the provisions of Article 53(2) of the Regulation.

Independence of functions.

12. (1) In the exercise of his tasks and powers in accordance with this Act and the Regulation, the Commissioner shall act with complete independence and shall be free from external influence, whether direct or indirect, and shall neither seek nor take instructions or direction from any person or entity.

(2) It shall not be lawful for the Commissioner to carry out any other profession, business or trade or to hold any other office of profit whatsoever, even though of a temporary nature, with the exception of any temporary judicial office on any international court or tribunal or any international adjudicating body, and the office of examiner at a University and the Malta College of Arts, Science and Technology.

(3) Any officers or employees of the Commissioner shall be chosen by the Commissioner and shall be subject to his exclusive direction.

Legal personality and representation of the Commissioner.

13. (1) The Commissioner shall have a separate and distinct legal personality and shall be capable of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of his tasks and powers, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the effective performance of his tasks and exercise of his powers under this Act and the Regulation.

(2) Any document purporting to be an instrument made or

issued by the Commissioner and signed by him shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Commissioner.

14. (1) The Commissioner shall hold office for a term of five years and shall be eligible for reappointment on the expiration of his term of office. Tenure of office.

(2) The Commissioner shall not be removed from his office except by the Prime Minister upon an address of the House of Representatives supported by the votes of not less than two-thirds of all the members thereof and praying for such removal on the ground of proved inability to perform the duties of his office (whether arising from infirmity of body or mind or any other cause) or proved misbehaviour.

(3) The Commissioner shall nominate a person from his office to act as Deputy Commissioner and who shall have the qualifications, experience and skills, in particular in the area of the protection of personal data.

(4) If the Commissioner resigns, if his office is otherwise vacant, if for any reason he is unable to perform the duties of his office, or for any other temporary purpose where the Commissioner considers it necessary not to carry out any of his duties that were he a judge of the superior courts he would abstain, the Deputy Commissioner shall perform the Commissioner's duties and exercise his powers in accordance with the provisions of Article 53(2) of the Regulation.

15. (1) The Commissioner shall perform the duties assigned to him under this Act and the Regulation and shall carry out the functions assigned to him under the Freedom of Information Act and any other law. Functions and duties of the Commissioner. Cap. 496.

(2) The Commissioner shall have the power to institute civil judicial proceedings in cases where the provisions of this Act or the Regulation have been or are about to be violated.

(3) The Commissioner may seek the advice of, and may consult with, any other competent authority in the exercise of his functions under this Act and the Regulation.

16. (1) In the exercise of the investigative powers pursuant to Article 58 of the Regulation, or any other law, the Commissioner may request the assistance of the executive police in order to enter and search any premises. Commissioner's right of access to information.

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(2) In the event of joint operations with supervisory authorities of one or more other Member States the Commissioner may, where appropriate, in accordance with the provisions of Article 63 of the Regulation, confer powers, including investigative powers, on the seconding supervisory authority's members or staff:

Provided that such powers are exercised under the guidance and in the presence of the Commissioner.

Oath of office.

17. (1) The Commissioner and any officer and employee of the Commissioner shall, before assuming their duties, take the oath of office set out in the First Schedule, to carry out their duties with equity and impartiality and in accordance with the provisions of this Act and the Regulation, and shall be subject to the provisions of the Official Secrets Act, Professional Secrecy Act and the Code of Ethics applicable to public officers.

Cap. 50.
Cap. 377.

(2) The oath of office shall be taken before the Attorney General.

Financial provisions.

Cap. 496.

18. (1) The financial resources required by the Commissioner for the effective performance of his tasks and exercise of his powers under this Act and the Regulation, under the Freedom of Information Act and under any other law, as may be fixed by the House of Representatives in accordance with this article, shall be a charge on the Consolidated Fund without the need of any further appropriation other than this Act.

(2) Where during the course of any financial year the sum fixed by the House of Representatives is, in the opinion of the Commissioner, insufficient to enable him to efficiently and effectively fulfil his functions, the Commissioner shall prepare supplementary estimates for consideration by the House of Representatives.

(3) The Commissioner shall cause to be prepared in every financial year, and shall not later than six months after the end of each such year adopt, estimates of the income and expenditure of the Commissioner for the next following financial year.

(4) A copy of the estimates shall, upon their adoption by the Commissioner, be sent forthwith to the Minister and to the Minister responsible for finance.

(5) The Minister shall at the earliest opportunity, and not later than six weeks after he has received a copy of the estimates from the Commissioner, approve the same with or without amendment after consultation with the Minister responsible for finance.

19. (1) The Commissioner shall cause to be kept proper accounts and other records in respect of his operations under this Act, the Regulation and under the Freedom of Information Act and any other law, and shall cause to be prepared a statement of accounts in respect of each financial year.

Accounts and
audit.

Cap. 496.

(2) The accounts of the Commissioner shall be audited by an auditor or auditors to be appointed by the Commissioner:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books or the accounts of the Commissioner to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other certifications as he may deem necessary.

(3) After the end of each financial year, and not later than the date on which the estimates of the Commissioner are forwarded to the Minister under article 18(4), the Commissioner shall cause a copy of the statement of account duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the Commissioner.

(4) The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of every such statement and report, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause every such statement and report to be laid on the Table of the House of Representatives.

(5) The Commissioner shall, by not later than six months after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Commissioner during the financial year and containing such information relating to the proceedings and policy of the Commissioner as either of the said Ministers may from time to time require. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of every such report, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause a copy of every such report to be laid on the Table of the House of Representatives.

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PART VI

Administrative Fines and Penalties

Administrative
fines.

20. (1) Where the Commissioner imposes an administrative fine, he shall by order in writing require the controller or processor, as the case may be, to pay such administrative fine, which shall be due to the Commissioner as a civil debt:

Provided that such order shall be subject to the appeal procedure as established under article 26.

Cap. 12.

(2) In the absence of an appeal, the decision of the Commissioner shall become final and shall constitute an executive title for the purposes of Title VII of the Code of Organization and Civil Procedure as if the decision had been ordered by a judgement of a court of civil jurisdiction.

(3) Where a notice imposing an administrative fine is served on a person and -

(a) such person fails to appeal within such time as an appeal may be entered under article 26, and fails to pay the fine so imposed; or

(b) such person appeals within such time to the Tribunal and the appeal is withdrawn or the Tribunal confirms the fine in the amount fixed by the Commissioner or in an amount reduced by it and no further appeal is filed with the Court of Appeal, or if an appeal is filed with the Court of Appeal and such Court either confirms the decision taken or decides that a penalty is due in another amount, or the imposed penalty is not paid within fifteen days from the date of the decision or the withdrawal of the appeal, or the date when the Tribunal or the Court of Appeal confirms or varies the penalty as aforesaid,

the Commissioner shall be entitled to take civil action to recover the amount due.

Administrative
fines on public
authorities or
bodies.

21. The Commissioner may, after giving due regard to the circumstances of the case pursuant to Article 83(2) of the Regulation, impose an administrative fine on a public authority or body:

Provided that such a fine shall not exceed twenty-five thousand euro (€25,000) for each violation and, additionally, the Commissioner may impose a daily fine payment of twenty-five euro (€25) for each day during which such violation persists, which fine shall be determined and imposed by the Commissioner in accordance

with the procedure under article 26 for an infringement of Article 83(4) of the Regulation:

Provided further that such a fine shall not exceed fifty thousand euro (€50,000) for each violation and, additionally, the Commissioner may impose a daily fine payment of fifty euro (€50) for each day during which such violation persists, which fine shall be determined and imposed by the Commissioner, in accordance with the procedure stipulated under article 26 for an infringement of Articles 83(5) or 83(6) of the Regulation.

22. Without prejudice to the provisions of article 21 and Offences. Article 83 of the Regulation, any person who -

(a) knowingly provides false information to the Commissioner when so requested by the Commissioner pursuant to his investigative powers under Article 58 of the Regulation, or any other law; or

(b) does not comply with any lawful request pursuant to an investigation by the Commissioner,

shall be guilty of an offence against this article and shall, upon conviction, be liable to a fine (*multa*) of not less than one thousand, two hundred and fifty euro (€1,250) and not more than fifty thousand euro (€50,000) or to imprisonment for six months or to both such fine (*multa*) and imprisonment:

Provided that no proceedings shall be instituted in respect of any offence under this article except where the Commissioner provides information to any officer of the Executive Police.

23. (1) Where the Commissioner exercises his powers Methods of service. pursuant to the Regulation, or any other law, the decision of the Commissioner shall forthwith be served on the person to whom the decision is addressed, which decision shall be served either personally, by registered post to the person's last known business or private address, or by electronic means that provide a reliable record of when service took place.

(2) In the case of service by electronic means, the decision shall be deemed to have been served upon each person to whom the decision is addressed when the Commissioner has received:

(a) an electronic receipt automatically generated by the e-mail server when the communication is read;

(b) a written confirmation by return electronic mail

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from the person to whom the decision is addressed; or

(c) a verbal confirmation from the person to whom the decision is addressed that the electronic mail was received.

(3) If service is not effected within a week of issuing the decision, because the person to whom the decision refers could not be found or for any other reason attributable to the person to whom the decision is addressed, the Commissioner shall publish a notice in the Gazette and in one or more daily newspapers, stating that a decision has been taken in respect of the person to whom the decision is addressed and inviting him to collect the decision from the Commissioner's office. In any such case, service shall be deemed to have been effected on the third day after the date of publication of the last notice.

PART VII

Appeals

Information and
Data Protection
Appeals
Tribunal.

24. (1) There shall be a tribunal to be known as the Information and Data Protection Appeals Tribunal, referred to in this Act as "the Tribunal", having the functions and powers assigned to it by this Act or by any other law.

(2) The Tribunal shall consist of a chairperson and two other members appointed by the Minister.

(3) The chairperson shall be an advocate with a minimum of twelve years legal experience and shall have the qualifications, experience and skills, in particular in the area of the protection of personal data, required to fulfil his role.

(4) The two other members mentioned in sub-article (2) shall be persons who, in the opinion of the Minister, equally represent the interests of data subjects on the one hand, and of data controllers and data processors on the other, and who have the qualifications, experience and skills, in particular in the area of the protection of personal data, required to fulfil their roles.

(5) The chairperson and other members of the Tribunal shall hold office for a period of three years and cannot be removed during their term of office except on grounds of proved inability to perform the functions of their office, whether arising from infirmity of body or mind or any other cause, or proved misbehaviour.

(6) A member of the Tribunal may be challenged or abstain for any of the reasons for which a judge may be challenged or abstain in accordance with article 734 of the Code of Organization and Civil Procedure. In any such case the Minister shall appoint a person, having the qualifications of the member challenged or abstaining, to sit as a member of the Tribunal in substitution of the said member. Cap. 12.

(7) A member of the House of Representatives or of a local council, a judge or a magistrate, or an officer in the public service shall be disqualified from being appointed or continuing to be a member of the Tribunal for so long as he holds that office.

(8) The Minister shall also designate a person to serve as secretary to the Tribunal.

25. (1) There shall be a Registry of the Tribunal and all records shall be filed therein and made accessible to the public. Registry of the
Information and
Data Protection
Appeals
Tribunal.

(2) The Secretary to the Tribunal shall be responsible for managing the Registry. The Secretary shall also perform any other duty which may be incumbent upon him under this Act or any rules made thereunder.

26. (1) Any person to whom a legally binding decision of the Commissioner is addressed, shall have the right to appeal in writing to the Tribunal within twenty days from the service of the said decision as provided in article 23. Procedure.

(2) An appeal to the Tribunal may be made on any of the following grounds:

- (a) that a material error as to the facts has been made;
- (b) that there was a material procedural error;
- (c) that an error of law has been made;
- (d) that there was some material illegality, including unreasonableness or lack of proportionality.

(3) An appeal from a decision of the Commissioner shall be filed in the Registry of the Tribunal and shall contain:

- (a) the grounds on which such appeal is based;
- (b) the names of the witnesses the appellant intends to produce in evidence, together with their full address, stating in respect of each of them the facts and proof he intends to establish by their evidence; and

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(c) any other documents as may be necessary in support of the appeal.

(4) The Registry of the Tribunal shall, no later than ten days from the date of filing of the appeal:

(a) serve a copy of the appeal on the Commissioner, and request him to file a statement on his decision together with any other information on which such decision was based, within twenty days from the date when the appeal was served; and

(b) serve a copy of the appeal on the respondent or respondents to the appealed decision, and request the respondent or respondents to file a reply within twenty days of service of the appeal.

(5) The respondent or respondents shall file their reply to the appeal in the Registry of the Tribunal within twenty days of service of the appeal. Such reply shall contain:

(a) a statement of the facts upon which the respondent bases his rebuttal of the appellant's claim;

(b) the names of the witnesses the respondent intends to produce in evidence, together with their full address, stating, in respect of each of them, the facts and proof he intends to establish by their evidence; and

(c) any other documents as may be necessary in support of the defence.

(6) The reply, together with any documents in support thereof, shall be served without delay on the appellant and on the Commissioner by the Tribunal.

(7) Upon the expiry of the time-limits for filing the Commissioner's statement and the reply, the Tribunal shall fix a date and time for the hearing. The Tribunal shall notify such date and time to the appellant, the respondent or respondents to the appealed decision and to the Commissioner.

(8) The parties to an appeal may be represented or assisted by their advocates or legal procurators, or by any other person who enjoys their trust:

Provided that no person shall claim fees for representing or assisting a party before the Tribunal unless such assistance is provided by an advocate or legal procurator.

27. (1) The Tribunal shall be competent to hear and decide any appeal made to it in accordance with the provisions of this Act and, subject to the provisions of article 29, the decisions of the Tribunal shall be final and binding.

Competence of the Tribunal.

(2) The Tribunal may summon any person to appear before it to give evidence and produce documents. The Tribunal may also appoint experts to advise it on any technical issue that may be relevant to its decision. On the day appointed by the Tribunal for the hearing of the appeal, it shall hear, under oath, the evidence of the appellant and of the respondent, as well as of other witnesses. The secretary shall issue the necessary summons by the method of service referred to in article 23 for any person involved in the hearing of the appeal.

(3) The Tribunal shall hold its sittings in public unless, having regard to the nature of the appeal or any other matter before it, it deems it proper to conduct the proceedings or part thereof in private.

(4) The Tribunal shall have the same powers as are competent to the First Hall, Civil Court according to law.

(5) Without prejudice to the provisions of this Act or any other law, the Tribunal shall regulate its own procedure.

(6) If any party requires the attendance of witnesses, that party shall complete Form A in the Second Schedule, which shall be signed by the Chairman of the Tribunal and served on each witness in accordance with sub-article (2).

28. (1) In determining an appeal the Tribunal may:

Decisions of the Tribunal.

(a) dismiss the appeal and confirm the decision in its entirety;

(b) substitute the decision;

(c) modify or vary the decision; or

(d) annul the decision.

(2) The Tribunal shall give reasons for its decision and shall cause such decision to be made public omitting, if it deems it appropriate for reasons of confidentiality, the identity of the persons involved.

(3) The effects of a decision of the Commissioner which is appealed from shall not, except where the Tribunal or the Court of

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Appeal, as the case may be, so orders, be suspended by virtue of the appeal:

Provided that any administrative fine imposed by the Commissioner shall not apply until the person on whom the administrative fine is imposed has exhausted all legal remedies provided pursuant to articles 26 and 29, or if the person to whom the decision is addressed has permitted the relevant time-limits to expire without availing himself of the said legal remedies.

(4) The decisions of the Tribunal shall be notified to all parties to the appeal and to the Commissioner, by any of the methods of service referred to in article 23.

Court of Appeal.

Cap. 12.

29. Any party to an appeal before the Tribunal who feels aggrieved by a decision of the Tribunal, or the Commissioner if he feels aggrieved by any such decision, may appeal to the Court of Appeal as constituted in accordance with article 41(6) of the Code of Organization and Civil Procedure by means of an application filed in the registry of that court within twenty days from the date on which the decision of the Tribunal was notified pursuant to article 26.

Right to take action against the controller or processor.

30. (1) Without prejudice to any other remedy available to him, including the right to lodge a complaint with the Commissioner, a data subject may, where he believes that his rights under the Regulation or this Act have been infringed as a result of the processing of his personal data in contravention of the provisions of the Regulation or this Act, by sworn application filed before the First Hall of the Civil Court, institute an action for an effective judicial remedy against the controller or processor concerned.

(2) A data subject may also, by sworn application filed before the First Hall of the Civil Court, institute an action for damages against the controller or processor who processes personal data in contravention of the provisions of the Regulation or this Act.

(3) If in determining an action under sub-article (2) the court finds that the controller or processor is liable for the damage caused pursuant to Article 82 of the Regulation, the court shall determine the amount of damages, including, but not limited to, moral damages as the court may determine, due to the data subject.

(4) Any action under this article shall be instituted within a period of twelve months from the date when the data subject became aware, or ought to have reasonably become aware, of such a contravention, whichever is the earlier.

31. (1) Where the Commissioner fails to act in accordance with Article 78(2) of the Regulation, the data subject may appeal to the Tribunal in accordance with the procedures established in article 26.

Actions against the Commissioner.

(2) Where the Tribunal finds that such an appeal is justified it shall, where appropriate, order the Commissioner to update the data subject on the progress or outcome of the complaint lodged or order the Commissioner to handle the complaint lodged in accordance with Article 77(1) of the Regulation.

PART VIII

General Provisions

32. (1) The certification bodies referred to in Article 43 of the Regulation shall be accredited by the National Accreditation Board (Malta) as established by regulation 3 of the National Accreditation Board (Malta) (Establishment) Regulations.

Accreditation of certification bodies.
S.L. 419.07

(2) The Board referred to in sub-article (1) shall accredit certification bodies in accordance with EN-ISO/IEC 17065/2012 and with the additional criteria and requirements established by the Commissioner.

(3) For the purposes of this article, the National Accreditation Board (Malta) may consult the Commissioner in the process of accrediting certification bodies.

(4) Where the Commissioner concludes that the conditions for accreditation are not, or are no longer met, or where action taken by a certification body infringes the Regulation, the Commissioner shall advise the National Accreditation Board (Malta) not to issue such accreditation, or to revoke such accreditation, as the case may be.

33. The Minister may, after consultation with the Commissioner, prescribe regulations for the better carrying out of the provisions of this Act and the Regulation, and without prejudice to the generality of the foregoing and the provisions of the Regulation, may in particular prescribe regulations concerning:

Power to make regulations.

- (a) any fees that may be levied by the Commissioner;
- (b) the criminal penalties that may be imposed under this Act;
- (c) for establishing rules, procedures, formalities and time limits in respect of any matter provided for under this Act;

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(d) the extension of the application of this Act to any particular activity or sector and to provide for the manner in which data protection is to be implemented in specific sectors or in respect of specific activities;

(e) for anything that may be prescribed under any of the provisions of this Act or the Regulation;

(f) the cases, other than those referred to in Article 37(1) of the Regulation, where the controller or processor or associations and other bodies representing categories of controllers or processors shall designate a data protection officer;

(g) the establishment of a lower age than sixteen years where the processing of the personal data of a child shall be deemed to be lawful in the absence of consent by the holder of parental responsibility over the child, provided that such lower age is not below thirteen years pursuant the provisions of Article 8(1) of the Regulation;

(h) to amend the Schedules to this Act; and

(i) on any other matter relating to data protection.

Repeal and
Savings.
Cap. 440.

34. (1) The Data Protection Act, hereinafter referred to as "the repealed Act", is hereby repealed, and any references in any law to the repealed Act shall be construed as references to this Act.

(2) Notwithstanding the provisions of sub-article (1):

(a) the repealed Act shall remain in force for the purpose of any act, decision, action or proceedings taken in respect of any breach of the repealed Act that occurred or were instituted prior to the coming into force of this Act; and

(b) any subsidiary legislation made under the provisions of the repealed Act shall, until other provision is made under or by virtue of this Act, continue in force and have effect as if it was made under this Act.

Consequential
amendments to
the Passenger
Name Record
(Data) Act.
Cap. 584.

35. (1) This article amends the Passenger Name Record (Data) Act, and it shall be read and construed as one with the Passenger Name Record (Data) Act, hereinafter in this article referred to as "the principal Act".

S.L. 440.05.

(2) In the proviso to paragraph (b) of sub-article (3) of article 5 of the principal Act, for the words "Data Protection (Processing of

Personal Data in the Police Sector) Regulations" there shall be substituted the words "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, 2018".

(3) In sub-article (2) of article 6 of the principal Act, for the words "Data Protection (Processing of Personal Data in the Police Sector) Regulations" there shall be substituted the words "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, 2018". S.L. 440.05.

(4) In paragraph (a) of sub-article (1) of article 12 of the principal Act, for the words "Data Protection (Processing of Personal Data in the Police Sector) Regulations" there shall be substituted the words "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, 2018". S.L. 440.05.

(5) In sub-article (2) of article 12 of the principal Act, for the words "Data Protection (Processing of Personal Data in the Police Sector) Regulations" there shall be substituted the words "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, 2018". S.L. 440.05.

(6) In sub-article (1) of article 14 of the principal Act, for the words "Data Protection (Processing of Personal Data in the Police Sector) Regulations" there shall be substituted the words "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, 2018". S.L. 440.05.

(7) In sub-article (2) of article 14 of the principal Act, for the words "Data Protection (Processing of Personal Data in the Police Sector) Regulations" there shall be substituted the words "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, 2018". S.L. 440.05.

(8) In sub-article (1) of article 16 of the principal Act, for the words "Data Protection (Processing of Personal Data in the Police S.L. 440.05.

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Sector) Regulations" there shall be substituted the words "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, 2018".

FIRST SCHEDULE
(Article 17)

Oath of Office

I solemnly swear / affirm that I will faithfully and conscientiously perform my duties as (Information and Data Protection Commissioner / Officer of the Information and Data Protection Commissioner / Employee of the Information and Data Protection Commissioner) in terms of the Data Protection Act, the General Data Protection Regulation and in accordance with the laws of Malta, without fear or favour. (So help me God).

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SECOND SCHEDULE
(Article 27)

FORM A

Summons of Witnesses

INFORMATION AND DATA PROTECTION APPEALS
TRIBUNAL

DATA PROTECTION ACT

In the case

.....

versus

.....

Application of

Respectfully requests the issue of a summons of a witness in the above-stated cause against the person mentioned hereunder to attend for the hearing at the time stated hereunder, and at any other hearing as may be required, and to bring with him/her any documents referred to hereunder.

Name and address (home or work or e-mail) of the person summoned to attend as a witness:

.....

.....

Documents to be brought by him/her:

.....

Date, time and place where he/she is to attend:

.....

The saidis hereby being warned that should he/she fail to attend the sitting without informing the Tribunal of his/her unavailability beforehand, he/she may be compelled to attend by a warrant of escort and shall

be liable to all consequences according to the provisions of the Code of Organization and Civil Procedure.

Given by order of the Information and Data Protection Appeals Tribunal.

This, day of 20.....

Passed by the House of Representatives at Sitting No. 117 of the 24th May, 2018.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

