

RESTRICTION OF PROTECTION  
DATA (OBLIGATIONS AND RIGHTS)

[ SL.586.09

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SUBSIDIARY LEGISLATION 586.09

REGULATIONS ON THE RESTRICTION OF  
DATA PROTECTION  
(OBLIGATIONS AND RIGHTS)

June 1, 2018

LEGAL NOTICE 177 of 2018.

1.	The title of these regulations is the Regulations on Restricting <i>Data</i> Protection (Obligations and Rights).	Title.
2.	In these regulations, as long as the wording does not does not otherwise require:	Meaning.
	"Act" means the Act on the Protection of Privacy and <i>Data</i> ;	Cap. 586
	"Commissioner" has the same meaning as is assigned to it in article 3 of the Act; u	
	"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 <i>data</i> processing personal data and on the free movement of such <i>data</i> , and to delete Directive 95/46 / EC.	
3.	The scope and purpose of these regulations is to apply restrictions to certain obligations and rights provided for in Article 23 of the Regulation.	Field of application and purpose.
4.	Any restriction on the rights of the <i>data</i> subject referred to in Article 23 of the Regulation shall apply only where such restrictions are a necessary measure:	Restrictions.
	(a) to safeguard and maintain security national security, defense and relations Malta International;	
	(b) for prevention, detection, investigation and prosecution of criminal offenses, including measures to prosecute combating any money laundering activity, and for the execution of criminal penalties;	
	(c) for the administration of all taxes, levies, fines, dues or other money due or payable to the State, under the <i>Income</i> Tax Act, the Act on Tax Administration, the Value Act Added, the Customs Ordinance, the Excise Duty Act and the Rights Ordinance, and any other law permitting that collect revenue in any way for the Government of Malta;	Chap.123. Cap. 372. Cap. 406. Cap. 37. Cap. 382. Cap. 35.

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Cap.318.	(d) for the administration of security benefits in accordance with the provisions of the Social Security Act and where such <i>data</i> have been obtained under the obligation of confidentiality when an anti-fraud investigation is being conducted;	
	(e) for the establishment, exercise and defense of a claim and for legal proceedings that may be initiated under any law;	
	(f) for the performance of the functions of the Commissioner;	
	(g) for the provision of professional services in relation to the performance of social work or social assistance by public authority, public body, voluntary organization or any other body that provides these services, and so on but that such <i>data</i> has been obtained under an obligation of confidentiality specifically for the purposes of providing those services to the beneficiary;	
Chap.188.	(h) for <i>data</i> on health which are processed and where the application of the rights and obligations referred to in the article 5 (1) of the Act is likely to cause serious harm to the vital interests of patient; or	
	(i) for matters relating to citizenship Maltese where the Minister responsible for citizenship, or any person authorized to act on his behalf, shall refuse application to obtain Maltese citizenship under the Act on Maltese Citizenship.	
Safeguards and retention periods.	5. (1) Personal <i>data</i> subject to restriction referred to in regulation 4 shall not be subject to processing which is incompatible with the purposes for which those <i>data</i> were collected , provided this is not provided for by law or with the explicit consent of the subject of the <i>data</i> .	
	(2) The <i>data</i> controller shall, in accordance with Article 32 of the Regulation, implements technical measures and appropriate organizational arrangements to protect processed personal <i>data</i> in accordance with these regulations against accidental destruction or loss or illegal forms of processing.	
	(3) Retention period to be applied to <i>data</i> personal data processed under these regulations shall not be more than is necessary for the purposes of processing such personal <i>data</i> , or shall not exceed the period required to the objective of the restriction is achieved, or as provided by law.	
Information to <i>data</i> subjects .	6. The <i>data</i> controller shall inform the subject of the <i>data</i> on any restrictions provided for under these regulations:	
	However, such disclosure shall not prejudice the	

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for the purposes of the restriction applied in accordance with these regulations.		
7. Any restrictions applied under these regulations it must respect the essence of fundamental rights and freedoms of the <i>data</i> subject and shall be a necessary measure and proportionate.	Proportionality and necessity.	