



Malta Police Force

Data Protection Policy

Policy Document

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Document and Version Control

This document is maintained by the MPF. Suggestions for improvement and comments relating to the accuracy and currency of the document should be forwarded to Data Protection Officer.

This document sets out the policy for the principles and standards of protection of personal data. It outlines the steps we take to ensure that personal data is protected and describes the rights individuals have in relation to the data we process. Where other specific policies provide for a particular type of processing, such policies shall prevail.

The version number is allocated when it has been approved. Any major revisions will be designated by the next whole number (e.g. version 2.0, 3.0, 4.0). Any minor changes will increase incrementally by hundredths (e.g. 2.1, 2.2, 2.3). The current version number will appear on the front cover, footer and Table 1 of this Policy.

Table 1 – Version Control

Version Number	Approval Date	Changelog
Version 1.1	31/01/2021	<ul style="list-style-type: none">Various updates to references to laws and other content.
Version 1.0	18/11/2016	<ul style="list-style-type: none">First Release

Acronyms, Terminology & Definitions

- i. **CLEP** – Criminal Law Enforcement Purposes
- ii. **DPO** – Data Protection Officer
- iii. **EU** – European Union
- iv. **MPF** – Malta Police Force (Also referred to as Department)

01. **A Criminal Law Enforcement Purposes** – Purposes for the prevention, investigation, detection and prosecution of criminal offences, including the safeguarding against and the prevention of threats to public security.

02. **Data Controller** – Means a person who alone or jointly with others determines the purpose/s and means of the processing of personal data. For the purpose of this document, and unless the context indicates otherwise, it is the Commissioner of Police.

03. **Data Subject** – A natural person to whom the personal data relates (alive and identifiable).

04. **Personal Data** – Personal data refers to information that directly or indirectly identifies a natural person through physical, physiological, mental, economic, cultural or social factors.

05. **Processing** – Any operation or set of operations which is performed on personal data or on sets of personal data, such as: collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

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Policy Statement

Personal data that is processed by the MPF is regulated primarily by the Data Protection (Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection of Prosecution of Criminal Offences or the execution of Criminal Penalties) Regulation (S.L.586.08) when the processing takes place for criminal law enforcement purposes (CLEP), and by Regulation (EU) 2016/679 of the European Parliament and the Council of 27th April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation (GDPR)), when personal data is processed for any other purpose.

The MPF aims to process all personal data in compliance with the applicable laws.

Purpose Of Processing Data

The MPF processes personal data for the carrying out of its functions and in pursue of its legal duties and the execution of its tasks, that emanate from various legislative instruments. The core of such functions, duties, tasks are outlined in the Criminal Code¹ and in the Police Act.² In addition, the MPF has been designated as the competent authority for the purpose of various EU laws, particularly those laws promulgated in the area of police cooperation in the criminal justice context and the implementation of the Schengen Acquis. Among others, these legislative instruments include the SIS Regulations³, the Prüm Decisions⁴ and the EURODAC Regulation.⁵

¹ Chapter 9 of the Laws of Malta.

² Chapter 164 of the Laws of Malta.

³ Regulation (EU) 2018/1860 on the use of the Schengen Information System (SIS) for the return of illegally staying third-country nationals; Regulation (EU) 2018/1861 on the establishment, operation and use of the SIS in the field of border checks, and amending the Convention implementing the Schengen Agreement; and Regulation (EU) 2018/1862 on the establishment, operation and use of the SIS in the field of police cooperation and judicial cooperation in criminal matters.

⁴ Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA.

⁵ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing

The processing of personal data by the MPF is also conducted in pursue of international legal obligations arising from bilateral and multilateral agreements to which Malta is signatory.

The Commissioner of Police is also appointed act as the Principal Immigration Officer in terms of the provisions of the Immigration Act.⁶ Consequently, the MPF es personal data for immigration and border management purposes, and other ancillary responsibilities, duties, and obligations, such as the processing of Advance Passenger Information data in terms of the Communication of Passenger Data by Air or Sea Carriers Order (S.L.460.18).

The MPF also keeps a register of criminal convictions in terms of the Conduct Certificates Ordinance.⁷ Conduct certificates are issued by the Commissioner of Police in accordance with the provisions of the law. These certificates are issued only at the request of the person to whom the personal data relates, or upon a Court order given ex-officio or at the request of an interested party. Such data may also be disclosed to other national competent authorities as required by law or with the explicit consent of the individual concerned.

The MPF may also, on basis of Malta's international commitments, disclose information on criminal convictions to an overseas competent authority. The data controller may likewise receive similar records from foreign counterparts.

The Passenger Information Unit (PIU) within the MPF also processes personal data in terms of the Passenger Name Record (Data) Act⁸, which transposes the PNR Directive.⁹

Other personal data processed by the MPF include personal data processed for licensing purposes and other necessary permits in relation to arms proper and ammunition in terms of the Arms Act,¹⁰

a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice.

⁶ Chapter 217 of the Laws of Malta.

⁷ Chapter 77 of the Laws of Malta.

⁸ Chapter 584 of the Laws of Malta.

⁹ Directive (EU) 2016/681 of the European Parliament and the Council of Europe on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.

¹⁰ Chapter 480 of the Laws of Malta.

explosives in terms of the Explosives Ordinance,¹¹ and private guards and community officers in terms of terms of the Private Guards and Community Officers Act.¹²

Recipients Of Data

Data is processed by members of the MPF and its civilian employees. Personal data may be exchanged with other legally constituted authorities having policing or enforcement duties and foreign competent authorities for CLEP. Personal Data may also be disclosed to other Government departments and other third parties in those instances authorized by law.

The rights of individuals are safeguarded by the data protection legislation, secrecy provisions in the Criminal Code, as well as by the internal discipline, codes, directives, standing orders and the regulatory framework to which members and employees of the MPF are subject, emanating or promulgated under the Police Act and the Public Administration Act.¹³

Members of the MPF may, in the execution of their duties for CLEP, have access to personal filing systems held for purposes other than police purposes in accordance with the law.

Data Security

The MPF has in place appropriate technical and organizational measures to ensure the security of data. It strives to protect the information from unauthorized access, the maintenance of data accuracy and the appropriate use of information.

Special Categories Of Personal Data

Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of

¹¹ Chapter 33 of the Laws of Malta.

¹² Chapter 389 of the Laws of Malta.

¹³ Chapter 595 of the Laws of Malta.

uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation may only be processed where strictly necessary and subject to further safeguards to ensure the rights and freedoms of the data subject are safeguarded and only as authorized by law.

Retention Of Personal Data

It is a principle in data protection that personal data are not kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.

The MPF, in its commitment to respect the rights of data subjects and to fulfill its legal obligations, has developed a Data Retention Schedule that comprises all personal data processed by the MPF and the periods, following which, personal data shall be destroyed. However, there are instances in which it is the law that specifies the periods for which personal data may be processed. In such instances, the MPF relies directly on the respective legal provisions.

Rights Of The Data Subject

Data subjects are entitled to know, free of charge, what personal data relating to them the MPF holds and processes about them and who has access to it. This is without prejudice to any measure required to prevent, investigate, detect and prosecute criminal offences under any specific law, and other limitations and restrictions envisaged at law. This right applies to both automated and manual filing systems.

Data subjects have also the right to request that their personal data be rectified, erased or not processed at all in the event that the data is incorrect or not processed in accordance with the law.

The MPF aims to comply as quickly as possible with requests for access to personal data and will ensure that replies are provided within one month, which can be extended up to two months in exceptional cases, depending on the complexity and number of requests and the volume of data being

requested. When a request for access cannot be met within such a reasonable time, the reason will be explained in writing to the data subject making the request.

In the event that data subjects are not satisfied with the reply, or lack thereof, or that their personal data are being processed according to law, or in the event that they are not satisfied that the rights afforded to them are not being observed, they may submit a complaint to the Information and Data Protection Commissioner (IDPC) as the national supervisory authority responsible for the monitoring and enforcement of the provisions of data protection legislation.

Exercising Your Rights

Requests for access to personal information by data subjects are to be made in writing and addressed to the Data Protection Officer. The identification details such as ID or Passport number, name and surname and address have to be submitted with the request. For identity verification purposes, requests are to be accompanied with a copy of the ID Card or Passport. The latter applies only for persons not holding an official Identity Card issued by a Member State of the European Union.

For more information about how to exercise your rights, visit the '*Know Your Data Protection Rights*' page on the MPF website available at <https://pulizija.gov.mt/en/police-force/Pages/Know-Your-Data-Protection-Rights.aspx>.

Contact Details

The Commissioner of Police is the data controller of any personal data processed by the MPF. Any request shall be submitted to the Data Protection Officer on any of the following:

Address: The Data Protection Officer
Legal & Data Protection Unit,
Police General Headquarters,
Floriana, FRN 1530
Malta

Email: dpu.police@gov.mt

Telephone: (+356) 2122 4001

URL: <http://www.pulizija.gov.mt>