



# **Bormla Local Council Subject Access Request Procedure**

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Table of Contents

1. Introduction .....	1
2. How to Request your Personal Information .....	1
2.1 Your right to access information .....	1
2.2 Make a Subject Access Request .....	2
2.3 When will you receive a reply? .....	2
2.4 Is there a charge for Subject Access Requests? .....	2
2.5 Are there any reasons for refusing to release personal data? .....	3
2.6 What can you do if you are unhappy with a decision on your access request? .....	3
3. Contact Details.....	3
4. Approvals and sign offs .....	4
5. Version control.....	4

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## 1. Introduction

In terms of the Local Councils Act (CAP 363) of the Laws of Malta, the Local Council is a statutory local government authority, hence a public authority under the GDPR, having a distinct legal personality and capable of entering into contracts, of suing and being sued, and of doing all such things and entering into such transactions as are incidental or conducive to the exercise and performance of its functions as are allowed under the Act. The full and updated version of the Act can be reviewed from:

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8833>

## 2. How to Request your Personal Information

### 2.1 Your right to access information

You have the right to get a copy of the information that is held about you in Local Council. This is known as a **Subject Access Request**. This right, the **right of access by the data subject**, is set out in Art 15 of the GDPR, as follows:

The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

- (a) the purposes of the processing;
- (b) the categories of personal data concerned;
- (c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- (d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- (e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- (f) the right to lodge a complaint with a supervisory authority;
- (g) where the personal data are not collected from the data subject, any available information as to their source;
- (h) the existence of automated decision-making, including profiling, and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

## **2.2 Make a Subject Access Request**

To access a copy of the personal data held by the Local Council, in relation to you, please complete the **Subject Access Request Application Form** which can be obtained from the Local Council Administrative Office or online.

The completed form, along with photographic identification (copy of Identity Card OR Driving Licence OR copy of OR copy of Passport) and any other proof of address required by the Local Council, should be delivered to [brian.lofreda@gov.mt](mailto:brian.lofreda@gov.mt), or by hand in a closed envelope to the Local Council at the address cited below.

Requests may be made, via post, by sending the completed application form and I.D. to:

Data Protection Officer  
Bormla Local Council,  
2A, The Rest, St. Margerita Square,  
Bormla BML 1202

**Telephone:** +356 2166 3030

**Email:** [brian.lofreda@gov.mt](mailto:brian.lofreda@gov.mt)

**Please note that the Local Council will be unable to commence processing your request or provide you with any information about your personal data, if it is not fully satisfied as to your identity. This is in order to ensure that personal data is not accidentally disclosed to the wrong person.**

## **2.3 When will you receive a reply?**

A response will be issued to you as soon as possible and at the latest within one month of receipt of a valid request.

Where a request is received without verifiable identification, or where there is a concern as to the validity of the identification, the time limit for response will not commence until the Local Council has verified the identification of the individual making the request.

Where requests are complex or numerous, the Local Council may extend the period of compliance by a further two months. If this is the case, the Local Council will inform you within one month of the receipt of the request and explain why the extension is necessary.

## **2.4 Is there a charge for Subject Access Requests?**

Subject Access Requests are free of charge. However, the Local Council may charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive. The Local Council may also charge a reasonable fee to comply with requests for

further copies of the same information. The fees must be based on the administrative cost of providing the information, and you will be advised if these apply.

### **2.5 Are there any reasons for refusing to release personal data?**

Organisations have some grounds for refusing to grant an access request.

- Where a request is deemed manifestly unfounded or excessive, it can be refused.
- There are certain circumstances in which your right to see your personal records can be limited. This is necessary in order to strike a balance between the rights of the individual, on the one hand, and some important needs of civil society, on the other hand. For example, the GDPR gives Member States discretion to restrict, by way of legislative measure, the scope of individuals' rights, including the right of access, where such restriction is necessary and proportionate to safeguard:
  - National security;
  - Defence;
  - Public security;
  - Prevention, investigation or prosecution of criminal offences;
  - Public interest objectives of EU or Member State law;
  - Protection of judicial proceedings;
  - Prevention, investigation or prosecution of breaches of ethics;
  - Regulatory function connected with the exercise of official authority;
  - The protection of the data subject; or
  - The enforcement of civil law claims

### **2.6 What can you do if you are unhappy with a decision on your access request?**

The Local Council maintains a complaints process whereby data subjects can contact the Data Protection Officer. The Data Protection Officer will work with the data subject to try to bring the complaint to a satisfactory conclusion for both parties.

It is also open to you to make a complaint to the Information and Data Protection Commissioner (see contact details below).

## **3. Contact Details**

### **The Data Protection Officer can be contacted on:**

**Address:** Bormla Local Council,  
2A, The Rest, St. Margerita Square,  
Bormla BML 1202

**Telephone:** +356 2166 3030

**Email:** brian.lofreda@gov.mt

### **The Data Controller can be contacted on:**

**Address:** The Executive Secretary  
Bormla Local Council,  
2A, The Rest, St. Margerita Square,  
Bormla BML 1202

**Telephone:** +356 2166 5337

**Email:** [bormla.lc@gov.mt](mailto:bormla.lc@gov.mt)

**The Information and Data Protection Commissioner can be contacted on:**

**Address:** Information and Data Protection Commissioner  
Level 2, Airways House,  
High Street,  
Sliema SLM 1549

**Telephone:** +356 2328 7100

**Email:** [idpc.info@gov.mt](mailto:idpc.info@gov.mt)

#### 4. Approvals and sign offs

This statement comes into effect on 1 May 2019.

Document Control	
Approved By	Executive Secretary
Date approved	26 April 2019
Next review date	30 January 2020

This procedure will be reviewed on an ongoing basis. The DPO is responsible for initiating each review.

#### 5. Version control

Version	Date	Changes made by	Details
1.0	26 April 2019	GDPR Consultant and reviewed by the DPO	SARS Procedure