

Kunsill Lokali Ħal Tarxien
Data Subject Access Request
Policy and Procedures

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1. Introduction

1.1. In terms of the Local Councils Act (CAP 363) of the Laws of Malta, the Hal Tarxien Local Council (hereinafter referred to as 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 following define the procedure of handling or responding to data subjects' requests received by the Local Council for access to their personal data and their representatives. These procedures will enable the Local Council to comply with its legal obligations, provide better customer care, improve transparency and enable individuals to verify that information held about them is correct.

2. How to Request your Personal Information

2.1. The right to access information

- 2.1.1. As a data subject you have the right to receive confirmation whether or not personal data concerning you is processed (i.e stored, used, held etc.) by the Local Council as the Data Controller, get a copy of the information that is held about you by the Local Council as well as the following information
- 2.1.1.1. the purposes of the processing;
 - 2.1.1.2. the categories of personal data concerned;
 - 2.1.1.3. 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;
 - 2.1.1.4. where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
 - 2.1.1.5. 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;
 - 2.1.1.6. the right to lodge a complaint with a supervisory authority;
 - 2.1.1.7. where the personal data are not collected from the data subject, any available information as to their source;
 - 2.1.1.8. 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

- 2.2.1. 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.
- 2.2.2. The completed form, along with photographic identification (copy of Identity Card OR Driving Licence OR copy of OR copy of Passport) and proof of address in the form of any document requested by the Local Council, should be delivered to dataprotection.tarxien@gov.mt, or by hand in a closed envelope to the Local Council at the address cited below.
- 2.2.3. Requests may be made, via post, by sending the completed application form to:

Data Protection Officer

c/o Hal Tarxien Local Council, 73 Triq Santa Marija,
Hal Tarxien, TXN 1704

- 2.2.4. 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?

- 2.3.1. A response will be issued to you as soon as possible and at the latest within one month of receipt of a valid request.
- 2.3.2. 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.
- 2.3.3. 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. How will you receive a reply?

- 2.4.1. When a request is submitted, the Local Council may:
- 2.4.1.1. Provide a positive reply whereby the Local Council confirms the exercise of your rights. For access requests, the Local Council confirms the processing of personal data, provides you with full access to the requested personal data about you (or any other individual of whom you are a legal guardian/representative) and the supplementary information about the processing. For other data subjects' rights, the Local Council confirms that the request to exercise your rights is well founded and proceeds with the request e.g. corrects, blocks or deletes the personal data; or
 - 2.4.1.2. Provide a partial reply whereby the Local Council partially confirms the exercise of your rights. For access requests, the Local Council provides you with some personal data about you and responds with some relevant information, justifying why the remaining personal data about you cannot be provided. For other data subjects' rights, the Local Council confirms that the request to access data is partially founded and partially proceeds with the request, justifying why the request cannot be upheld in full; or
 - 2.4.1.3. Provide a negative reply whereby the Local Council refuses the exercise of your rights. For access requests, after carefully checking all available data bases and files, the Local Council may respond by confirming that no personal data is held or processed concerning you and therefore no access can be provided. Furthermore, the Local Council may respond with suitable and justifiable reasons for not responding to the request, as indicated in point 2.5. For other data subjects' rights, after carefully checking all available information, the Local Council may respond that it will refuse the exercise of your rights based on duly justified reasons.

2.5. Is there a charge for Subject Access Requests?

- 2.5.1. 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?

- 2.5.1. Organisations have some grounds for refusing to grant an access request.
- 2.5.1.1. Where a request is deemed manifestly unfounded or excessive, it can be refused.
- 2.5.1.2. 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
- 2.5.1.2.1. National security;
 - 2.5.1.2.2. Defense;
 - 2.5.1.2.3. Public security;
 - 2.5.1.2.4. Prevention, investigation or prosecution of criminal offences;
 - 2.5.1.2.5. Public interest objectives of EU or Member State law;
 - 2.5.1.2.6. Protection of judicial proceedings;
 - 2.5.1.2.7. Prevention, investigation or prosecution of breaches of ethics;
 - 2.5.1.2.8. Regulatory function connected with the exercise of official authority;
 - 2.5.1.2.9. The protection of the data subject; or
 - 2.5.1.2.10. The enforcement of civil law claims

2.6 What can you do if you are unsatisfied with a decision on your access request?

- 2.6.1. 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.
- 2.6.2. It is also open to you to make a complaint to the Information and Data Protection Commissioner (see contact details below).

3. Contact Details

Data Protection Officer

c/o Ħal Tarxien Local Council,

73 Triq Santa Marija,

Ħal Tarxien, TXN 1704

Telephone: +356 2166 6688

Email: dataprotection.tarxien@gov.mt

Data Controller

The Executive Secretary Ħal Tarxien Local Council, 73 Triq Santa Marija,
Ħal Tarxien, TXN 1704
Telephone: +356 2166 6688 Email: tarxien.lc@gov.mt

The Information and Data Protection Commissioner

Level 2, Airways House
High Street,
Sliema, SLM 1549
Telephone: +356 2328 7100
Email: idpc.info@gov.mt

4. Approvals and sign offs

This policy as amended comes into effect on _____.

Document Control	
Approved By:	
Date Approved:	
Next Review Date:	

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	27 th April 2019	DPO	SARS Procedure
2.0	23 rd September 2021	DPO	Review and amendments to existing procedures