

Civil Courts and Civil Tribunals

Data Protection Policy

The General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act (Cap 586) regulate the processing of personal data whether held electronically or in manual form. The Civil Courts and Civil Tribunals Directorate is set to fully comply with the Data Protection Principles as set out in such data protection legislation.

Purposes for collecting data

The Civil Courts and Civil Tribunals Directorate collects and processes information to carry out its obligations in accordance with present legislation. All data is collected and processed in accordance with Data Protection Legislation and the Code of Organization and Civil Procedure (Chapter 12 of the Laws of Malta) and S.L. 12.21, the Civil Procedure (Regulation of Registries, Archives and Functions of Director General (Courts) and Other Court Executive Officers) Regulations and in accordance with other provisions in Maltese Law, including the National Archives Act, Chapter 477 of the Laws of Malta.

Recipients of data

Personal Information is accessed by the employees who are assigned to carry out the functions of the Civil Courts and Civil Tribunals Directorate. Personal Data will be disclosed to interested parties according to Article 115 of the Code of Organization and Civil Procedure which states that the acts of every court shall be accessible to all persons and copies thereof shall be given out at the request of any person. Article 11 of S.L. 12.21 states that acts deposited in the archives shall be accessible to the public provided that access to the archives of the Civil Court (Family Section) and the Civil Court (Voluntary Jurisdiction Section) shall, except for any judgement, decree, decision or other document, be restricted to the parties and their advocates or legal procurators, and to any other person who may be so authorised by a judge or magistrate as the case may be. Disclosure can also be made to third parties but only as authorized by law.

Your rights

You are entitled to know, free of charge, what type of information the Civil Courts and Civil Tribunals Directorate holds and processes about you and why, who has access to it, how it is held and kept up to date, for how long it is kept, and what the Unit is doing to comply with data protection legislation.

The GDPR establishes a formal procedure for dealing with data subject access requests. All data subjects have the right to access any personal information kept about them by the Civil Courts and Civil Tribunals Directorate, either on computer or in manual files. Requests for access to personal information by data subjects are to be made in writing and sent to the Acting CEO of the Court Services Agency. Your identification details such as ID number, name and surname have to be submitted with the request for access. In case we encounter identification difficulties, you may be required to present an identification document.

The Civil Courts and Civil Tribunals Directorate aims to comply as quickly as possible with requests for access to personal information and will ensure that it is provided within a reasonable timeframe and in any case not later than one month from receipt of request, unless there is good reason for delay. When a request for access cannot be met within a reasonable

time, the reason will be explained in writing to the data subject making the request. Should there be any data breaches, the data subject will be informed accordingly.

All data subjects have the right to request that their information is not used or is amended if it results to be incorrect. Data subjects may also request that their data is erased.

These rights may be restricted, if applicable, as per Data Protection Legislation.

In case you are not satisfied with the outcome of your access request, you may refer a complaint to the Information and Data Protection Commissioner, whose contact details are provided below.

Retention Policy

Your personal data is collected through the procedure established in Chapter 12 of the Laws of Malta indicated above. Documentation is held and recorded by the respective Court Registries within the Civil Courts and Civil Tribunals Directorate. As part of its operating requirements, the Civil Courts and Civil Tribunals Directorate requests, keeps and maintains a wide range of documentation including personal data. The various types of documentation utilised is categorised in the following schedule.

The following schedule outlines the retention requirements for the various categories of documentation within the Civil Courts and Civil Tribunals:

Category of Document	Retention Period	Justification
Files pertaining to court cases (proçessi) of all the Courts and Tribunals containing all the judicial acts, evidence, documents and other records of the case. The various Courts and Tribunals include the Constitutional Court, the Court of Appeal, The First Hall of the Civil Court, the Civil Court (Family Section), the Civil Court (Voluntary Jurisdiction Section), the Civil Court (Commercial Section), the Court of Magistrates, The Court of Revision of Notarial Acts, the Partition of Inheritances Tribunal, the Small Claims Tribunal, the Administrative Review Tribunal, the Consumer Affairs Tribunal, the Rent Regulation Board, the Rural Leases Control Board and the Land Arbitration Board.	Indefinitely	According to the National Archives Act – Chapter 477 of the Laws of Malta – Article 1(g) of the Second Schedule, records and archives to be preserved in any archival repository which falls under the responsibility of the National Archives are, among others, those records and archives created, received and maintained by the Court Services Agency or any other court or tribunal with jurisdiction within Malta or by any judge, magistrate or other officer of such a court.
Judicial Sales by Auction records		

Warrants Judicial Letters Judicial Protests Schedules of Deposit Electoral Register Applications		
Electronic Database of Court Cases and all other Court Acts	Indefinitely	Refer to first row
Recording of evidence	Six (6) months from date the transcription of the recording has been ordered.	In terms of Art 6 of the Electro-Magnetic Recordings of Proceedings Act (Chapter 284 of the Laws of Malta) which states that 'where final judgment has been delivered or where the matter in issue has been finally resolved or where transcription of the recording has been made, the Registrar may direct that the recording be erased.'

The Data Protection Officer may be contacted on dpo.courts@gov.mt or by telephone 25902342

Data Controller

The Chief Executive Officer of the Court Services Agency may be contacted at:
Court Services Agency, Republic Street, Valletta
Telephone: 25902217
Email: frank.mercieca@courtservices.mt

The Information and Data Protection Commissioner

The Information and Data Protection Commissioner may be contacted at:
Level 2, Airways House,
High Street,
Sliema SLM 1549
Telephone: 23287100
Email: idpc.info@idpc.org.mt