

Criminal Courts and Tribunals Directorate

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 Criminal Courts and 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 Criminal Courts and 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 Criminal Code (Chapter 9 of the Laws of Malta) and S.L. 9.09 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 Criminal Courts and Tribunals Directorate. Personal Data will be disclosed to interested parties according to Article 518 of the Criminal Code (Chapter 9) which states that the acts and documents of the Courts of Criminal Justice shall not be open to inspection, nor shall copies thereof be given, without the special permission of the court, except by or to the Attorney General, by or to the parties concerned or by or to any advocate or legal procurator authorized by such parties; but any act, which is pronounced in open court, shall be open to inspection by any person, and copies thereof may be given on payment of the usual fee: Provided that a procès-verbal and any depositions and documents filed therewith shall be open to inspection, and copies thereof shall be given, only at the discretion of the Attorney General and on payment of such fees as may be prescribed by the Minister responsible for justice as provided in article 695.

Article 409 (1) of the Criminal Code (Chapter 9) states that it shall be lawful for the court to order the proceedings to be conducted with closed doors, if it appears to it that the ends of justice would be prejudiced if the inquiry were conducted in open court. In any such case, the officials attached to the court and taking part in the inquiry shall be bound not to disclose the proceedings thereof under the penalty provided in article 257.

Article 531.(1) of the Criminal Code (Chapter 9) states that the court shall hold its sittings with open doors. Nevertheless, the court may hold its sittings with closed doors in cases where it is of opinion that the proceedings, if conducted in public, might be offensive to modesty, or might cause scandal; in any such case, the court shall previously make an order to that effect stating the reasons for so doing.(2) Where the sittings are held with closed doors, it shall not be lawful to publish any report of the proceedings under the penalties established for contempt of the authority of the court

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 Criminal Courts and 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 Criminal Courts and 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 Criminal Courts and 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 9 of the Laws of Malta indicated above. Documentation is held and recorded by the respective Court Registries within the Criminal Courts and Tribunals Directorate. As part of its operating requirements, the Criminal Courts and 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 Criminal Courts and Tribunals Directorate

Category of Document	Retention Period	Justification
Files pertaining to court cases (processi) of all the Courts containing all the judicial acts, evidence, documents and other records of the case. The various Courts include the Courts of Appeal (Superior and Inferior), The Criminal Court and the Court of Magistrates,	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

<p>Schedules of Deposit</p> <p>Registers of Old Fines</p> <p>Registers of Movement of Acts</p> <p>Registers of Exhibits</p> <p>Register of Enquiries appointed by Enquiry Magistrates</p> <p>Prime Note</p> <p>Register of Incoming Letters Rogatory</p> <p>Assignment of cases after a recusal</p> <p>DKR Files</p> <p>Applications to be exempted from Jury Service</p> <p>Online Judgements</p>		<p>jurisdiction within Malta or by any judge, magistrate or other officer of such a court.</p>
<p>Recording of evidence</p>	<p>Six (6) months from date the transcription of the recording has been ordered.</p>	<p>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.'</p>

The Data Protection Officer may be contacted on dpo.courts@gov.mt or by telephone 25902639

(Data Controller's Designation)

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