

CHAPTER 657

PROTECTION AGAINST ADVERSE CONSEQUENCES FOR PERSONS WHO RECOVERED FROM ONCOLOGICAL DISEASES (RIGHT TO BE FORGOTTEN) ACT

*AN ACT to provide for the Protection against Adverse
Consequences for Persons who recovered from Oncological Diseases
(Right to be Forgotten).*

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[ACT X of 2026.](#)

1. (1) The short title of this Act is the Protection against Adverse Consequences for Persons who recovered from Oncological Diseases (Right to be Forgotten) Act. Short title and commencement.

(2) This Act shall come into force on 1st January 2027.

2. In this Act, unless the context otherwise requires: Interpretation.

"Board" means the Review Board established by article 5;

"contract of service" and "contract of employment" shall have the meaning assigned to them in accordance with article 2 of the [Employment and Industrial Relations Act](#); Cap. 452.

"date of diagnosis" means the first day a qualified medical professional determines a person has an oncological disease;

"date of end of treatment" means the date of the last active treatment in accordance with the applicable medical protocol, and in case of a dispute between the recovered person and the other party this date may be determined in accordance with article 7;

"established period" means the period of time which has elapsed since the date of the end of treatment without relapse;

"financial services agreement" means any life insurance contract, bank loan agreement, or any other contract or agreement ancillary thereto;

"medical history" means any medical records relating to

*Not yet in force.

the diagnosis and treatment of any oncological disease, including any records which may pre-date the diagnosis if they refer to the related testing, and also includes any follow-up medical check-ups, tests, and results following the end of treatment in so far as they relate to the oncological disease, and it shall also include any inquiry, request, or disclosure, whether oral or written, regarding whether a person has ever been diagnosed with or treated for any oncological disease;

"Minister" means the Minister responsible for health;

"oncological disease" means any disease involving abnormal growth and spread of cells in the body, commonly known as cancer;

"other party" means the party offering a financial services agreement, contract of service or contract of employment;

"recovered person" or "person who recovered" means a person who had been diagnosed with an oncological disease and is in remission following successful treatment;

"relapse" means the recurrence of the oncological disease following the end of treatment, and shall not include any other health issues which may arise during the period following the end of treatment even if emanating as a direct consequence of the oncological disease.

Right to be
forgotten.

3. (1) For the purposes of entering into any contract of service, contract of employment or financial services agreement, a recovered person's medical history shall not be requested, considered or used in order to dissuade, impede or refuse access to any contract of service, contract of employment or financial service, or to impose more onerous conditions or to affect in any way the content of the contract of service, contract of employment or financial services agreement, if an established period of ten (10) years has elapsed since the date of the end of treatment of the recovered person:

Provided that in the case of diagnosis before the age of twenty five (25) years, the established period shall be shortened to five (5) years from the end of treatment:

Provided further that the Minister, with the concurrence of the Minister responsible for finance and the Minister responsible for employment, may by means of regulations prescribe shorter established periods under such conditions as may be specified and in such case the shorter established periods and the conditions applicable

thereto may be included in a Schedule.

(2) The medical history referred to in this article may not be requested or acquired even from sources other than the recovered person or the other party, and in case it is made known or made available to the other party, such medical history shall not be considered or used in order to refuse access to any contract of service, contract of employment or financial services agreement, or to impose more onerous conditions or to affect in any way the content of the contract of service, contract of employment or financial services agreement, if the established period as established in this Act has elapsed.

(3) Where when entering into a financial services agreement subsequent to the coming into force of this Act the established period has not yet elapsed, the financial services agreement is to specify that after the relevant established period elapses, consideration of the medical history of the recovered person may no longer be made and any clause which affects the content of the financial services agreement based on the medical history shall no longer have effect from the date when the established period elapses:

Provided that the medical history of the recovered person held by the other party shall, subsequent to the lapse of the established period, be anonymised and the recovered person shall be notified in writing that such anonymisation has taken place.

(4) Where a financial services agreement exists prior to the coming into force of this Act and includes a clause which is incompatible with this Act, and the established period has elapsed or shall elapse on or after the coming into force of this Act, the respective clause shall cease to have effect and shall be considered null and void in accordance with article 4 as from the date on which the established period has elapsed or from the date of coming into force of this Act, whichever is the later:

Provided that the medical history of the recovered person which was held by the other party shall, subsequent to the established period elapsing, be anonymised and the recovered person shall be notified in writing that such anonymisation has taken place.

(5) Where medical history of a recovered person was requested when the person entered into a contract of service or a contract of employment prior to the coming into force of this Act and the medical history is still being held by the other party, it shall, subsequent to the lapse of the established period, be anonymised and the recovered person shall be notified in writing that such anonymisation has taken place.

(6) In all cases mentioned in sub-articles (3) to (5) it shall be the

responsibility of the recovered person to inform the other party that the established period has elapsed, and the effect of the aforementioned sub-articles shall only operate from the date when this information reaches the other party:

Provided that in case of a dispute as to the date of the end of the treatment any of the parties may refer the matter to the Board in accordance with article 7.

Nullity of clause
does not nullify
contract.

4. Where any clause in a contract of service, contract of employment or financial services agreement breaches any provision of this Act, the respective clause shall be null and void limitedly to such breach but such breach shall not nullify the entire contract:

Provided that the nullity of such clause shall not operate in such a way as to deny any rights which the recovered person may have acquired through the same clause, in which case the clause shall still have effect only to the said extent.

Review Board.

5. (1) There shall be a Review Board having the functions established in this Act.

(2) The Review Board shall be composed of a Chairperson and two (2) members appointed by the Minister. The Chairperson shall be a person who has practised as an advocate in Malta for a period or periods amounting, in the aggregate, to not less than seven (7) years, and the two (2) members shall be medical professionals having qualifications and experience in the field of oncological diseases:

Provided that where in the opinion of the Minister it is not possible or practical due to particular circumstances for the Board to be composed as aforesaid, the Minister may appoint members of the Board as he considers to be suitable for the carrying out of the functions of the Board in accordance with this Act in the circumstances:

Provided further that the Minister may also appoint substitute Chairpersons and members if the office of Chairperson or a member is vacant or if for any reason such Chairperson or member is unable to perform the functions of his office. The Minister may also appoint different compositions of the Board.

(3) The Chairperson and members of the Board shall be appointed for a period of three (3) years, and shall be eligible for re-appointment.

(4) In the exercise of their functions the Chairperson and members of the Board shall not be subject to the direction or control of any other person or authority.

(5) The Board may act notwithstanding any vacancy in its composition.

(6) The Minister shall appoint a person to act as Secretary to the Board.

(7) The Chairperson and Members of the Board may be removed by the Minister prior to the expiry of their term of office only on the ground of proven inability to perform the functions of their office whether arising from infirmity of body or mind or any other cause, or for proven misbehaviour.

6. (1) The Board shall carry out the following functions:

Functions and
powers of the
Review Board.

(a) the determination of the date of diagnosis and, or the date of the end of treatment in accordance with the procedure established in article 7;

(b) the recommendation of the review and reduction of established periods for specific oncological diseases that shall be included by the Minister in the Schedule, in accordance with scientific and medical progress and article 3;

(c) any other such function as may be assigned to it by the Minister for the proper implementation of this Act.

(2) Proceedings before the Board shall be held *in camera* and shall be confidential.

(3) The Board shall, in the exercise of its functions, have the power to take decisions, make recommendations, issue rulings and refer to the relevant authorities for action, assistance or information.

(4) The Board shall have the power to access all medical records held by any public or private health care provider which are relevant to the requests made to it.

(5) The Board may, whenever it deems necessary, engage one (1) or more persons, whom it considers to be in possession of suitable expertise to assist it in carrying out specific tasks requiring such expertise, and, for this purpose, the Board may impose such conditions as it considers necessary.

(6) The Board shall at the end of each year, or earlier if so requested, make a report of its activities to the Minister. The said report shall be laid on the Table of the House by the Minister in a form which respects the confidentiality of personal data:

Provided that the report may include anonymised information for statistical purposes.

Determination of
dates of diagnosis
and end of
treatment.

7. (1) In cases to which the provisions of articles 3(3), 3(4), and 3(5) apply, if a dispute arises as to the date of diagnosis and, or the date of the end of treatment, either party may submit an application before the Board for determination of the dispute.

(2) Without prejudice to the generality of article 6(3), the Board may request access to any medical history data from the recovered person, strictly for determination of the date of diagnosis and, or the date of the end of treatment, so however that the other party shall not have access to such data.

(3) The determination is to be made expeditiously and without delay and the Board shall endeavour to make such determination not later than one week from when the application is made:

Provided that if the Board makes a request for data the above referred time limit may be extended for a period of not more than one week from the receipt of data.

(4) In determining the end of treatment, the Board shall not take into account any treatment, medicine, testing or other health-checkups which are not specifically administered as part of the direct removal or eradication of cancer cells or direct treatment of the oncological disease. For the avoidance of doubt, long-term treatments such as hormone therapy and maintenance chemotherapy used to prevent relapse and, or improve prognosis shall not operate to extend the established period.

(5) The decisions referred to in this article shall be communicated in writing solely to the parties and may not be distributed further.

(6) The effects of sub-articles 3(3), 3(4) and 3(5) shall operate:

(a) from the date established by the Board if the date of end of treatment provided by the recovered person in accordance with article 3(6) is found to be incorrect; or

(b) retroactively from the date of end of treatment provided by the recovered person in accordance with article 3(6), if this date is confirmed by the Board.”.

Power of the
Minister to make
regulations.

8. The Minister may make regulations as authorized under this Act, including Schedules annexed to this Act within the parameters of article 3, and in general for the better implementation of the provisions of this Act:

Provided that any Schedules which the Minister may make shall be revised at least once a year.

9. Any person, not being the recovered person, who fails to abide by the provisions of the Act or fails to comply with any order or request made by the Board shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than five hundred euro (€500) and not more than five thousand euro (€5,000), as well as a penalty for each day during which the failure to comply with this Act subsists, which daily penalty shall not be less than ten euro (€10) and not more than one hundred euro (€100). Offences.
