

SUBSIDIARY LEGISLATION 595.07**IDENTITY MALTA AGENCY
(ESTABLISHMENT) ORDER**

10th September, 2013

LEGAL NOTICE 269 of 2013, as amended by Legal Notice 101 of 2016, 95 of 2018, 4 of 2019 and 438 of 2020, 295 of 2023 and 141 of 2025.

1. The title of this Order is the Identity Malta Agency (Establishment) Order. Citation.

2. In this Order, unless the context otherwise requires - Interpretation.
"the Act" means the Public Administration Act; Amended by:
"Agency" means the Identity Malta Agency established by this L.N. 101 of 2016;
Order; L.N. 438 of 2020.
Cap. 595.

"Agency Agreement" means the Agreement as provided for in article 7;

"Minister" means the Minister responsible for identity management who shall be responsible for the Agency;

"Permanent Secretary" means the Permanent Secretary in the Ministry responsible for identity management.

3. (1) There is hereby established an Agency, to be known as the Identity Malta Agency or as "Identity Malta", or as "Identità" which shall carry out functions and duties of the public administration in the following matters: Establishment of Identity Malta Agency.
Amended by:
L.N. 101 of 2016;
L.N. 4 of 2019
L.N. 438 of 2020;
L.N. 295 of 2023.

(a) visas, residence permits, work permits and other administrative matters related to expatriates;

(b) passports;

(c) processing of applications for national visas under the Immigration Act by assisting the Principal Immigration Officer in the execution of his duties and functions related to such matters and in the implementation of any European Union legal instrument related to visas by giving also its assistance in such matters; Cap. 217.

(d) identity cards and other identity documents;

(e) acts of civil status;

(f) registration of public deeds;

(g) such other matters which are ancillary, incidental or consequential to the matters stipulated in paragraphs (a) to (g) as the Minister may from time to time determine:

(2) In particular, but without prejudice to the generality of the provisions of sub-article (1), the Agency shall:

(a) see the carrying out of the functions and duties of the "authorised officer" designated under the Identity Card and other Identity Documents Act; Cap. 258.

- Cap. 61. (b) assist the Minister, from time to time, responsible for matters relating to passports and any other officer in charge of passports in the execution of his functions and duties in terms of the Passports Ordinance;
- Cap. 16.
Cap. 56. (c) see to the carrying out of the functions and duties of the Director of the Public Registry including those under the Civil Code and the Public Registry Act; and
- Cap. 217. (d) see to the carrying out of the functions and duties of the Director for Citizenship and Expatriate Affairs provided for under the Immigration Act and subsidiary legislation made thereunder, and;
- (e) see to the carrying out of the functions and duties related to the issue of visas in line with the provisions of paragraph (c) of sub-article 3(1);
- (3) Where any functions referred to in the preceding sub-article, is entrusted to a public officer in terms of any other law, such function shall be exercised by that public employee of the Agency assigned to carry out the said function.
- Personal data processed by other entities.
Added by:
L.N. 141 of 2025.
- 3A. (1) In the performance of its functions and duties, the Agency shall have the right to access and, or request from any person, public authority, agency, body or private entity, information including personal data pertaining to any applicant or any third party, which is limited to the extent necessary for the purposes of these regulations or any other law which are applicable to the functions and duties of the Agency, and to what is necessary and proportionate to the objectives pursued by the Agency.
- (2) When making a request in accordance with sub-article (1), the Agency shall provide the purpose for such a request and the function being exercised by the Agency.
- (3) Any personal data processed by the Agency shall fully comply with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and the Data Protection Act, including the regulations made thereunder and the fundamental rights and freedoms of the data subjects.
- Cap. 586.
- (4) Whilst taking into account the nature, scope, context and reason for processing, as well as the risks of varying likelihood and severity for the rights and freedoms of the data subjects, the Agency shall implement appropriate technical and organisational measures in an effective manner in order to ensure a level of security appropriate to the risk.
- (5) The access to personal data shall be reserved exclusively to duly designated officers on the basis of a role-base access control mechanism and subject to confidentiality and, or professional secrecy obligations, in order to prevent abuse or unlawful access to, or disclosure of personal data.

(6) For the purpose of ensuring and to be able to demonstrate compliance with the principles relating to the processing of personal data, the Agency shall implement the appropriate data protection policies, which policies shall be periodically reviewed and updated where necessary.

(7) The data protection officer designated by the Agency in accordance with Article 37 of Regulation 2016/679/EC of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) shall be involved and duly consulted and in a timely manner on all issues relating to the protection of personal data processed for the purposes of these regulations or any other laws which are applicable to the functions and duties of the Agency.

4. The Agency shall be subject to the provisions of Title 2 of Part III of the Act and shall be regulated thereby.

Agency to be subject to the Act.
Renumbered:
L.N. 438 of 2020.

5. The Agency shall be governed by the provisions of the Public Finance Management Act unless otherwise authorised in the Agency Agreement.

Financial arrangements.
Cap. 601.
Renumbered:
L.N. 438 of 2020.

6. The operations of the Agency shall be carried out in accordance with an Agency Agreement which shall be agreed between the Permanent Secretary and the Agency.

Agency agreement.
Renumbered:
L.N. 438 of 2020.

7. (1) As a special arrangement in terms of article 26(2)(d), in conjunction with article 29 of the Act, the Agency shall be directed by a Board of Directors composed of five (5) members.

Board of Directors
Substituted by:
L.N. 95 of 2018
Renumbered:
L.N. 438 of 2020..

(2) All the Directors shall be non-Executive Directors, each having one (1) vote.

(3) One (1) of the five (5) Directors shall be a non-Executive Chairperson.

(4) The Directors, including the non-Executive Chairperson who shall be appointed from amongst the Directors, shall be appointed by the Minister.

(5) The members of the Board shall hold office for a period not exceeding three (3) years. Any member may, before the expiration of his term of office, resign by letter addressed to the Minister:

Provided that the members of the Board may be removed from office by the Minister prior to the expiry of their term of office where, in the opinion of the Minister, they have been found guilty of misconduct or where they are, in the opinion of the Minister, unable to perform the duties of their office.

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

Secretary of the Board.

of the Board.

(7) The remuneration paid to members of the Board shall be in accordance with the Act and established guidelines.

Chief Executive
Officer.
Added by:
L.N. 95 of 2018.
Renumbered/
Amended by:
L.N. 438 of 2020.

8. (1) The Agency shall have a Chief Executive Officer to be styled as the ‘Chief Executive Officer, Identity Management and Ancillary Services’ who shall be responsible for the performance, functions and duties of the Agency and who shall be responsible for the daily management of the Agency in accordance with the Act.

(2) The Chief Executive Officer shall be appointed by the Minister.

(3) The Chief Executive Officer shall be answerable to the Board, and this save the powers granted to the Minister, the Principal Permanent Secretary and the Permanent Secretary, by articles 28 and 29 of the Act.

(4) The Chief Executive Officer may exercise those powers, function and duties exercised by any officer under his responsibility unless such powers, functions and duties are, in terms of law, vested exclusively in the said officer.

Legal and judicial
representation.
Added by:
L.N. 95 of 2018.
Renumbered by:
L.N. 438 of 2020.

9. The legal and judicial representation of the Agency shall vest in the Chief Executive Officer or in such other officer of the Agency whom the Minister may, for this purpose, appoint from time to time.
