

L.N. 154 of 2003

DATA PROTECTION ACT, 2001

ACT NO. XXVI of 2001

Notification and Fees (Data Protection Act) Regulations, 2003

IN exercise of the powers conferred by article 54 of the Data Protection Act, 2001, the Minister for Information Technology and Investment, having consulted the Data Protection Commissioner, has made the following regulations:–

1. The title of these regulations is Notification and Fees (Data Protection Act) Regulations, 2003 Citation.
2. Unless otherwise stated in these regulations, the definitions contained in the Data Protection Act, hereinafter called “the Act”, shall apply. Interpretation.
3. With effect from the 15th July, 2003, controllers shall, prior to carrying out any wholly or partially automated or manual processing operation of personal data, notify the Commissioner thereof: Transition Periods.

Provided that in the following cases notification may be made at any time up to and including:

 - (a) the 15th April 2004, where automated processing operations of personal data have already been initiated on the 15th July, 2003;
 - (b) the 24th October 2007, where processing operations of personal data held in manual filing systems have already been initiated on the 15th July 2003.
4. (1) A notification fee shall be payable to the Commissioner for Data Protection, as prescribed in regulation 5 hereunder, upon the lodging of notification pursuant to regulation 3 above and annually thereafter. Fees.

Provided that where a personal data representative is appointed in accordance with article 30 of the Act, notification and the relative fee shall be lodged with the said personal data representative, who shall by not later than seven days from the date of lodging of said notification,

forward the notification documents and relative payment to the Commissioner.

(2) No fee shall be due in respect of any other notification.

Fees.

5. The fee payable shall be determined in accordance with the number of employees in the data controller's employ or as provided in paragraph (g) below, as follows:

(a) one thousand liri (Lm1000) for applicants with five hundred (500) employees or more;

(b) seven hundred and fifty liri (Lm750) for applicants with two hundred and fifty (250) employees but not exceeding five hundred (500) employees;

(c) five hundred liri (Lm500) for applicants with one hundred (100) employees but not exceeding two hundred fifty (250) employees;

(d) two hundred liri (Lm200) for applicants with fifty (50) employees but not exceeding one hundred (100) employees;

(e) seventy five liri (Lm75) for applicants with twenty (20) employees but not exceeding fifty (50) employees;

(f) twenty liri (Lm20) for applicants with less than twenty (20) employees;

(g) twenty liri (Lm20) in all other cases.

Transfer of Data to
Third Countries.

6. These regulations shall not apply in respect of matters specifically provided for in the Third Country (Data Protection) Regulations, 2003.