

L.N. 162 of 2004

**DATA PROTECTION ACT
(CAP. 440)**

**Notification and Fees (Data Protection Act)
(Amendment) Regulations, 2004**

IN exercise of the powers conferred by article 54 of the Data Protection Act, the Minister for Information Technology and Investment having consulted the Data Protection Commissioner, and with the concurrence of the Prime Minister and Minister of Finance, has made the following regulations:-

1. (1) The title of these regulations is the Notification and Fees (Data Protection Act) (Amendment) Regulations, 2004 and they shall be read and construed as one with the Notification and Fees (Data Protection Act) Regulations, 2003, hereinafter referred to as “the principal regulations”.

Citation and commencement.

L.N. 154 of 2003.

(2) The provisions of these regulations shall be deemed to have come into force on the 15th July, 2003.

2. In paragraph (a) of the proviso to regulation 3 of the principal regulations, for the words “the 15th April 2004” there shall be substituted the words “the 14th July 2004”.

Amendment of regulation 3 of the principal regulations.

3. In subregulation (1) of regulation 4 of the principal regulations, for the words “A notification fee shall be payable to the Commissioner for Data Protection, as prescribed in regulation 5 hereunder,” there shall be substituted the words “Subject to the provisions of regulation 5 of these regulations, a notification fee of ten Maltese liri (Lm10) shall be payable to the Commissioner for Data Protection,”

Amendment of regulation 4 of the principal regulations.

4. For regulation 5 of the principal regulations there shall be substituted the following:-

Substitution of regulation 5 of the principal regulations.

“Exemptions.

5. (1) The notification to the Commissioner as is referred to in regulation 3 of these regulations shall not be required in relation to personal data processed by a company, where the only personal data processed by such

company is that contained in its Memorandum and Articles of Association as registered with the Registrar of Companies under the Companies Act.

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(2) Without prejudice to the notification requirements as are referred to in regulation 3 of these regulations, no fee shall be due by the following:-

(a) any person who carries on a trade, business, profession or other economic activity in a self-employed capacity, but does not employ any employees with him;

(b) any of the following organisations which are exempt from tax under subarticle (1) of article 12 of the Income Tax Act –

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(i) the philanthropic institutions and other similar organisations to which paragraph (e) of the said subarticle applies;

(ii) *bona fide* band clubs which qualify under paragraph (n) of the said subarticle;

(iii) *bona fide* sports clubs and other similar institutions which qualify under paragraph (o) of the said subarticle;

(iv) registered trade unions; and

(v) political parties and clubs adhering to political parties.”.