

L.N. 19 of 2019

**EQUAL OPPORTUNITIES
(PERSONS WITH DISABILITY) ACT
(CAP. 413)**

**Planning and Development of Service Provision
Needs Regulations, 2019**

IN EXERCISE of the powers conferred by article 35 of the Equal Opportunities (Persons with Disability) Act, the Minister for the Family, Children's Rights and Social Solidarity, has made the following regulations:-

1. The title of these regulations is the Planning and Development of Service Provision Needs Regulations, 2019. Citation.
2. In these regulations, unless the context otherwise requires Definitions.

"the Act" means the Equal Opportunities (Persons with Disability) Act; Cap. 413.

"the Board" means the Inter-Ministerial Interdisciplinary Professional Board on Disability;

"the Committee" means the Inter-Ministerial Administrative Committee on Disability;

"Disability Unit" means the government unit acting as the executive arm of the Board and the Committee;

"Minister" means the Minister responsible for disability.
3. (1) The Director General for Social Policy shall act as data controller in terms of the Data Protection Act. Establishment of data controller. Cap. 586.

(2) The Minister may assign functions to the data controller.
4. The Committee shall report to the data controller and have the following functions: Functions of the Committee.
 - (a) to oversee the Board and its operation;
 - (b) to advise Government on services provision for persons with disability;

(c) to ensure the quality of the services being provided;

(d) to assess trends and advise Ministries concerned regarding actual and envisaged changes;

(e) to draw up a six (6) monthly report as at end of June and end of December addressed to the Permanent Secretary responsible for social policy;

(f) through each member keep each respective Ministry updated with the workings of the Committee; and

(g) to fulfil any other function that the data controller may assign to the Committee.

Functions of the Board.

5. The Board shall report to the Committee and to the data controller and have the following functions:

(a) to identify the nature and extent of services required by each disability condition at different ages so as to contribute towards the compilation of individual life-course services plan;

(b) to develop reference benchmarking for each disability condition by reference to age;

(c) to revise the reference benchmarking at least every quarter;

(d) to identify and adopt standardised evidence based assessment tools;

(e) to update the Committee on developments through the submission of progress reports;

(f) to advise the Committee on best practices in service provision including the introduction of new services for persons with disability;

(g) to disseminate information to the general public in order to facilitate early detection of disability conditions and to raise public awareness of services provided by Government and non-governmental organisations;

(h) to address any other requirements that may result from decisions taken by the Committee; and

(i) to fulfil any other function that the Committee and, or the data controller may assign to the Board.

6. The Disability Unit as the executive arm of the Committee and the Board shall also: Functions of the Disability Unit.

- (a) liaise with all referring sources/stakeholders;
- (b) capture, process, and analyse personal data and information relating to persons with disability;
- (c) carry out research and statistical exercise after rendering the data anonymous or pseudonymous; and
- (d) fulfil any other function that the data controller may assign to the Committee and, or the Board:

Provided that such data shall be processed only for the purposes of these regulations and shall:

- (a) only be processed in the best interest of the data subject;
- (b) be held in separate distinctive files in a secure manner; and
- (c) ensure that adequate organisational and technical safeguards are in place to protect the personal data against any unlawful forms of processing and misuse.

7. The Disability Unit, the Committee and the Board shall, in the performance of their functions, have the power to require any Government institution, Government agency, public authority, educational institution, health institution, entities in private or social partnership with Government, and registered and unregistered voluntary organisations, providing services in the field of disability, to furnish them with all the information that they may require in the performance of their functions and duties; and such institutions, agencies, authorities, entities and organisations as are mentioned in this paragraph are hereby authorised to furnish the Disability Unit, the Committee and the Board any such information that they may require: Powers of the Committee, the Board and the Disability Unit.

Provided that, except so far as may be necessary for the proper discharge of their functions and duties, officers within the Disability Unit, the Committee and the Board shall be bound to observe secrecy in regard to any information furnished to them under these regulations, which apart from this paragraph, ought to be treated as secret, and the provisions of article 133 of the Criminal Code shall apply to any wilful breach of such duty: Cap. 9.

Provided further that for the purposes of this paragraph all officers of the Committee, Board and the Disability Unit are to take an oath of secrecy.
