L.N. 222 of 2023

LOCAL GOVERNMENT ACT
(CAP. 363)

Processing of Personal Data for the Purpose of Ensuring Proper Waste Management Regulations, 2023

IN EXERCISE of the powers conferred by article 72(1) of the Local Government Act, the Minister responsible for local government has made the following regulations:-

1. The title of these regulations is the Processing of Personal Data for the Purpose of Ensuring Proper Waste Management, 2023. Citation.

2. In these regulations, unless the context otherwise requires: Interpretation.

"Act" means the Local Government Act; Cap. 363.

"holiday premises" shall have the same meaning as assigned to in the Holiday Premises Regulations; S.L. 409.11.

"Local Council" shall have the same meaning as assigned to it in the Act;

"Minister" means the Minister responsible for local government;

"Regulation (EU) 2016/679" means 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 Regulations).

3. In the exercise of its functions pursuant to article 33(1)(q) of the Act, the Local Council shall have the power to request, by means of a notice in writing, any information from the Malta Tourism Authority in relation to persons licensed to operate holiday premises in accordance with the Holiday Premises Regulations, which premises are situated within that particular locality: Power to request information. S.L. 409.11.

Provided that the said information shall be exclusively necessary for the purpose of ensuring proper waste management within the locality in which the holiday premises are located.

Data Protection. Cap. 586.

4. (1) These regulations shall not prejudice the applicability of Regulation (EU) 2016/679 and of the Data Protection Act, including the regulations made thereunder, and the fundamental rights and freedoms of the data subjects.

(2) The Local Council acting in its capacity of a controller in accordance with Article 4(7) of Regulation (EU) 2016/679 shall perform the relevant data processing operations which are limited to the extent necessary and proportionate to the objective pursued by the Local Council.

(3) For the purposes of these regulations, the processing of personal data shall fully comply with all the principles relating to the processing of personal data pursuant to Article 5 of Regulation (EU) 2016/679.

(4) The Local Council shall provide the data subjects with the information stipulated in Article 14(1) and (2) of Regulation (EU) 2016/679 which is necessary to ensure fair and transparent processing.

(5) The Local Council shall take all reasonable steps and measures to ensure that the personal data processed for the purpose of these regulations are accurate and, where necessary, kept up to date.

(6) The Local Council, whilst taking into account the nature, scope, context and purposes of processing, as well as the risks of varying likelihood and severity for the rights and freedoms of the data subjects, at the time of the determination of the means for processing as well as at the time of the processing itself, shall implement appropriate technical and organisational measures in an effective manner and integrate the necessary safeguards into the processing, in order to protect the rights of the data subjects and to ensure a level of security appropriate to the risk.

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

(8) The data protection officer designated by the controller in accordance with Article 37 of Regulation (EU) 2016/679 shall be involved and consulted in a timely manner on all issues in relation to the protection of personal data processed for the purposes of these regulations.

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