L.N. 223 of 2025

DATA PROTECTION ACT
(CAP. 586)

Data Protection (Fair Access to and Use of Data) Regulations, 2025

IN EXERCISE of the powers conferred by article 33(i) of the Data Protection Act, the Minister responsible for data protection after consultation with the Information and Data Protection Commissioner, has made the following regulations:-

Citation and scope.

1. (1) The title of these regulations is the Data Protection (Fair Access to and Use of Data) Regulations, 2025.

(2) The scope of these regulations is to implement the requirements of Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act).

Interpretation.

2. (1) In these regulations, unless the context otherwise requires:

"Act" means the Data Protection Act; Cap. 586.

"Commissioner" means the Information and Data Protection Commissioner appointed in accordance with article 11 of the Act;

"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 Regulation);

"Regulation (EU) 2023/2854" means Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act).

Competent authority.

3. (1) The Commissioner shall, in accordance with Article 37(3) of Regulation (EU) 2023/2854, be the competent authority responsible for monitoring the application of Regulation (EU) 2023/

2854 insofar as the protection of personal data is concerned.

(2) The tasks and powers of the Commissioner as stipulated in Regulation (EU) 2016/679 and the Act, including the regulations made thereunder, shall be exercised with regard to the processing of personal data.

(3) The Commissioner shall have sufficient human and technical resources with relevant expertise to effectively carry out his tasks as competent authority under Regulation (EU) 2023/2854.

Right to submit a complaint.

4. Without prejudice to any other administrative or judicial remedy, every data subject shall have the right to submit a complaint with the Commissioner in terms of Articles 77(1) or 80(1) of Regulation (EU) 2016/679 if he considers that the processing of his personal data under Regulation (EU) 2023/2854 infringes the provisions of Regulation (EU) 2016/679.

Infringements and the right to appeal.

5. (1) The Commissioner may within its scope of competence and in accordance with Article 40(4) of Regulation (EU) 2023/2854, impose administrative fines in accordance with Article 83 of Regulation (EU) 2016/679 and up to the amount referred to in Article 83(5) of such Regulation, for infringements of the obligations established in Chapter II, III and V of Regulation (EU) 2023/2854.

(2) Any person to whom a legally binding decision of the Commissioner is addressed, shall have the right to appeal in writing to the Information and Data Protection Appeals Tribunal and the provisions of Part VII of the Act shall apply *mutatis mutandis*.

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