L.N. 263 of 2025

POLICE ACT
(CAP. 164)

Exchange of Personal Data, Information and Cooperation concerning Terrorist Offences Regulations, 2025

IN EXERCISE of the powers conferred by article 82 of the Police Act, the Minister responsible for the Police has made the following regulations:-

Citation and scope.

1. (1) The title of these regulations is the Exchange of Personal Data, Information and Cooperation concerning Terrorist Offences Regulations, 2025.

(2) These regulations implement the requirements of Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences and Directive (EU) 2023/2123 of the European Parliament and of the Council of 4 October 2023 amending Council Decision 2005/671/JHA as regards its alignment with Union rules on the protection of personal data.

Interpretation.

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

"designated authority" means the Office of the Attorney General;

"designated law enforcement authority" means the Counter Terrorism Unit within the Malta Police Force;

"Police" means the Malta Police Force;

"Regulation (EU) 2016/794" means the Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA.

Exchange of information concerning terrorist offences to Europol and the Member States.

3. (1) The designated law enforcement authority shall have access to, and collect all relevant information concerning and resulting from criminal investigations conducted by the Police with respect to terrorist offences and send it to Europol in accordance with sub-regulations (3) and (5).

(2) The designated authority shall act as the Eurojust national correspondent for terrorism matters which, in accordance with national law, shall have access to, and may collect all relevant information concerning prosecutions and convictions for terrorist offences and send it to Eurojust in accordance with sub-regulation (6).

(3) The information referred to in sub-regulation (5) concerning criminal investigations and the information referred to in sub-regulation (6) concerning prosecutions and convictions for terrorist offences which affect or may affect two (2) or more Member States shall be communicated to:

(a) Europol, in accordance with national law and with the provisions of Regulation (EU) 2016/794, for processing; and

(b) Eurojust, in accordance with national law and as required by the provisions of Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA.

(4) Personal data shall be processed pursuant to sub-regulation (3) only for the purposes of prevention, investigation, detection or prosecution of terrorist offences or of other criminal offences for which Europol is competent, as listed in Annex I of Regulation (EU) 2016/794. Such processing shall be without prejudice to the limitations applicable to the processing of data in accordance with Regulation (EU) 2016/794 or to the provisions in any other European Union or national legislation regulating other exchanges of information with Europol.

(5) The information that shall be transmitted to Europol in accordance with sub-regulation (3) shall be the following:

(a) data which identifies the person, group or entity;

(b) acts under investigation and their specific circumstances;

(c) the offence concerned;

(d) links with other relevant cases;

(e) the use of communication technologies;

(f) the threat posed by the possession of weapons of mass destruction:

Provided that the categories of personal data that shall be be transmitted to Europol for the purposes of sub-regulation (4) shall remain limited to those listed in Section B, point 2, of Annex II to Regulation (EU) 2016/794.

(6) The information that shall be transmitted in accordance with sub-regulation (3) to Eurojust shall be the following:

(a) data which identifies the person, group or entity that is criminally investigated or prosecuted;

(b) the offence concerned and its specific circumstances;

(c) information about final convictions for terrorist offences and the specific circumstances related to those offences;

(d) links with other relevant cases;

(e) requests for judicial assistance, including letters rogatory, addressed to, or by another Member State and the response.

(7) Any relevant information included in documents, files, items of information, objects or other means of evidence, seized or confiscated in the course of criminal investigations or criminal proceedings in connection with terrorist offences can be made accessible as soon as possible, taking account of the need not to jeopardise current investigations, to the authorities of other interested Member States in accordance with national law and relevant international legal instruments where investigations are being carried out or may be instituted or where prosecutions in connection with terrorist offences are in progress:

Provided that the categories of personal data that may be exchanged for the purposes of this sub-regulation shall remain limited to those listed in Section B, point 2, of Annex II to Regulation (EU) 2016/794, as may be amended from time to time.

(8) Any personal data processed for the purpose of these regulations shall comply with the Data Protection (Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection or Prosecution of Criminal Offences or the Execution of Criminal Penalties) Regulations. S.L. 586.08.

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