

# National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies

MALTA

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# 1 Summary

## 1.1 Description of the surveillance legal framework

- [1]. The Security Service Act, Chapter 391 of the Laws of Malta<sup>1</sup> was enacted by Act XVII of 1996 and amended by Act XVI of 1997. The aim of this Act is to make provision about the Security Service including provision for the issue of warrants and authorisations enabling certain actions to be taken and for the issue of such warrants and authorisations to be kept under review; to establish a procedure for the investigation of complaints about the Security Service and to make provision for the establishment of a Security Committee to scrutinise this Service; to prohibit the interception of communications and for connected purposes.

### 1.1.1 Types of security services and bodies involved

- [2]. According to Article 3 of the Security Service Act<sup>2</sup> there shall be a security service under the authority of the minister, meaning the minister designated from time to time by the Prime Minister as being responsible for the secret service, who is presently the Minister for Home Affairs. General elections in Malta are held every five years and it is within the discretion of the Prime Minister to assign portfolios to ministers, including the responsibility for the security services. The operations of the Security Service are under the control of a Head of the Service appointed by the Prime Minister.
- [3]. The members of the Security Service are appointed by the head of the Service under such terms and conditions as are approved by the minister. Article 5 of the Security Service Act<sup>3</sup> lists who may be appointed as a member of the Security Service and these include any public officer; any member of and any other person employed or appointed in or for the purposes of the armed forces of Malta; any member of and any other person employed or appointed in or for the purposes of the Malta Police Force as well as of any other disciplined force of the State; any person who, in terms of the Official Secrets Act is either a member or employee of a prescribed body or a body of a prescribed class, a holder of a prescribed office or an employee of such a holder; or a government contractor; any director of and any other person employed or appointed in or for the purposes of any body set up by law; any company where a majority of its voting shares are controlled by the Government; any company providing postal, radio communications or telecommunication services; for the time being required in writing by the Minister following a request by the head of the Service to assist the Security Service in carrying out its functions.

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<sup>1</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (All hyperlinks accessed on 13 August 2014)

<sup>2</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<sup>3</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

### **1.1.2 The extent of security services' powers in case of surveillance of individuals and also vis-a-vis private sector (right to access to data held by telecom or internet providers, right to refuse access)**

- [4]. Under Article 3 of the Security Service Act<sup>4</sup> the functions of the Security Service are to protect national security in particular, against threats from organised crime, espionage, terrorism and sabotage, the activities of agents of foreign powers and against actions intended to overthrow or undermine parliamentary democracy by political, industrial or violent means. It shall also be the function of the Service to act in the interests of the economic well-being of Malta and public safety, in particular the prevention or detection of serious crime.
- [5]. As long as a warrant is issued in terms of Articles 6 and 7 of the Security Service Act<sup>5</sup> in case of surveillance of individuals and also vis-a-vis private sector, the Security Service can carry out interception of or interference with communications by any means, including post, radio communications or telecommunications.
- [6]. Regulation 10 of the Processing of Personal Data (Electronic Communications Sector) Regulations<sup>6</sup> provides that the provisions of regulations 4, 5, 6 and 7 shall not apply when a law specifically provides for the provision of information as a necessary measure in the interest of inter alia national security; defence; public security; or the prevention, investigation, detection and prosecution of criminal or administrative offences. Regulations 4, 5, 6 and 7 of these Regulations<sup>7</sup> provide for confidentiality of communications, confidentiality of traffic data and location data and access to information stored in terminal equipment. Moreover, Regulation 19 of these Regulations<sup>8</sup> states that any data retained by service providers shall be disclosed only to the Police or to the Security Service, as the case may be, where such data is required for the purpose of the investigation, detection or prosecution of serious crime.

### **1.1.3 Control/oversight mechanisms,**

- [7]. The Security Service is subject to the control of the minister, the Commissioner and the Security Committee. The Commissioner is appointed by the Prime Minister and according to the Act he is a person who holds or has held the office of Judge of the Superior Courts or who has held the office of Attorney General. In the event that the Commissioner is not appointed by the Prime Minister the Attorney General shall automatically assume the functions of Commissioner until such time as a Commissioner is appointed. The Commissioner keeps under review the exercise by the Minister of his powers in relation to warrants. The law sets out the mechanism

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<sup>4</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at:

<http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<sup>5</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at:

<http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (29 August 2014)

<sup>6</sup> Malta, House of Representatives (2013), Processing of Personal Data (Electronic Communications Sector) (Amendment) Regulations, 2013, 1 January 2013, available at:

<http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=25839&l=1> (29 August 2014)

<sup>7</sup> Malta, House of Representatives (2013), Processing of Personal Data (Electronic Communications Sector) (Amendment) Regulations, 2013, 1 January 2013, available at:

<http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=25839&l=1> (29 August 2014)

<sup>8</sup> Malta, House of Representatives (2013), Processing of Personal Data (Electronic Communications Sector) (Amendment) Regulations, 2013, 1 January 2013, available at:

<http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=25839&l=1> (29 August 2014)

of how complaints are investigated by the Commissioner in a specific schedule, that is Schedule 1 of the Security Service Act.<sup>9</sup> Subject to the Commissioner following the procedure set out in the Schedule the Commissioner may determine his own procedure. The law specifies that it shall be the duty of any member of the Security Service, any public officer, any person engaged in the business of providing postal, radiocommunications or telecommunications services and any person who, in terms of the Official Secrets Act is either a government contractor; or a member or employee of a prescribed body or a body of a prescribed class, a holder of a prescribed office or an employee of such a holder to disclose or give to the Commissioner such documents or information as he may require for the purpose of enabling him to discharge his functions, thus the Commissioner has the right to request any documentation in order to properly fulfil his role. The Commissioner may at any time report to the Prime Minister on any matter relating to the discharge of his functions under the Act. The Commissioner is also obliged to make an annual report on the discharge of his functions and the Prime Minister shall put before the Security Committee a copy of each annual report made by the Commissioner under together with a statement as to whether any matter has been excluded from that copy, provided that only matters which would be prejudicial to the continued discharge of the functions of the Security Service, may be excluded from the report. In the discharge of his functions under the Act, the Commissioner shall act in his individual judgment and shall not be subject to the direction or control of any other person or authority and shall not be liable to be questioned by any court. The Commissioner has the power to investigate complaints about the Security Service.

- [8]. The Security Committee examines the expenditure, administration and policy of the Security Service.
- [9]. The Security Committee consists of the Prime Minister, the minister responsible for foreign affairs and the Leader of the Opposition.

#### **1.1.4 Geographical scope of surveillance**

- [10]. The Security Services Act stipulates that a person may be liable under any law in Malta for an act done outside Malta. However in the event and on the basis that certain conditions are satisfied the minister may give authorisation for in relation to an act done outside Malta. This is clearly stipulated in Article 9 of the Act.<sup>10</sup>
- [11]. If, apart from Article 9, a person would be liable under any law in Malta for any act done outside Malta, he shall not be so liable if the act is one which is authorised to be done by virtue of an authorisation given by the Minister under Article 9 and is one which the Minister may authorise under the Act or consists in the arrest of any person or is an act done in furtherance of any of those acts or for the purpose of retrieving property of the Government of Malta to return the same to Malta. An authorisation shall not be granted by the Minister unless he is satisfied of the following –

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<sup>9</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<sup>10</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

- [12]. (a) that any acts which may be done in reliance on the authorisation or, as the case may be, the operation in the course of which the acts may be done will be necessary for the proper discharge of a function of the Security Service; and
- [13]. (b) that there are satisfactory arrangements in force to secure-
- [14]. (i) that nothing will be done in reliance on the authorisation beyond what is necessary for the
- [15]. proper discharge of a function of the Security Service; and
- [16]. (ii) that, in so far as any acts may be done in reliance on the authorisation, their nature and likely consequences will be reasonable, having regard to the purposes for which they are carried out; and
- [17]. (c) that there are satisfactory arrangements in force under the Act with respect to the disclosure of information obtained by virtue of Article 9 and that any information obtained by virtue of anything done in reliance on the authorisation will be subject to those arrangements.

**1.1.5 Conditions under which intelligence services can conduct surveillance and for which purpose(s) (such as national security, investigation or prevention of crimes, etc.)**

- [18]. Intelligence services can conduct surveillance as long as it is authorised by a warrant issued by the minister in accordance with Articles 6 of the Act.<sup>11</sup> The function of the Service shall be to protect national security and, in particular, against threats from organised crime, espionage, terrorism and sabotage, the activities of agents of foreign powers and against actions intended to overthrow or undermine parliamentary democracy by political, industrial or violent means. It shall also be the function of the Service to act in the interests of the economic well-being of Malta; and public safety, in particular, the prevention or detection of serious crime.

**1.1.6 Different stages of surveillance procedure (collection, analysis, storing, and destruction).**

- [19]. The law is silent as to the different stages of surveillance procedure however Article 10 (2) of the Security Services Act<sup>12</sup> does state that a copy of any intercepted information is destroyed as soon as its retention is no longer necessary. The Commissioner's role is to investigate any complaints about the Security Service therefore this function may fall within his remit.
- [20]. Regulation 21 of Subsidiary Legislation 440.01<sup>13</sup> states that data shall be retained by the service providers for the following periods: (a) communications data relating to Internet Access and

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<sup>11</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at:

<http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<sup>12</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at:

<http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<sup>13</sup> Malta, House of Representatives (2003), Subsidiary legislation 440.01, Processing of personal data (electronic communications sector) Regulations, 15 July 2003, available at:

[http://www.idpc.gov.mt/dbfile.aspx%5CSL440\\_01.pdf](http://www.idpc.gov.mt/dbfile.aspx%5CSL440_01.pdf) (29 August 2014)

Internet e-mail for a period of six months from the date of communication; (b) communications data concerning fixed network telephony, mobile telephony and Internet telephony for a period of one year from the date of communication. However Regulation 22 provides that the Police can ask for a conservation order of data either for a period of six months in addition to the original or extended applicable retention period which period shall not, without an order of a Magistrate or of a competent Court, exceed a total period of two years; or (b) where criminal proceedings have been commenced within the applicable retention period or within such period as extended in accordance with paragraph (a), for such time as may be necessary for the conclusion of the criminal proceedings where the data is required to be produced as evidence; such conclusion shall be deemed to occur when the judgement in the proceedings becomes final and conclusive, whichever is the longer period.

**1.2 Safeguards put in place by the legal framework (described under 1 above) to ensure respect for privacy and data protection during surveillance measures (judicial warrant, right to be informed, right to rectification/deletion/blockage, right to challenge the surveillance, etc.)**

- [21]. The Security Services Act<sup>14</sup> stipulates the instances when an authorisation for the issuing of a warrant may be granted. For a warrant to be lawful this must be authorised by the minister. According to Article 6 (3) the minister may, on an application made by the Security Service, issue or modify a warrant under this article authorising the taking of such action as is specified in the warrant in respect of any property so specified or in respect of any communications so specified if the minister (a) thinks it necessary for the action to be taken on the ground that it is likely to be of substantial value in assisting the Service in carrying out any of its functions under this Act; and (b) is satisfied that what the action seeks to achieve cannot reasonably be achieved by other means; and (c) is satisfied that satisfactory arrangements are in force under this Act with respect to the disclosure of information obtained by virtue of this article and that any information obtained under the warrant will be subject to those arrangements. Further safeguards are provided in Article 10 whereby it is stated that the satisfactory arrangements are in force with respect to the disclosure of information if each of the following, namely - (a) the extent to which the information is disclosed; (b) the number of persons to whom any of the information is disclosed; (c) the extent to which the information is copied; and (d) the number of copies made of any of the information, is limited to the minimum that is necessary in order for the Security Service to carry out any of its functions under the Act.
- [22]. The Commissioner has the power to investigate anything which a person believes the Security Service has done in relation to him or to any property of his. Unless the Commissioner considers that the complaint is frivolous or vexatious he will deal with it as stipulated in Schedule 1 of the Act.<sup>15</sup> Schedule 1 states that the Commissioner can investigate whether the Security Service has obtained or provided information or performed any other tasks in relation to the actions or intentions of the complainant; and if so, whether the Security Service had reasonable grounds for doing what it did. The Commissioner can also investigate whether a warrant was

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<sup>14</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<sup>15</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

issued under article 6<sup>16</sup> in relation to the property or communications concerned; or whether an authorisation was given under article 9<sup>17</sup> to the doing of the act in question.

- [23]. The Security Committee could also be regarded as a safeguard as its role is to examine the expenditure, administration and policy of the Security Service.

**1.3 Judicial or non-judicial remedies available to an individual subject to surveillance at different stages of surveillance procedures.**

- [24]. Article 15 (1)<sup>18</sup> states that a person who intentionally intercepts or interferes with a communication in the course of its transmission by post or by means of a radio communications or telecommunication system or by any other means shall be guilty of an offence and shall be liable, on conviction, in respect of each offence to imprisonment for a term not exceeding two years or to a fine (*multa*) not exceeding €11,646.87 or to both such imprisonment and fine.

- [25]. Article 16<sup>19</sup> states that a person engaged in the business of providing a postal, radio communications or telecommunication service who otherwise than in the course of his duty intentionally discloses to any person the contents of any communication which has been intercepted in the course of its transmission by means of that service; or any information concerning the use made of postal, radio communications or telecommunication services provided for any other person by means of that service, shall be guilty of an offence. Furthermore, any person who intentionally discloses the contents of any communication which has been intercepted in the course of its transmission by means of a postal, radio communications or telecommunication service, where he knows or reasonably ought to have known, that such contents have been unlawfully obtained, shall be guilty of an offence. A person guilty of an offence under Article 16 shall be liable, on conviction, in respect of each offence to imprisonment for a term not exceeding one year or to a fine (*multa*) not exceeding €11,646.87 or to both such imprisonment and fine.

- [26]. According to paragraph 6 of Schedule 1<sup>20</sup> the Commissioner may give remedies to complainants. The law in Article 13 (2) specifically states that the decisions of the Commissioner shall not be subject to appeal or liable to be questioned in any court. Such remedies may include the direction that the obtaining and provision of information in relation to the complainant or, as the case may be, the conduct of other activities in relation to him or

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<sup>16</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<sup>17</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<sup>18</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<sup>19</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<sup>20</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

to any property of his shall cease and that any records relating to such information so obtained or provided or such other activities shall be destroyed; to quash any warrant or authorisation which the Commissioner has found to have been improperly issued, renewed, given or modified and which he considers should be quashed; to recommend to the Prime Minister that the complainant be paid such sum by way of compensation as may be specified by him.



## Annex 1 – Legal Framework relating to mass surveillance

### A- Details on legal basis providing for mass surveillance

Name and type of the mass surveillance-related law	A definition of the categories of individuals liable to be subjected to such surveillance	Nature of circumstances which may give rise to surveillance	List purposes for which surveillance can be carried out	Previous approval / need for a warrant	List key steps to be followed in the course of surveillance	Time limits, geographical scope and other limits of mass surveillance as provided for by the law	Is the law allowing for mass surveillance in another country (EU MS or third countries)?
<ul style="list-style-type: none"> <li>Security Service Act (Chapter 391 of the Laws of Malta) enacted by Act of Parliament XVII of 1996 as amended by Act XVI of 1997<sup>21</sup></li> </ul>	<ul style="list-style-type: none"> <li>A person including a body corporate established by law.</li> </ul>	<ul style="list-style-type: none"> <li>To act in the interests of -               <ul style="list-style-type: none"> <li>(a) the economic well-being of Malta; and</li> <li>(b) public safety, in particular the prevention or detection of serious crime.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>To protect national security and, in particular, against threats from organised crime, espionage, terrorism and sabotage, the activities of agents of foreign powers and against actions intended to overthrow or undermine parliamentary</li> </ul>	<ul style="list-style-type: none"> <li>A warrant is to be issued by the Minister to undertake surveillance. The warrant, unless it is renewed shall cease to have effect at the end of the period of six months beginning on the day on which it was issued.</li> </ul>	<ul style="list-style-type: none"> <li>No information may be obtained by the Service except so far as necessary for the proper discharge of its functions and no information is disclosed by it except so far as necessary for that purpose or for the purposes of any criminal</li> </ul>	<ul style="list-style-type: none"> <li>The Act stipulates that a person may be liable under any law in Malta for an act done outside Malta. However in the event and on the basis that certain conditions are satisfied the minister may give authorisation for in relation to an</li> </ul>	<ul style="list-style-type: none"> <li>External communication, defined as communication sent or received outside Malta, may be subject to interception.</li> </ul>

<sup>21</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (All hyperlinks accessed on 13 August 2014)

Name and type of the mass surveillance-related law	A definition of the categories of individuals liable to be subjected to such surveillance	Nature of circumstances which may give rise to surveillance	List purposes for which surveillance can be carried out	Previous approval / need for a warrant	List key steps to be followed in the course of surveillance	Time limits, geographical scope and other limits of mass surveillance as provided for by the law	Is the law allowing for mass surveillance in another country (EU MS or third countries)?
			<p>democracy by political, industrial or violent means</p> <ul style="list-style-type: none"> <li>•</li> </ul>		<p>proceedings. A copy of any intercepted information is destroyed as soon as its retention is no longer necessary.</p> <ul style="list-style-type: none"> <li>•</li> </ul>	<p>act done outside Malta.</p> <ul style="list-style-type: none"> <li>• A warrant ceases to have effect at the end of the period of six months, unless it is either cancelled before by the minister or renewed by the same.</li> </ul>	
<ul style="list-style-type: none"> <li>• Processing of Personal Data (Electronic Communications Sector) Regulations</li> </ul>	<ul style="list-style-type: none"> <li>• A person including a body corporate and any body of persons whether or not it has a legal personality distinct from that of its members.</li> </ul>	<ul style="list-style-type: none"> <li>• This legislation does not state the nature of circumstances which may give rise to surveillance.</li> </ul>	<ul style="list-style-type: none"> <li>• Where data is required for the purpose of the investigation, detection or prosecution of serious crime.</li> </ul>	<ul style="list-style-type: none"> <li>• The law does not specify the need for a warrant however it does state that a request for data shall be made in writing and shall be <ul style="list-style-type: none"> <li>• clear and specific, provided that where the data is urgently required, such</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Not applicable.</li> </ul>	<ul style="list-style-type: none"> <li>• Not applicable.</li> </ul>	<ul style="list-style-type: none"> <li>• Not applicable.</li> </ul>

Name and type of the mass surveillance-related law	A definition of the categories of individuals liable to be subjected to such surveillance	Nature of circumstances which may give rise to surveillance	List purposes for which surveillance can be carried out	Previous approval / need for a warrant	List key steps to be followed in the course of surveillance	Time limits, geographical scope and other limits of mass surveillance as provided for by the law	Is the law allowing for mass surveillance in another country (EU MS or third countries)?
				<ul style="list-style-type: none"> <li>• request may be made orally, so however that the written request</li> <li>• shall be made at the earliest opportunity.</li> <li>•</li> </ul>			

## B- Details on the law providing privacy and data protection safeguards against mass surveillance

Please, list law(s) providing for the protection of privacy and data protection against unlawful surveillance	List specific privacy and data protection safeguards put in place by this law(s)	Indicate whether rules on protection of privacy and data protection apply:  only to nationals or also to EU citizens and/or third country nationals	Indicate whether rules on protection of privacy and data protection apply:  only inside the country, or also outside (including differentiation if EU or outside EU)
<i>Include a reference to specific provision and describe their content</i>	<i>e.g. right to be informed, right to rectification/deletion/blockage, right to challenge, etc.</i>	<i>Please, provide details</i>	<i>Please, provide details</i>
<ul style="list-style-type: none"> <li>• Constitution of Malta<sup>22</sup> – Article 38 which deals with protection of privacy of home or other property.</li> </ul>	<ul style="list-style-type: none"> <li>• A person who feels aggrieved may apply to the Civil Court, First Hall for redress.</li> </ul>	<ul style="list-style-type: none"> <li>• By virtue of Article 32 of the Constitution this right is applicable to every person in Malta.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable only in Malta.</li> </ul>
<ul style="list-style-type: none"> <li>• Security Service Act (Chapter 391 of the Laws of Malta)<sup>23</sup> – Article 6 (2) provides that interception or interference with communications without</li> </ul>	<ul style="list-style-type: none"> <li>• A copy of any intercepted information is destroyed as soon as its retention is no longer necessary. The Commissioner has the power to investigate anything which a person believes the Security Service has done in relation to him or to any</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable to all persons without distinction to nationality.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable both in and out of Malta.</li> </ul>

<sup>22</sup> Malta, House of Representatives (1964), Constitution of Malta, 21 September 1964, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566> (13 August 2014)

<sup>23</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<p><b>Please, list law(s) providing for the protection of privacy and data protection against unlawful surveillance</b></p>	<p><b>List specific privacy and data protection safeguards put in place by this law(s)</b></p>	<p><b>Indicate whether rules on protection of privacy and data protection apply:</b></p> <p><b>only to nationals or also to EU citizens and/or third country nationals</b></p>	<p><b>Indicate whether rules on protection of privacy and data protection apply:</b></p> <p><b>only inside the country, or also outside (including differentiation if EU or outside EU)</b></p>
<p>authorisation by a warrant issued by the minister is unlawful.</p>	<p>property of his. Unless the Commissioner considers that the complaint is frivolous or vexatious he will deal with it as stipulated in Schedule 1 of the Act. Schedule 1 states that the Commissioner can investigate whether the Security Service has obtained or provided information or performed any other tasks in relation to the actions or intentions of the complainant; and if so, whether the Security Service had reasonable grounds for doing what it did. The Commissioner can also investigate whether a warrant was issued under article 6 in relation to the property or communications concerned; or whether an authorisation was given under article 9 to the doing of the act in question.</p> <ul style="list-style-type: none"> <li>•</li> <li>• The Security Committee could also be regarded as a safeguard as</li> </ul>		

Please, list law(s) providing for the protection of privacy and data protection against unlawful surveillance	List specific privacy and data protection safeguards put in place by this law(s)	Indicate whether rules on protection of privacy and data protection apply:  only to nationals or also to EU citizens and/or third country nationals	Indicate whether rules on protection of privacy and data protection apply:  only inside the country, or also outside (including differentiation if EU or outside EU)
	its role is to examine the expenditure, administration and policy of the Security Service. •		
•	•	•	•
<ul style="list-style-type: none"> <li>• Processing of Personal Data (Electronic Communications Sector) Regulations (Subsidiary Legislation 440.01)<sup>24</sup> – Regulation 4 provides for confidentiality of communications.</li> </ul>	<ul style="list-style-type: none"> <li>• Regulation 11 states that anyone who suffers any loss or damage because of any contravention of these Regulations by any other person shall be entitled to take action before the competent court seeking compensation from that other person for that loss or damage.</li> <li>• Regulation 13 states that any person who contravenes or fails to comply with these Regulations shall be liable to an administrative</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable to all users and to all persons.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable in or outside Malta since it protects all communications, irrespective whether these are within or out of Malta.</li> </ul>

<sup>24</sup> Malta, House of Representatives (2003), Processing of Personal Data (Electronic Communications Sector) Regulations (Subsidiary Legislation 440.01), 15 July 2003, available at: [http://www.idpc.gov.mt/dbfile.aspx%5CSL440\\_01.pdf](http://www.idpc.gov.mt/dbfile.aspx%5CSL440_01.pdf) (13 August 2014)

<p><b>Please, list law(s) providing for the protection of privacy and data protection against unlawful surveillance</b></p>	<p><b>List specific privacy and data protection safeguards put in place by this law(s)</b></p>	<p><b>Indicate whether rules on protection of privacy and data protection apply:</b></p> <p><b>only to nationals or also to EU citizens and/or third country nationals</b></p>	<p><b>Indicate whether rules on protection of privacy and data protection apply:</b></p> <p><b>only inside the country, or also outside (including differentiation if EU or outside EU)</b></p>
	<p>fine not exceeding €23,293.73 and to €2329.37 for each day during which such violation persists which fine shall be determined by the Commissioner for Information and Data Protection.</p>		

## Annex 2 – Oversight bodies and mechanisms

Name of the body/mechanism	Type of the body/mechanism	Legal basis	Type of oversight	Staff	Powers
<ul style="list-style-type: none"> <li>• <i>in English as well as in national language</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>e.g. parliamentary, executive/government, judicial, etc.</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>name of the relevant law, incl. specific provision</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>ex ante / ex post / both/ during the surveillance/etc. as well as whether such oversight is ongoing/regularly repeated</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>including the method of appointment of the head of such body AND indicate a total number of staff (total number of supporting staff as well as a total number of governing/managing staff) of such body</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>e.g. issuing legally binding or non-binding decisions, recommendations, reporting obligation to the parliament, etc.</i></li> </ul>
<ul style="list-style-type: none"> <li>• Civil Court, First Hall</li> <li>• <i>Qorti Ċivili, L-Ewwel Awla</i></li> </ul>	<ul style="list-style-type: none"> <li>• Judicial</li> </ul>	<ul style="list-style-type: none"> <li>• Constitution of Malta,<sup>25</sup> Article 46</li> </ul>	<ul style="list-style-type: none"> <li>• A person can apply for redress at any stage of the surveillance, whether this is ongoing or regularly repeated or a one off.</li> </ul>	<ul style="list-style-type: none"> <li>• A judge is appointed by the President of Malta in accordance with the advice of the Prime Minister. There are approximately 25 judges and 360 support staff, 10 of whom are senior management.</li> </ul>	<ul style="list-style-type: none"> <li>• They issue legally binding decisions.</li> </ul>
<ul style="list-style-type: none"> <li>• Commissioner for Information and Data Protection</li> </ul>	<ul style="list-style-type: none"> <li>• Independent and autonomous body</li> </ul>	<ul style="list-style-type: none"> <li>• Data Protection Act,<sup>26</sup> Article 36</li> </ul>	<ul style="list-style-type: none"> <li>• A person can apply for redress at any stage of the surveillance, whether this is ongoing or</li> </ul>	<ul style="list-style-type: none"> <li>• The Commissioner is appointed by the Prime Minister after he has consulted with the Leader of the Opposition. The Office</li> </ul>	<ul style="list-style-type: none"> <li>• To take any such remedial action as he deems necessary; to institute civil legal proceedings where the</li> </ul>

<sup>25</sup> Malta, House of Representatives (1964), Constitution of Malta, 21 September 1964, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566> (13 August 2014)

<sup>26</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)



<ul style="list-style-type: none"> <li>• <i>Kummissarju tal-Protezzjoni tad-Data</i></li> <li>• <i>Data</i></li> <li>• </li> </ul>			regularly repeated or a one-off.	of the Commissioner is supported by approximately six employees.	provisions of the Act have been or are about to be violated; to refer to relevant public authority any criminal offence.
<ul style="list-style-type: none"> <li>• Information and Data Protection Appeals Tribunal</li> <li>• <i>Tribunal tal-Appelli dwar il-Protezzjoni tad-Data</i></li> <li>• </li> </ul>	<ul style="list-style-type: none"> <li>• Quasi judicial</li> </ul>	<ul style="list-style-type: none"> <li>• Data Protection Act,<sup>27</sup> Article 48</li> </ul>	<ul style="list-style-type: none"> <li>• A person can apply for redress at any stage of the surveillance, whether this is ongoing or regularly repeated or a one-off.</li> </ul>	<ul style="list-style-type: none"> <li>• The Tribunal is composed of a Chairman and two other members appointed by the Minister.</li> </ul>	<ul style="list-style-type: none"> <li>• A person who feels aggrieved by a decision of the Commissioner for Information and Data Protection can appeal to the Tribunal. The Tribunal can dismiss the appeal or it can annul the decision and may refer the matter to the competent authority with a direction to reconsider it and reach a decision in accordance with the findings of the Tribunal.</li> </ul>
<ul style="list-style-type: none"> <li>• Commissioner of the Security Service</li> <li>• <i>Kummissarju tas-Servizz ta' Sigurtà</i></li> </ul>	<ul style="list-style-type: none"> <li>• Government</li> </ul>	<ul style="list-style-type: none"> <li>• Security Service Act,<sup>28</sup> Article 12</li> </ul>	<ul style="list-style-type: none"> <li>• A person can apply for redress at any stage of the surveillance, whether this is ongoing or regularly repeated or a one-off.</li> </ul>	<ul style="list-style-type: none"> <li>• The Commissioner is appointed by the Prime Minister but shall act in his individual judgement and shall not be subject to the direction or control of any other person or authority</li> </ul>	<ul style="list-style-type: none"> <li>• The Commissioner has the power to investigate complaints made by any person who is aggrieved by anything which he believes the Security Services has</li> </ul>

<sup>27</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)

<sup>28</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

				and shall not be liable to be questioned by any court.	done in relation to him or to any property of his.
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## Annex 3 – Remedies

Security Service Act				
Stages of surveillance process	Is the subject informed?	Does the subject have a right of access to the data collected on him/her?	List remedies available to an individual concerned	Legal basis for using the available remedies
	<i>Yes/No</i>	<i>Yes/No, please provide details if needed</i>	<i>Please list the type of remedial action that can be taken: e.g.: claims lodged with court(s), claims lodged with the oversight body, request to the surveillance authority, etc. AND please specify also the name (e.g. Supreme Court) and type of the body (e.g. judicial, executive, parliamentary) providing such remedies.</i>	<i>Violation of data protection, private life, specific legislation, etc.</i>
<b>Collection</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• Any person who feels aggrieved by anything which he believes the Security Services has done in relation to him or to any property of his has the right to complain to the Commissioner for Security Service.</li> </ul>	<ul style="list-style-type: none"> <li>• Schedule 1 of the Security Service Act<sup>29</sup></li> </ul>

<sup>29</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<b>Analysis</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• Any person who feels aggrieved by anything which he believes the Security Services has done in relation to him or to any property of his has the right to complain to the Commissioner for Security Service.</li> </ul>	<ul style="list-style-type: none"> <li>• Schedule 1 of the Security Service Act<sup>30</sup></li> </ul>
<b>Storing</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• Any person who feels aggrieved by anything which he believes the Security Services has done in relation to him or to any property of his has the right to complain to the Commissioner for Security Service.</li> </ul>	<ul style="list-style-type: none"> <li>• Schedule 1 of the Security Service Act<sup>31</sup></li> </ul>
<b>Destruction</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• Any person who feels aggrieved by anything which he believes the Security Services has done in relation to him or to any property of his has the right to complain to the Commissioner for Security Service.</li> </ul>	<ul style="list-style-type: none"> <li>• Schedule 1 of the Security Service Act<sup>32</sup></li> </ul>

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<sup>30</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<sup>31</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<sup>32</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

<p><b>After the whole surveillance process has ended</b></p>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• Any person who feels aggrieved by anything which he believes the Security Services has done in relation to him or to any property of his has the right to complain to the Commissioner for Security Service.</li> </ul>	<ul style="list-style-type: none"> <li>• Schedule 1 of the Security Service Act<sup>33</sup></li> </ul>
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<sup>33</sup> Malta, House of Representatives (1996), Security Service Act, Chapter 391 of the Laws of Malta, 26 July 1996, 6 September 1996, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8858&l=1> (13 August 2014)

Constitution of Malta <sup>34</sup>				
Stages of surveillance process	Is the subject informed?	Does the subject have a right of access to the data collected on him/her?	List remedies available to an individual concerned	Legal basis for using the available remedies
	<i>Yes/No</i>	<i>Yes/No, please provide details if needed</i>	<i>Please list the type of remedial action that can be taken: e.g.: claims lodged with court(s), claims lodged with the oversight body, request to the surveillance authority, etc. AND please specify also the name (e.g. Supreme Court) and type of the body (e.g. judicial, executive, parliamentary) providing such remedies.</i>	<i>Violation of data protection, private life, specific legislation, etc.</i>
<b>Collection</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• The Constitutional Court is an extraordinary remedy therefore redress is only available through a claim lodged with the Civil Court, First Hall once all other ordinary claims have been exhausted.</li> </ul>	<ul style="list-style-type: none"> <li>• Violation of the right to privacy of home and other property – Article 46 of the Constitution of Malta.<sup>35</sup></li> </ul>
<b>Analysis</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• The Constitutional Court is an extraordinary remedy therefore redress is only available through a claim lodged with the Civil Court.</li> </ul>	<ul style="list-style-type: none"> <li>• Violation of the right to privacy of home and other property – Article 46 of the Constitution of Malta.<sup>36</sup></li> </ul>
<b>Storing*</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• The Constitutional Court is an extraordinary remedy therefore redress is only available through a claim lodged with the Civil Court, First Hall once all other ordinary claims have been exhausted</li> </ul>	<ul style="list-style-type: none"> <li>• Violation of the right to privacy of home and other property – Article 46 of the Constitution of Malta.<sup>37</sup></li> </ul>



	<i>Yes/No</i>	<i>Yes/No, please provide details if needed</i>	<i>Please list the type of remedial action that can be taken: e.g.: claims lodged with court(s), claims lodged with the oversight body, request to the surveillance authority, etc. AND please specify also the name (e.g. Supreme Court) and type of the body (e.g. judicial, executive, parliamentary) providing such remedies.</i>	<i>Violation of data protection, private life, specific legislation, etc.</i>
<b>Collection</b>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No. Article 23 of the Data Protection Act<sup>41</sup> specifically provides that where the provision of               <ul style="list-style-type: none"> <li>information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and</li> <li>prosecution of criminal offences, or of breaches of</li> <li>ethics for regulated professions,</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Regulation 11 states that anyone who suffers any loss or damage because of any contravention of these Regulations by any other person shall be entitled to take action before the competent court seeking compensation from that other person for that loss or damage.</li> <li>Regulation 13 states that any person who contravenes or fails to comply with these Regulations shall be liable to an administrative fine not exceeding €23,293.73 and to €2329.37 for each day during which such violation persists which fine shall be determined by the</li> </ul>	Violation of data protection

<sup>41</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)



		<ul style="list-style-type: none"> <li>• a monitoring, inspection or regulatory function</li> <li>• connected, even occasionally, with the exercise of</li> <li>• official authority</li> </ul> <p>the right to access information shall not be applicable.</p>	Commissioner for Information and Data Protection.	
<b>Analysis</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No. Article 23 of the Data Protection Act<sup>42</sup> specifically provides that where the provision of</li> <li>• information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and</li> <li>• prosecution of criminal offences, or of breaches of</li> <li>• ethics for regulated professions,</li> </ul>	<ul style="list-style-type: none"> <li>• Regulation 11 states that anyone who suffers any loss or damage because of any contravention of these Regulations by any other person shall be entitled to take action before the competent court seeking compensation from that other person for that loss or damage.</li> <li>• Regulation 13 states that any person who contravenes or fails to comply with these Regulations shall be liable to an administrative fine not exceeding €23,293.73 and to €2329.37 for each day during which such violation persists which fine shall be determined by the</li> </ul>	Violation of data protection

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<sup>42</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)

		<ul style="list-style-type: none"> <li>• a monitoring, inspection or regulatory function</li> <li>• connected, even occasionally, with the exercise of</li> <li>• official authority</li> </ul> <p>the right to access information shall not be applicable.</p>	Commissioner for Information and Data Protection.	
<b>Storing</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No. Article 23 of the Data Protection Act<sup>43</sup> specifically provides that where the provision of <ul style="list-style-type: none"> <li>• information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and</li> <li>• prosecution of criminal offences, or of breaches of</li> <li>• ethics for regulated professions,</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Regulation 11 states that anyone who suffers any loss or damage because of any contravention of these Regulations by any other person shall be entitled to take action before the competent court seeking compensation from that other person for that loss or damage.</li> <li>• Regulation 13 states that any person who contravenes or fails to comply with these Regulations shall be liable to an administrative fine not exceeding €23,293.73 and to €2329.37 for each day during which such violation persists which fine shall be determined by the</li> </ul>	Violation of data protection

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<sup>43</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)

		<ul style="list-style-type: none"> <li>• a monitoring, inspection or regulatory function</li> <li>• connected, even occasionally, with the exercise of</li> <li>• official authority</li> </ul> <p>the right to access information shall not be applicable.</p>	Commissioner for Information and Data Protection.	
<b>Destruction</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> <li>• Article 23 of the Data Protection Act<sup>44</sup> specifically provides that where the provision of</li> <li>• information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and</li> <li>• prosecution of criminal offences, or of breaches of</li> </ul>	<ul style="list-style-type: none"> <li>• Regulation 11 states that anyone who suffers any loss or damage because of any contravention of these Regulations by any other person shall be entitled to take action before the competent court seeking compensation from that other person for that loss or damage.</li> <li>• Regulation 13 states that any person who contravenes or fails to comply with these Regulations shall be liable to an administrative fine not exceeding €23,293.73 and to €2329.37 for each day during which such violation persists which fine shall be determined by the</li> </ul>	Violation of data protection

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<sup>44</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)

		<ul style="list-style-type: none"> <li>• ethics for regulated professions,</li> <li>• a monitoring, inspection or regulatory function</li> <li>• connected, even occasionally, with the exercise of</li> <li>• official authority</li> </ul> <p>the right to access information shall not be applicable.</p>	Commissioner for Information and Data Protection.	
<b>After the whole surveillance process has ended</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> <li>• Article 23 of the Data Protection Act<sup>45</sup> specifically provides that where the provision of</li> <li>• information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and</li> </ul>	<ul style="list-style-type: none"> <li>• Regulation 11 states that anyone who suffers any loss or damage because of any contravention of these Regulations by any other person shall be entitled to take action before the competent court seeking compensation from that other person for that loss or damage.</li> <li>• Regulation 13 states that any person who contravenes or fails to comply with these Regulations shall be liable to an administrative fine not exceeding €23,293.73 and to €2329.37 for each day during which such violation persists which</li> </ul>	Violation of data protection

<sup>45</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)

		<ul style="list-style-type: none"> <li>• prosecution of criminal offences, or of breaches of</li> <li>• ethics for regulated professions,</li> <li>• a monitoring, inspection or regulatory function</li> <li>• connected, even occasionally, with the exercise of</li> <li>• official authority</li> </ul> <p>the right to access information shall not be applicable.</p>	fine shall be determined by the Commissioner for Information and Data Protection.	
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<b>Commissioner for Information and Data Protection</b>				
<b>Stages of surveillance process</b>	<b>Is the subject informed?</b>	<b>Does the subject have a right of access to the data collected on him/her?</b>	<b>List remedies available to an individual concerned</b>	<b>Legal basis for using the available remedies</b>
	<i>Yes/No</i>	<i>Yes/No, please provide details if needed</i>	<i>Please list the type of remedial action that can be taken: e.g.: claims lodged with court(s), claims lodged with the oversight body, request to the surveillance authority, etc. AND please specify also the name (e.g. Supreme Court) and type of the body (e.g. judicial, executive, parliamentary) providing such remedies.</i>	<i>Violation of data protection, private life, specific legislation, etc.</i>

<p><b>Collection*</b></p>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> <li>• Article 23 of the Data Protection Act<sup>46</sup> specifically provides that where the provision of <ul style="list-style-type: none"> <li>• information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and</li> <li>• prosecution of criminal offences, or of breaches of</li> <li>• ethics for regulated professions,</li> <li>• a monitoring, inspection or regulatory function</li> <li>• connected, even occasionally, with the exercise of</li> <li>• official authority</li> </ul> </li> <li>the right to access</li> </ul>	<ul style="list-style-type: none"> <li>• The Commissioner by virtue of the Data Protection Act can take any such remedial action as he deems necessary; to institute civil legal proceedings where the provisions of the Act have been or are about to be violated; to refer to relevant public authority any criminal offence.</li> <li>•</li> <li>• Article 5 (b) of the Data Protection Act states that the DPA does not apply to processing operations concerning public security, defence, State security (including the economic wellbeing of the State when the processing operation relates to security matters) and activities of the State in areas of criminal law</li> </ul>	<p>Violation of data protection</p>
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\* For the definitions of these terms, please refer to the FRA/CoE (2014), *Handbook on European data protection law*, Luxembourg, 2014, pp. 46-47, available at: <http://fra.europa.eu/en/news/2014/council-europe-and-eu-fundamental-rights-agency-launch-handbook-european-data-protection>

<sup>46</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)

		information shall not be applicable.		
<b>Analysis*</b>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> <li>Article 23 of the Data Protection Act<sup>47</sup> specifically provides that where the provision of <ul style="list-style-type: none"> <li>information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and <ul style="list-style-type: none"> <li>prosecution of criminal offences, or of breaches of <ul style="list-style-type: none"> <li>ethics for regulated professions,</li> <li>a monitoring, inspection or regulatory function <ul style="list-style-type: none"> <li>connected, even occasionally, with the exercise of</li> </ul> </li> </ul> </li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The Commissioner by virtue of the Data Protection Act can take any such remedial action as he deems necessary; to institute civil legal proceedings where the provisions of the Act have been or are about to be violated; to refer to relevant public authority any criminal offence.</li> </ul>	Violation of data protection

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<sup>47</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)

		<ul style="list-style-type: none"> <li>• official authority the right to access information shall not be applicable.</li> </ul>		
<b>Storing*</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> <li>• Article 23 of the Data Protection Act<sup>48</sup> specifically provides that where the provision of <ul style="list-style-type: none"> <li>• information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and <ul style="list-style-type: none"> <li>• prosecution of criminal offences, or of breaches of <ul style="list-style-type: none"> <li>• ethics for regulated professions,</li> <li>• a monitoring, inspection or regulatory function</li> </ul> </li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The Commissioner by virtue of the Data Protection Act can take any such remedial action as he deems necessary; to institute civil legal proceedings where the provisions of the Act have been or are about to be violated; to refer to relevant public authority any criminal offence.</li> </ul>	Violation of data protection

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<sup>48</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)



		<ul style="list-style-type: none"> <li>connected, even occasionally, with the exercise of</li> <li>official authority</li> </ul> <p>the right to access information shall not be applicable.</p>		
<b>Destruction*</b>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> <li>Article 23 of the Data Protection Act<sup>49</sup> specifically provides that where the provision of <ul style="list-style-type: none"> <li>information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and</li> <li>prosecution of criminal offences, or</li> <li>breaches of</li> <li>ethics for regulated professions,</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The Commissioner by virtue of the Data Protection Act can take any such remedial action as he deems necessary; to institute civil legal proceedings where the provisions of the Act have been or are about to be violated; to refer to relevant public authority any criminal offence.</li> </ul>	Violation of data protection

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<sup>49</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)

		<ul style="list-style-type: none"> <li>• a monitoring, inspection or regulatory function</li> <li>• connected, even occasionally, with the exercise of</li> <li>• official authority</li> </ul> <p>the right to access information shall not be applicable.</p>		
<b>After the whole surveillance process has ended</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> <li>• Article 23 of the Data Protection Act<sup>50</sup> specifically provides that where the provision of</li> <li>• information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and</li> <li>• prosecution of criminal offences, or of breaches of</li> </ul>	<ul style="list-style-type: none"> <li>• The Commissioner by virtue of the Data Protection Act can take any such remedial action as he deems necessary; to institute civil legal proceedings where the provisions of the Act have been or are about to be violated; to refer to relevant public authority any criminal offence.</li> </ul>	Violation of data protection

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<sup>50</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)

		<ul style="list-style-type: none"> <li>• ethics for regulated professions,</li> <li>• a monitoring, inspection or regulatory function</li> <li>• connected, even occasionally, with the exercise of</li> <li>• official authority</li> </ul> <p>the right to access information shall not be applicable.</p>		
<b>Information and Data Protection Appeals Tribunal</b>				
<b>Stages of surveillance process</b>	<b>Is the subject informed?</b>	<b>Does the subject have a right of access to the data collected on him/her?</b>	<b>List remedies available to an individual concerned</b>	<b>Legal basis for using the available remedies</b>
	<i>Yes/No</i>	<i>Yes/No, please provide details if needed</i>	<i>Please list the type of remedial action that can be taken: e.g.: claims lodged with court(s), claims lodged with the oversight body, request to the surveillance authority, etc. AND please specify also the name (e.g. Supreme Court) and type of the body (e.g. judicial, executive, parliamentary) providing such remedies.</i>	<i>Violation of data protection, private life, specific legislation, etc.</i>
<b>Collection</b>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• A person who feels aggrieved by a decision of the Commissioner can appeal to the Tribunal. The Tribunal can dismiss the appeal or</li> </ul>	Violation of data protection

		<ul style="list-style-type: none"> <li>• Article 23 of the Data Protection Act<sup>51</sup> specifically provides that where the provision of</li> <li>• information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and</li> <li>• prosecution of criminal offences, or of breaches of</li> <li>• ethics for regulated professions,</li> <li>• a monitoring, inspection or regulatory function</li> <li>• connected, even occasionally, with the exercise of</li> <li>• official authority the right to access information shall not be applicable.</li> </ul>	<p>it can annul the decision and may refer the matter to the competent authority with a direction to reconsider it and reach a decision in accordance with the findings of the Tribunal</p>	
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<sup>51</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)

<p><b>Analysis</b></p>	<ul style="list-style-type: none"> <li>• No</li> </ul>	<ul style="list-style-type: none"> <li>• No</li> <li>• Article 23 of the Data Protection Act<sup>52</sup> specifically provides that where the provision of             <ul style="list-style-type: none"> <li>• information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and</li> <li>• prosecution of criminal offences, or of breaches of</li> <li>• ethics for regulated professions,</li> <li>• a monitoring, inspection or regulatory function</li> <li>• connected, even occasionally, with the exercise of</li> <li>• official authority</li> </ul> </li> <li>• the right to access</li> </ul>	<ul style="list-style-type: none"> <li>• A person who feels aggrieved by a decision of the Commissioner can appeal to the Tribunal. The Tribunal can dismiss the appeal or it can annul the decision and may refer the matter to the competent authority with a direction to reconsider it and reach a decision in accordance with the findings of the Tribunal</li> </ul>	<p>Violation of data protection</p>
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<sup>52</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)

		information shall not be applicable.		
<b>Storing</b>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> <li>Article 23 of the Data Protection Act<sup>53</sup> specifically provides that where the provision of <ul style="list-style-type: none"> <li>information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and</li> <li>prosecution of criminal offences, or of breaches of</li> <li>ethics for regulated professions,</li> <li>a monitoring, inspection or regulatory function</li> <li>connected, even occasionally, with the exercise of</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>A person who feels aggrieved by a decision of the Commissioner can appeal to the Tribunal. The Tribunal can dismiss the appeal or it can annul the decision and may refer the matter to the competent authority with a direction to reconsider it and reach a decision in accordance with the findings of the Tribunal</li> </ul>	Violation of data protection

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<sup>53</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)

		<ul style="list-style-type: none"> <li>official authority the right to access information shall not be applicable.</li> </ul>		
<b>Destruction *</b>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> <li>Article 23 of the Data Protection Act<sup>54</sup> specifically provides that where the provision of <ul style="list-style-type: none"> <li>information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and <ul style="list-style-type: none"> <li>prosecution of criminal offences, or of breaches of <ul style="list-style-type: none"> <li>ethics for regulated professions,</li> <li>a monitoring, inspection or regulatory function</li> </ul> </li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>A person who feels aggrieved by a decision of the Commissioner can appeal to the Tribunal. The Tribunal can dismiss the appeal or it can annul the decision and may refer the matter to the competent authority with a direction to reconsider it and reach a decision in accordance with the findings of the Tribunal</li> </ul>	Violation of data protection

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<sup>54</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)

		<ul style="list-style-type: none"> <li>connected, even occasionally, with the exercise of</li> <li>official authority</li> </ul> <p>the right to access information shall not be applicable.</p>		
<b>After the whole surveillance process has ended</b>	<ul style="list-style-type: none"> <li>No</li> </ul>	<ul style="list-style-type: none"> <li>No</li> <li>Article 23 of the Data Protection Act<sup>55</sup> specifically provides that where the provision of <ul style="list-style-type: none"> <li>information is a necessary measure in the interest of national security, defence, public security, the prevention, investigation, detection and</li> <li>prosecution of criminal offences, or</li> <li>ethics for regulated professions,</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>A person who feels aggrieved by a decision of the Commissioner can appeal to the Tribunal. The Tribunal can dismiss the appeal or it can annul the decision and may refer the matter to the competent authority with a direction to reconsider it and reach a decision in accordance with the findings of the Tribunal</li> </ul>	Violation of data protection

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<sup>55</sup> Malta, House of Representatives (2002), Data Protection Act, Chapter 440 of the Laws of Malta, 22 March 2002 and subsequent amendments, available at: [http://idpc.gov.mt/dbfile.aspx/DPA\\_amended2012.pdf](http://idpc.gov.mt/dbfile.aspx/DPA_amended2012.pdf) (13 August 2014)



		<ul style="list-style-type: none"><li>• a monitoring, inspection or regulatory function</li><li>• connected, even occasionally, with the exercise of</li><li>• official authority</li></ul> the right to access information shall not be applicable.		
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## Annex 4 – Surveillance-related case law at national level

Please provide a maximum of three of the most important national cases relating to surveillance. Use the table template below and put each case in a separate table.

From a search done on the national case law database no cases relating to surveillance resulted.

<b>Case title</b>	Not available
<b>Decision date</b>	Not available
<b>Reference details (type and title of court/body; in original language and English [official translation, if available])</b>	Not available
<b>Key facts of the case (max. 500 chars)</b>	Hon. Evarist Bartolo had made a complaint to the Commissioner about allegations of phone tapping was reported in the press. <a href="http://www.timesofmalta.com/articles/view/20110308/local/speaker-unable-toinvestigate-phone-tapping-allegation.353658">http://www.timesofmalta.com/articles/view/20110308/local/speaker-unable-toinvestigate-phone-tapping-allegation.353658</a>
<b>Main reasoning/argumentation (max. 500 chars)</b>	Not available
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	Breach of parliamentary privilege
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	

## Annex 5 – Key stakeholders at national level

Please list all the key stakeholders in your country working in the area of surveillance and divide them according to their type (i.e. public authorities, civil society organisations, academia, government, courts, parliament, other). Please provide name, website and contact details.

Name of stakeholder (in English as well as your national language)	Type of stakeholder (i.e. public authorities, civil society organisations, academia, government, courts, parliament, other)	Contact details	Website
<ul style="list-style-type: none"> <li>• Security Service</li> <li>•</li> <li>• <i>Servizz tas-Sigurtà</i></li> </ul>	<ul style="list-style-type: none"> <li>• Government</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry for Home Affairs and National Security</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="http://www.mhas.gov.mt">www.mhas.gov.mt</a></li> </ul>
<ul style="list-style-type: none"> <li>• Office of the Information and Data Protection Commissioner</li> <li>•</li> <li>• <i>Uffiċċju tal-Kummissarju tal-Protezzjoni tad-Data</i></li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Public authority</li> </ul>	<ul style="list-style-type: none"> <li>• Office of the Information and Data Protection Commissioner Airways House, Second Floor High Street Sliema SLM 1549 MALTA.</li> <li>•</li> <li>• Tel: (+356) 2328 7100 Fax: (+356) 23287198 Email: idpc.info@gov.mt</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="http://www.idpc.gov.mt/">www.idpc.gov.mt/</a></li> </ul>
<ul style="list-style-type: none"> <li>• Department of Information Policy</li> </ul>	<ul style="list-style-type: none"> <li>• University</li> </ul>	<ul style="list-style-type: none"> <li>• Prof. Joseph Cannataci</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="http://www.um.edu.mt/maks/ipg/staff/josephcannataci">www.um.edu.mt/maks/ipg/staff/josephcannataci</a></li> </ul>

<ul style="list-style-type: none"> <li>and Governance, University of Malta</li> <li>•</li> <li>•</li> </ul>		<ul style="list-style-type: none"> <li>• LL.D.,F.B.C.S.,C.I.T.P.,Spes.R, ettsinfo.(Oslo) , Associate Professor, Information Policy &amp; Governance Unit, Faculty of Media &amp; Knowledge Sciences, Room 210, University of Malta, +356 2340 2781, +356 2340 2782</li> <li>•</li> </ul>	
<ul style="list-style-type: none"> <li>• Courts of Malta</li> <li>•</li> <li>• <i>Il-Qrati ta' Malta</i></li> </ul>	<ul style="list-style-type: none"> <li>• Judiciary</li> </ul>	<ul style="list-style-type: none"> <li>• Courts of Justice, Valletta</li> <li>• +356 25902000</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="http://www.gov.mt/en/Services-And-Information/Business-Areas/Justice/Pages/Judiciary-in-Malta.aspx">www.gov.mt/en/Services-And-Information/Business-Areas/Justice/Pages/Judiciary-in-Malta.aspx</a></li> </ul>
<ul style="list-style-type: none"> <li>• Commissioner of the Security Service</li> <li>•</li> <li>• <i>Kummissarju tas-Servizz ta' Sigurtà</i></li> </ul>	<ul style="list-style-type: none"> <li>• Government</li> </ul>	<ul style="list-style-type: none"> <li>• Office of the Prime Minister</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="http://www.opm.gov.mt">www.opm.gov.mt</a></li> </ul>
<ul style="list-style-type: none"> <li>• Security Committee</li> <li>•</li> <li>• <i>Kumitat ta' Sigurtà</i></li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Government</li> </ul>	<ul style="list-style-type: none"> <li>• Office of the Prime Minister</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="http://www.opm.gov.mt">www.opm.gov.mt</a></li> </ul>
<ul style="list-style-type: none"> <li>• Data Protection Appeals Tribunal</li> <li>•</li> <li>• <i>Tribunal tal-Appelli dwar il-Protezzjoni tad-Data</i></li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Public authority</li> </ul>	<ul style="list-style-type: none"> <li>• Office of the Information and Data Protection Commissioner Airways House, Second Floor High Street Sliema SLM 1549 MALTA.</li> <li>•</li> <li>• Tel: (+356) 2328 7100</li> <li>• Fax: (+356) 23287198</li> <li>• Email: idpc.info@gov.mt</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="http://www.idpc.gov.mt">www.idpc.gov.mt</a></li> </ul>

## Annex 6 – Indicative bibliography

Please list relevant reports, articles, studies, speeches and statements divided by the following type of **sources** (*in accordance with FRA style guide*):

1. Government/ministries/public authorities in charge of surveillance

Dalli M. (2013), ‘Security Committee: Busuttil says Security Service can be trusted’, in *Maltatoday*, 2 July 2013, available at: [www.maltatoday.com.mt/news/national/28040/pm-busuttil-meet-to-discuss-security-service-policy-20130702#.U-ULTXkrhjo](http://www.maltatoday.com.mt/news/national/28040/pm-busuttil-meet-to-discuss-security-service-policy-20130702#.U-ULTXkrhjo) (13 August 2014)

*Times of Malta* (2013), ‘Malta Security Service ignored invitations for international collaboration’, in *Times of Malta* 9 April 2013, available at: [www.timesofmalta.com/articles/view/20130409/local/manuel-mallia.464884](http://www.timesofmalta.com/articles/view/20130409/local/manuel-mallia.464884) (13 August 2014)

2. National human rights institutions, ombudsperson institutions, national data protection authorities and other national non-judicial bodies/authorities monitoring or supervising implementation of human rights with a particular interest in surveillance

No relevant bibliography could be found

3. Non-governmental organisations (NGOs)

No relevant bibliography could be found

4. Academic and research institutes, think tanks, investigative media report.

Vodafone News (2014), ‘Law Enforcement Disclosure Report’, 6 June 2014, available at: [www.vodafone.com.mt/Vodafone-news-details/1853](http://www.vodafone.com.mt/Vodafone-news-details/1853) (13 August 2014)

Micallef M. (2014), ‘Updated: Vodafone lifts lid on governments’ phone spying capability’, in *Times of Malta*, 6 June 2014, available at: [www.timesofmalta.com/articles/view/20140606/local/updated-vodafone-lifts-lid-on-governments-phone-spying-capability.522183](http://www.timesofmalta.com/articles/view/20140606/local/updated-vodafone-lifts-lid-on-governments-phone-spying-capability.522183) (13 August 2014)

*Times of Malta* (2011), 'Speaker unable to investigate phone tapping allegation', in *Times of Malta* 8 March 2011, available at: <http://www.timesofmalta.com/articles/view/20110308/local/speaker-unable-to-investigate-phone-tapping-allegation.353658>