

A Guide to completing the Notification Form

Section 1

Details of Data Controller

In sub-section 1.1 the details of the Data Controller must be completed.

Name of Organisation

The name you provide must be the correct legal title of the individual or organisation. Some examples follow:

Sole traders- provide the full name of the individual e.g. Joe Borg

Companies – Provide the full name of the company e.g. XYZ Ltd.

Others e.g. voluntary bodies – provide the name by which you are known to the public.

Trading Name(s)

Along with the name of organisation, in case of a Company, where a Trading name exists this should also be provided.

Head of Organisation

The Data Controller is the head of the organisation; the person held responsible for the collection of personal data. Thus the head of the organisation may be the Director, Permanent Secretary (in the case of the Civil Service), Chief Executive Officer, Managing Director, General Manager etc.

Address

You must provide the address of your principal place of business. If there is no place of business, e.g. in the case of a small voluntary body, the address of the official who has completed the form must be provided.

Telephone Number, Fax Number and E-mail Address

You must provide us with an organisation telephone number, fax number and e-mail address which the Office of the Commission for Data Protection can use for all correspondence in connection with the notification.

Vat Registration Number

If applicable you must provide us with the VAT registration Number

Company Registration Number

If you are a limited or public limited company, the company registration number must be provided as a unique identifier for your company.

Sub-Section 1.2

Contact Person within Organisation

If the contact person is different from the one specified in sub-section 1.1, the following details must be completed:

Name

Address

Telephone and Fax Number

E-mail Address

Section 2

Details of Personal Data Representative

The function of the Personal Data Representative is to independently ensure that the Data Controller processes personal data in a lawful and correct manner and upon identifying any inadequacies these shall be brought to the attention of the Controller.

If the Data Controller elected to appoint a Personal Data Representative, this section must be completed accordingly.

You must provide the following details:

Name

Address

Telephone Number

Fax Number

E-Mail Address

Section 3

Type of Organisation

In this section the type of organisation must be ticked accordingly.

Government Department – you must tick this box if the organisation is a Ministry or Government Department including Hospitals, Polyclinics, Schools etc.

Co-Operative- you must tick this box if the organisation is a co-operative.

Company – you must tick this box if the organisation is a company. This comprises all registered companies being public and private.

Financial Services – Banks and Insurance Agencies should tick their appropriate box. Other financial service is any other organisation providing financial service other than banking and insurance. These include Credit Reference Agencies, Exchange Bureau etc.

Public Corporation or Authority - You must tick this box if the organisation is a Public Corporation or Authority.

Self-employed with no employees

Sole trader

Foundation/Association - You must tick this box if the organisation is a foundation or association, which can include Philanthropic institutions, Trade Unions, Political Parties etc.

Civil Partnership -You must tick this box if the organisation is a civil Partnership.

Others - You must tick this box if the organisation falls under another category other than specified above.

Section 4
Nature of Business

Provide a general, but comprehensive, statement of the nature of your business, trade or profession.

Section 5
5.1. Purposes of Processing and Categories of data relating to them

The following is a list of generic examples of processing operations and purposes

Processing Operations	Purpose
Appointments, Pay, Discipline, Vacation Leave and Sick Leave records, Appraisals, CVs, Training Records, Personal HR Records, Internal Directory	HR and Personnel Management
Details of customers/clients	For the provision of goods and services
Mailing lists	For marketing purposes
Customers and Suppliers details in sales, or accounting records	Accounting & Auditing
Processing records of defaulting clients and credit information	Credit Management & Debt Administration
Processing of a blacklist	Prevention against fraud
Trade Union Membership records	Administration of records which are necessary for the objectives of a trade union
Academic records and contact details of Students	Education or training, administration, contact and mailing
Processing of patients medical records	Health administration and services
Processing details relating to members and other staff members of any club, association or other organisation	To keep information which is necessary for the objective of the organisation including activities and renewal of subscriptions
CCTV and Audio Recordings	Security and Monitoring
Visitors Register	Security

Other specific processing operations and purposes could be identified by the data controller depending on the sector and the nature of business operations. For example, processing may be carried out for historical, scientific, statistical, or research purposes.

5.2 Categories of data subjects about whom processing is performed

Employees & Staff members including directors, part-time, temporary, and casual workers.

Correspondents/ Enquirers may include also complainants.

Others – Volunteers, agents, and potential customers could be included under this category

The other categories are self explanatory

5.3 Categories of data relating to the data subject

5.3.1 Personal details which identify the data subject include name, address, identifiers issued by public bodies e.g. Passport, Identity Card, Driver's licence and social security numbers, contact details, age, sex, date of birth, physical descriptions etc.

5.3.2 Business process specific details include any process or set of processes necessary to perform a business operation.

5.3.3 HR and employment details refers to any matter which relates to the education and professional training of the data subject e.g. Academic records, qualifications, skills, training records, professional expertise and student records. It also includes payroll, vacation and sick leave records, appointment, dismissals, retirement and resignation from a post.

5.3.4 Financial details refers to any matters relating to the financial affairs of the data subject e.g. Income, salary, assets and investments, payments, creditworthiness, loans, benefits, grants, insurance details, pension information.

5.3.5 Family/Lifestyle/Social Circumstances includes any matters relating to the family of the data subject and his lifestyle and social circumstances. E.g. Details about marriage, partnerships and marital history, details of family and other household members, habits, housing, travel and leisure activities, membership of charitable or voluntary organizations.

5.3.6 Research/Statistics includes market, health, lifestyle, and scientific or technical research.

5.4 Sensitive Personal Data

Tick the appropriate box accordingly if data relating to one or more of the categories outlined under the meaning of sensitive personal data, appertaining to an identified or identifiable person (for example of an employee) is being processed.

*Sick leave certificates constitute processing of sensitive personal data, and thus data controllers who as part of the human resource administration process the mentioned certificates must notify this operation by indicating the **Health** tick box.*

6. Recipients to whom Personal Data may be disclosed,

Recipient means a person to whom personal data is provided. In this section, data controllers are to notify to whom such personal data is being disclosed:

- Data Subjects themselves;
- Relatives/Guardians;
- Employees within the organisation;
- Other organisations processing data on behalf of the Data controller – such category refers to the processors which could for example be accountants, auditors, lawyers, consultants etc.;
- Government/regulatory Authorities;
- Other third parties.

7. Transfer of Personal Data Abroad

If no transfer of personal data is being made to countries outside Malta, then the ‘*No transfer is made*’ tick box should be indicated.

If transfer of personal data is made to EU countries then the ‘Transfer to EU’ tick box should be indicated accordingly.

A third country is a country outside the EU. Prior to transferring personal data to a third country, the controller shall notify the Commissioner in accordance with the Act and provided that the third country ensures an adequate level of protection. It’s up to the Commissioner’s discretion to assess whether these third countries ensure such level of protection.

8. Security measures relating to processing

Data controllers must ensure that an adequate level of security is in place to protect personal data from accidental destruction, loss or unlawful forms of processing. These security measures must be implemented more rigorously when processing of sensitive personal data is being carried out.