

# Award in Occupational Psychology

Lecture Title: Data Privacy or Data Protection

Lecturer: Mr Angelito Sciberras

Date: 20 October 2022



# Data vs Personal Data



45sec



# Data vs Personal Data

facts and statistics collected together for reference or analysis

VS

any information relating to an identified or identifiable individual



# Legislation

- GDPR - The General Data Protection Regulation 2016/679 is a regulation in EU law on data protection and privacy in the European Union and the European Economic Area. It also addresses the transfer of personal data outside the EU and EEA areas.
- Data Protection Act - Formerly CAP 440 Data Protection Act, repealed by Act XX of 2018 the applicable laws in Malta regulating Data processing procedures have been updated and are now found under CAP 586. Intended to implement the GDPR plus.



# The Data Protection Act

- Processing of ID Documents
- Administrative Fines and Penalties
- Damages - including Moral Damages
- No Special Rules on processing in the context of employment
- Subsidiary Legislation - 586.01 - 586.11





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Nru. ta-Certifikat:  
Certificate No.:



PULIZIJA TA' MALTA  
MALTA POLICE

CERTIFIKAT TAL-KONDOTTA  
CERTIFICATE OF CONDUCT

FORMULA A  
FORM A

Jien niddikjara illi, skond l-Ordinanza dwar jic-Certifikati tal-Kondotta (Kap. 77)  
I declare that, in terms of the Conduct Certificates Ordinance (Chap. 77),

isem u kunjom  
name and surname

Nru. ta-Karta tal-Identita'  
Identity Card No.

bin/bint  
son of/daughter of

imwield/imwiela fi  
born on the

u joqghod/toqghod  
and residing at

huwa/hija persuna ta' kondotta tajba  
is a person of good conduct

Kwartier Generali tal-Pulizija  
Police H.Q.  
Malta

data  
date

Dritt imħallas ta' 2.50  
Fee paid

Data u inizjali  
(Date and initials)

Kummissarju tal-Pulizija  
Commissioner of Police

MALTA POLICE

CERTIFICATE OF CONDUCT

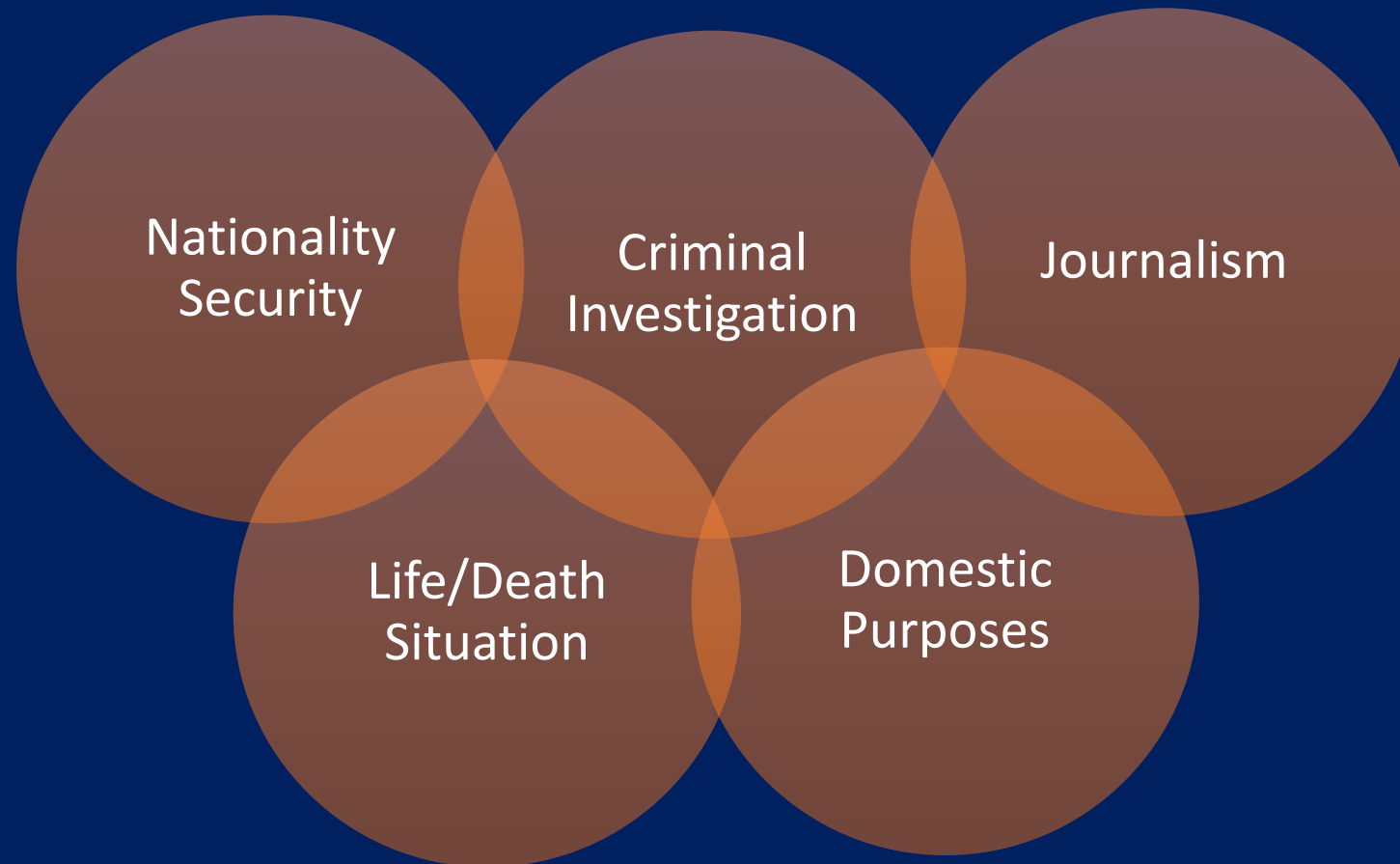
This is to certify that from the Register of the Police Criminal Record Office, it

is ascertained that the conviction/convictions recordable in terms of Ordinance No. 11 of 1934  
is specified on the back of this certificate has/have been passed on

Murison aged 25 years, born in  
1988



# Exemptions





# Personal Data

It means information or data that relates to a living person who can be identified from that data.

For example info such as names, addresses, warnings, employment details.

What does Processing of Personal Data mean?



# Your turn...

Give us some examples of why an employer processes personal data.

60sec



# Some examples...

- For payroll
- For benefits
- For insurance
- For background checks
- For training
- For legal reasons
- For disciplinary matters
- For performance reviews



# Your turn...

Give us some examples of personal data an employer processes.

60sec



# Some examples...

- Contact Details
- Financial
- Health
- CCTV
- Files notes
- Criminal?



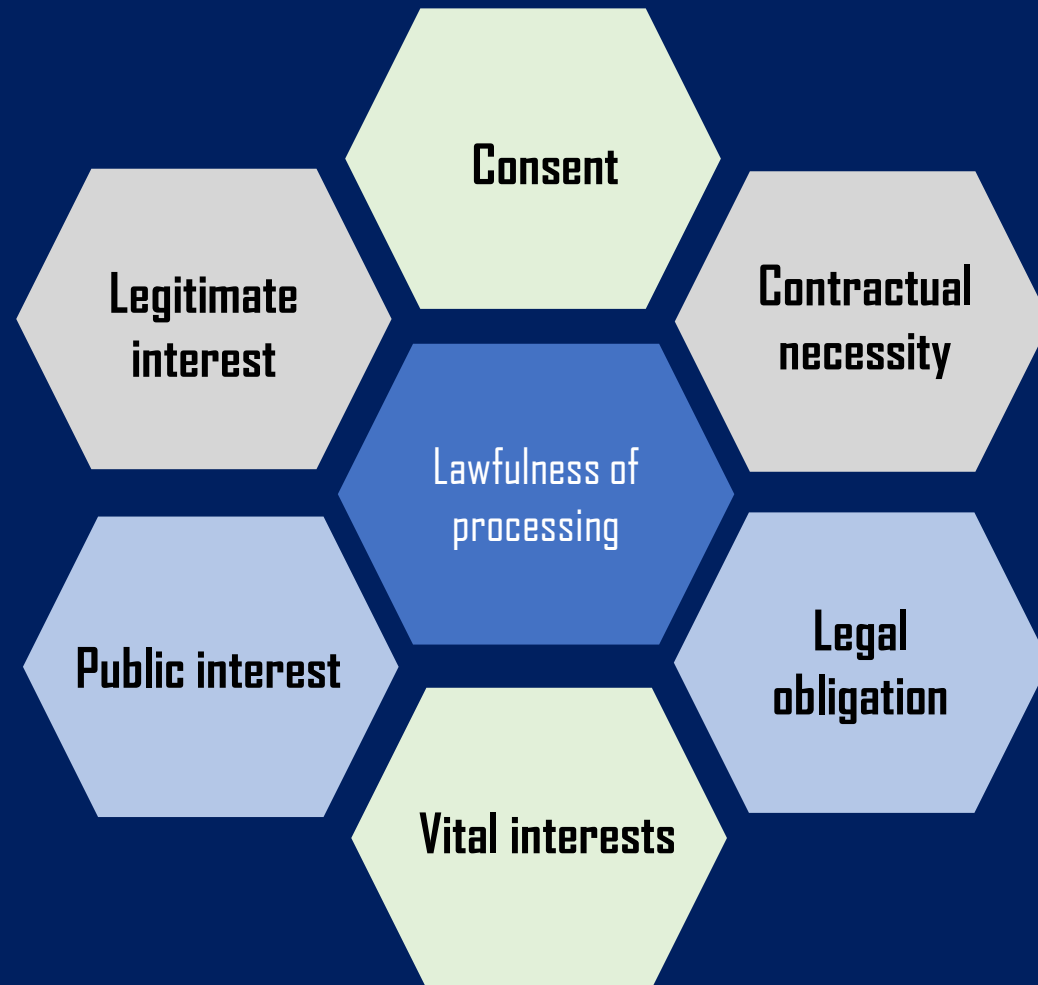
# Data Privacy - Principles

1	lawful, fair and transparent
2	specific, explicit and legitimate purpose
3	adequate, relevant and limited to what is necessary
4	accurate & up to date
5	storage limitation
6	integrity and confidentiality

Accountable



# Data Privacy - Legal Grounds



# Data Privacy - Data Subjects' Rights

1 Right to information

2 Right of access

3 Right to rectify

7 Right to object

5 Right to restrict

8 Data portability

4 Right to be forgotten

6 Automated processing



# Information to be given to employee

- The identity of the data controller (employer) and any DPO
- The purpose of the processing and the lawful basis you are relying on.
- If a legitimate interest is being relied upon you need to specify that interest.
- The source and category of the data (unless it has come from the employee themselves).
- Who will receive the personal data – does not need to be the names of people, for example the payroll department.
- The period the data will be stored for.



# Information to be given to employee

- You need to inform them of their data subject rights
- You must tell the employee that they have the right to withdraw consent, if consent is being relied upon as a legal basis for processing.
- You must also inform the employee of the right to complain to IDPC
- If the data is going to be transferred outside the EU, you must tell the employee the legal basis for this transfer and the safeguards in place.
- You must also tell them about any automated decision making or profiling.





# Suggested Further Reading

- CAP 586 - Data Protection Act, Laws of Malta, 2018
- CAP 456 - Equality for Men and Women Act, Laws of Malta, 2003
- CAP 424 - Occupational Health and Safety Authority Act, Laws of Malta, 2000
- LN 85/2007 Equal Treatment of Persons Order
- LN 181/2008 Access to Goods and Services and their Supply (Equal Treatment) Regulations
- Altman, Andrew, "Discrimination", *The Stanford Encyclopedia of Philosophy* (Winter 2020 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/win2020/entries/discrimination>
- Heckman, James J. 1998. "Detecting Discrimination." *Journal of Economic Perspectives*, 12 (2): 101-116.DOI: 10.1257/jep.12.2.101
- Equality Act Bill:  
[https://meae.gov.mt/en/Public\\_Consultations/MSDC/Documents/2015%20HREC%20Final/Bill%20-%20Equality%20Act.pdf](https://meae.gov.mt/en/Public_Consultations/MSDC/Documents/2015%20HREC%20Final/Bill%20-%20Equality%20Act.pdf)
- NCPE: [https://ncpe.gov.mt/en/Pages/NCPE\\_Home.aspx](https://ncpe.gov.mt/en/Pages/NCPE_Home.aspx)



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