

MALTA

ATT Nru XXIV tal-2025

ATT maħruġ b'ligi mill-Parlament ta' Malta.

ATT biex tiġi stabbilita sistema ta' monitoraġġ elettroniku għal persuni kkundannati bil-għan li tissorvelja l-movimenti ta' persuna soġġetta għal ordni ta' monitoraġġ elettroniku permezz ta' apparat elettroniku sigur u li jipprovdi għal miżuri relatati u ancillari.

ACT No. XXIV of 2025

AN ACT enacted by the Parliament of Malta.

AN ACT to establish an electronic monitoring system for sentenced persons with a view to monitoring the movements of a person subject to the electronic monitoring order by means of a secure electronic device and to provide for matters connected therewith or ancillary thereto.

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

29 ta' Lulju, 2025

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IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'ligi dan li ġej:-

ARRANGAMENT TAL-ATT

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A 562

TAQSIMA I
Dispożizzjonijiet Ġenerali

Titolu fil-qosor
u bidu fis-seħh.

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2025 dwar il-Monitoraġġ Elettroniku.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data jew dati li l-Ministru responsabbli għall-intern jista' b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġ xort'oħra:

"Att" tfisser l-Att dwar il-Monitoraġġ Elettroniku;

"apparat ta' monitoraġġ elettroniku" tfisser kull apparat, milbus jew xort'oħra, li permezz tiegħu l-movimenti tal-persuna konċernata jkunu qegħdin jiġu ssorveljati għall-finijiet tal-Att;

"awtorità emittenti" tfisser awtorità responsabbli għall-ħruġ ta' ordni ta' monitoraġġ elettroniku;

"awtorità responsabbli" tfisser l-Aġenzija għas-Sistema ta' Infurzar Lokali mwaqqfa bl-artikolu 3 tal-Ordni dwar it-Twaqqif tal-Aġenzija għas-Sistema ta' Infurzar Lokali:

L.S. 595. 14.

Iżda l-awtorità responsabbli tista' tiddelega xi wħud mill-funzjonijiet tagħha jew il-funzjonijiet tagħha kollha lill-parti kontraenti, jew tidhol fi shubija ma' parti kontraenti sabiex twettaq xi wħud mill-funzjonijiet tagħha jew il-funzjonijiet tagħha kollha;

Kap. 516.

"Bord tal-Parole" tfisser il-Bord stabbilit taħt l-artikolu 8 tal-Att dwar il-Ġustizzja Riparatriċi;

"ksur" u "ksur suspettat" ifissru kwalunkwe att li jikser jew jista' jikser il-kondizzjonijiet li jistgħu jiġu preskritti fl-ordni ta' monitoraġġ elettroniku, inklużi iżda mhux limitati għal:

(a) restrizzjonijiet ta' aċċess jew projbizzjoni għall-persuna kkonċernata li tidhol f'xi post identifikat fl-ordni; u

(b) restrizzjonijiet fuq il-moviment tal-persuna kkonċernata, inkluż moviment f'hinijiet preskritti tal-ġurnata:

Iżda n-nuqqas min-naħa tal-persuna konċernata

li tirrispondi jew tikkuntattja lill-awtorità responsabbli għandu wkoll jikkostitwixxi "ksur" jew "ksur suspettat";

"Kummissarju" tfisser il-Kummissarju għall-
Informazzjoni u l-Protezzjoni tad-Data stabbilit taht l-
artikolu 11 tal-Att dwar il-Protezzjoni u l-Privatezza tad-
Data; Kap. 586.

"Ministru" tfisser il-Ministru responsabbli għall-intern;

"ordni ta' monitoraġġ elettroniku" tfisser l-ordni mahruġ mill-Qorti, il-Bord tal-Parole jew l-Aġenzija għas-Servizzi Korrettivi li tippreskrivi l-monitoraġġ tal-movimenti ta' persuna konċernata permezz ta' apparat elettroniku sigur, hekk kif stabbilit fl-Iskeda I;

"parti kontraenti" tfisser kwalunkwe entità pubblika, entità privata, jew it-tnejn li huma, li l-awtorità responsabbli tqis li tista' taqdi l-funzjoni fdata lilha permezz ta' delega mill-awtorità responsabbli;

"persuna konċernata" tfisser persuna li jkun inhargilha ordni ta' monitoraġġ elettroniku taht l-artikoli 4, 5, 6 jew 7;

"Pulizija" tfisser il-Korp tal-Pulizija ta' Malta kif stabbilit taht l-artikolu 3 tal-Att dwar il-Pulizija; Kap. 164.

"qorti" tfisser il-Qorti tal-Maġistrati fil-ġurisdizzjoni tagħha bħala Qorti ta' Ġudikatura Kriminali jew bħala Qorti Istruttoria, il-Qorti Kriminali u l-Qorti tal-Appell Kriminali;

"sistema ta' monitoraġġ elettroniku" tfisser is-sistema li biha l-movimenti ta' persuni meħtieġa li jilbsu jew iġorru apparat ta' monitoraġġ elettroniku għall-finijiet tal-Att jiġu rintraċċati fuq bażi ta' erbgħa u għoxrin (24) siegħa minn kamra tal-kontroll;

"tbaġħbis" tfisser kwalunkwe att li jinterferixxi ma' jew huwa kapaċi li jinterferixxi mal-funzjonament xieraq tal-apparat elettroniku ta' monitoraġġ jew li jfixkel, jew huwa kapaċi li jfixkel, it-trasmissjoni tas-sinjal ta' monitoraġġ tal-apparat ta' monitoraġġ elettroniku.

3. (1) Ordni ta' monitoraġġ elettroniku jista' jinhareġ minn Qorti wara sentenza jew mill-Aġenzija għas-Servizzi Korrettivi skont ir-Regolamenti dwar il-Ħabs jew mill-Bord tal-Parole; Prinċipji
ġenerali.
L.S. 260. 03.

Izda ordni ta' monitoraġġ elettroniku għandu jinhareġ biss

jekk il-persuna konċernata tagħti l-kunsens tagħha u tiffirma l-formola preskrutta taht l-Iskeda I.

(2) Kull fejn il-persuna konċernata tikser kwalunkwe mill-kundizzjonijiet marbuta mal-ordni ta' monitoraġġ elettroniku, l-ordni ta' monitoraġġ elettroniku tagħha jista' jiġi rivedut jew irtirat mill-awtorità emittenti skont il-gravità tal-ksur:

Iżda għalkemm il-kondizzjonijiet marbutin ma' ordni ta' monitoraġġ elettroniku huma elenkati fl-Iskeda I, meta l-Qorti tohroġ tali ordni ta' monitoraġġ elettroniku, il-Qorti tista' tvarja l-kondizzjonijiet elenkati fl-Iskeda I kif tista' tqis xieraq fiċ-ċirkostanzi.

Hruġ ta' ordni ta' monitoraġġ elettroniku mill-Qorti tal-Gustizzja.

4. (1) Ordni ta' monitoraġġ elettroniku jista' jinħareġ minn Qorti lil persuna konċernata li tkun ingħatat sentenza ta' mhux aktar minn sena (1) ħabs:

Iżda dak l-ordni ma għandux japplika meta l-persuna konċernata tinstab ħatja ta' reat li jista' jkun soġġett għal aktar minn sentejn (2) priġunerija, jew huwa reat jew ċirkostanza elenkata fl-Iskeda III:

Iżda wkoll l-ordni ta' monitoraġġ elettroniku għandu, wara l-kunsens u l-firma tal-formola stabbilita fl-Iskeda I, jissospendi lill-persuna konċernata milli tkun miżmuma l-ħabs.

Kap. 9.

(2) Ordni ta' monitoraġġ elettroniku jista' wkoll jinħareġ mill-Qorti lill-persuna konċernata meta jkun inħareġ ordni fil-konfront ta' dik il-persuna skont l-artikoli 382A, 383, 412Ċ u 540A tal-Kodiċi Kriminali. Dan għandu jkun għal perjodu impost mill-Qorti għall-ordni mahruġ skont l-artikoli 382A, 383, 412Ċ u 540A tal-Kodiċi Kriminali:

Kap. 9.

Iżda l-kunsens tal-persuna konċernata ma għandux ikun meħtieġ għall-ordni ta' monitoraġġ elettroniku mahruġ flimkien ma' ordni skont l-artikoli 382A, 383, 412Ċ u 540A tal-Kodiċi Kriminali kif provdut fl-Iskeda II:

Kap. 9.

Iżda wkoll fejn ordni ta' protezzjoni tinħareġ favur vittma skont l-artikoli 412Ċ jew 540A tal-Kodiċi Kriminali, jew fejn japplikaw id-dispożizzjonijiet tal-artikoli 382A u 383 tal-imsemmi Kodiċi, il-vittma tista', soġġett għall-kunsens tagħha, tiġi monitorjata elettronicament għall-protezzjoni tagħha.

(3) Meta ordni ta' monitoraġġ elettroniku jinħareġ mill-Qorti, il-Qorti tista' tahtar esperti bl-għan illi tiddetermina u tispeċifika l-parametri ta' tali ordni.

5. Ordni ta' monitoraġġ elettroniku jista' jinħareġ mill-Uffiċjal Kap Eżekuttiv tal-Aġenzija għas-Servizzi Korrettivi fir-rigward ta' kwalunkwe prigiunier li jingħata leave mill-habs skont ir-regolament 61 tar-Regolamenti dwar il-Habs:

Hruġ ta' ordni ta' monitoraġġ elettroniku mill-Uffiċjal Kap Eżekuttiv tal-Aġenzija għas-Servizzi Korrettivi. L.S. 260. 03.

Iżda l-ordni ta' monitoraġġ elettroniku jista' jiġi revokat mill-Uffiċjal Kap Eżekuttiv tal-Aġenzija għas-Servizzi Korrettivi fir-rigward ta' prigiunieri jekk iqis xieraq fiċ-ċirkostanzi.

6. Ordni ta' monitoraġġ elettroniku jista' jinħareġ mill-Bord tal-Parole fir-rigward ta' prigiunier li jingħata parole skont l-Att dwar il-Gustizzja Riparatrici.

Hruġ ta' ordni ta' monitoraġġ elettroniku mill-Bord tal-Parole. Kap. 516.

7. (1) L-awtorità responsabbli għandha takkwista u żżomm apparat ta' monitoraġġ elettroniku u għandha tkun responsabbli:

Awtorità responsabbli.

(a) li tiġi żgurata sistema sigura ta' monitoraġġ elettroniku, fejn persuni mhux awtorizzati ma jistgħux jaċċessaw id-data;

(b) li tissorvelja l-persuna konċernata u tagħmel kuntatt immedjat ma' dik il-persuna skont ir-regolamenti preskritti;

(c) għall-irkupru u l-analiżi tal-informazzjoni, f'każ li jkun suspettat li l-persuna konċernata kisret il-kondizzjonijiet ta' monitoraġġ, f'liema każ għandha tagixxi skont id-dispożizzjonijiet ta' dan l-Att, u tipprovdi informazzjoni lill-awtorità emittenti;

(d) li tiġbor informazzjoni, fuq talba tal-Pulizija, kull meta l-persuna konċernata tkun soġġetta għal investigazzjoni kriminali; u

(e) li tirrapporta kwalunkwe ksur suspettat tal-ordni ta' monitoraġġ elettroniku skont dan l-Att.

(2) L-awtorità responsabbli għandha tinstalla apparat ta' monitoraġġ elettroniku u tassigura li kull tag elettronika li għandha tintlibes mill-persuna konċernata tkun kif meħtieġ, filwaqt li tassigura li tags elettronici ma jikkawżawx uġiġh fiżiku jew dwejjaq.

(3) L-awtorità responsabbli tista' twettaq żjarat mhux mistennija fil-post ta' residenza jew kwalunkwe post tax-xogħol jew kwalunkwe post ieħor fejn il-persuna konċernata għandha twettaq kwalunkwe xogħol fil-komunità jew attività oħra, sabiex:

(a) tispezzjona t-tag u, jew kwalunkwe apparat ieħor relatat mal-monitoraġġ elettroniku;

(b) twettaq manutenzjoni tal-apparat imsemmi;

(ċ) tivverifika li l-kondizzjonijiet marbuta mal-ordni ta' monitoraġġ elettroniku qegħdin jiġu osservati mill-persuna konċernata; jew

(d) għal kwalunkwe skop ieħor relatat mal-ordni ta' monitoraġġ elettroniku.

Arrest jew detenzjoni tal-persuna konċernata wara sejha lura temporanja mahruġa skont ir-regolamenti.

8. Minkejja d-dispożizzjonijiet ta' kwalunkwe liġi oħra, il-persuna konċernata tista' tiġi arrestata mil-Pulizija Eżekuttiva mingħajr mandat mill-Maġistrat, tittieħed lura l-habs minn uffiċjali tas-Servizzi Korrettivi jew mill-Pulizija Eżekuttiva skont kwalunkwe regolamenti magħmula taħt dan l-Att.

Persuna konċernata.

9. (1) Il-persuna konċernata għandha tikkonforma ma' kull ordni relatata mal-manutenzjoni tal-apparat ta' monitoraġġ elettroniku, skont l-istruzzjonijiet mahruġa mill-awtorità responsabbli.

(2) Il-persuna konċernata għandha tinforma lill-awtorità responsabbli jekk tkun taf jew tissuspetta li l-apparat elettroniku huwa difettuż.

Reati.

10. (1) Kull persuna mhux awtorizzata, inkluża l-persuna konċernata, li tipprova jew xjentement u deliberatament tbaġħbas jew tneħhi l-apparat ta' monitoraġġ elettroniku għandha titqies li tkun wettqet reat u tkun soġġetta, meta tinsab hatja, għal prigrunerija ta' mhux inqas minn sitt (6) xhur u mhux aktar minn sentejn (2) jew multa ta' mhux inqas minn tmien mitt euro (€800) u mhux aktar minn ħamest elef euro (€5,000) jew għal multa u prigrunerija flimkien:

Izda għandha tkun difiża għal persuna miġjuba quddiem il-Qorti għat-tneħhija tal-apparat tal-monitoraġġ elettroniku imsemmi, li tipprova għas-sodisfazzjon tal-Qorti li l-apparat tneħha f'sitwazzjoni ta' emergenza.

(2) Kull persuna li taġixxi bi ksur ta' xi dispożizzjoni ta' dan l-Att li fir-rigward tagħha ma hemmx reat stabbilit taħt xi artikolu ieħor ta' dan l-Att tkun hatja ta' reat u tkun soġġetta għal terminu ta' prigrunerija ta' mhux aktar minn sitt (6) xhur, jew għal multa ta' mhux inqas minn mitejn u ħamsin euro (€250) u mhux aktar minn seba' mitt euro (€700), jew għal tali multa u prigrunerija flimkien.

Setgħat tal-Ministru sabiex jagħmel regolamenti.

11. Il-Ministru jista' jagħmel regolamenti biex jagħti effett aħjar lil xi wahda mid-dispożizzjonijiet ta' dan l-Att u għat-twettiq aħjar ta' xi wahda mid-dispożizzjonijiet ta' dan l-Att u, mingħajr preġudizzju għall-generalità ta' dak imsemmi qabel, jista' b'dawn ir-regolamenti:

(a) jistabbilixxi proċeduri relatati mal-monitoraġġ elettroniku ta' persuni li fil-konfront tagħhom inhareġ ordni ta' monitoraġġ elettroniku;

(b) jippreskrivi aktar kondizzjonijiet li għandhom x'jaqsmu ma' persuni li fir-rigward tagħhom inhareġ ordni ta' monitoraġġ elettroniku; u

(ċ) jipprovdi għall-monitoraġġ elettroniku volontarju skont id-diżpożizzjonijiet tal-artikoli 4, 5 u 6;

(d) jemenda l-Iskedi kif meħtieġ.

TAQSIMA II

Regolatur tal-Monitoraġġ Elettroniku

12. (1) Il-President, fuq il-parir tal-Kabinett tal-Ministri, għandu jaħtar Regolatur tal-Monitoraġġ Elettroniku, li jista' jkun: Regolatur tal-monitoraġġ elettroniku.

(a) membru rtirat tal-ġudikatura; jew

(b) Avukat Ġenerali rtirat; jew

(ċ) impjegat tas-Servizz Pubbliku rtirat, li serva jew bħala Segretarju Permanenti jew Direttur Ġenerali, jew ekwivalenti, għal minimu ta' tliet (3) snin.

(2) Ir-Regolatur għandu jinħatar għal perjodu ta' tliet (3) snin u għandu jkun eliġibbli għal haħtra mill-ġdid. Ir-Regolatur għandu jibqa' fil-kariga sakemm jinħatar is-suċċessur tiegħu.

(3) Ir-Regolatur jista' jitneħħa mill-kariga biss mill-President li jaġixxi fuq il-parir tal-Kabinett tal-Ministri, jekk ikun ippruvat li mhuwiex f'pożizzjoni li jaqdi l-funzjonijiet ta' Regolatur jew imġiba hażina pruvata.

(4) Ir-Regolatur għandu jissorvelja l-implimentazzjoni tad-dispożizzjonijiet ta' dan l-Att u r-regolamenti tiegħu mill-awtorità responsabbli. Ir-Regolatur jista' jwettaq spezzjonijiet, inklużi spezzjonijiet għall-għarrieda, fi kwalunkwe post aċċessibbli għall-awtorità responsabbli, kif ukoll fil-kamra tal-kontroll u kull faċilità oħra mħaddma mill-awtorità responsabbli skont dan l-Att.

(5) Ir-Regolatur għandu jissottometti lill-Ministru, sal-aħħar ta' Ġunju tas-sena kalendarja ta' wara, rapport annwali dwar l-implimentazzjoni tad-dispożizzjonijiet ta' dan l-Att mill-awtorità responsabbli, liema rapport għandu jinkludi wkoll, fejn meħtieġ, rakkomandazzjonijiet għal titjib, liema rakkomandazzjonijiet jistgħu

jkunu legiżlattivu jew operattivu. Ir-rapport għandu jitressaq fil-Parlament mill-Ministru.

TAQSIMA III Protezzjoni tad-Data

Protezzjoni
tad-data.

L.S. 586. 08.

13. (1) L-ebda haġa f'dan l-Att jew f'xi regolamenti oħra maħruġa taħtu ma għandha tippregudika l-applikabbiltà tar-Regolamenti dwar il-Protezzjoni tad-Data (Ipproċessar ta' Data Personali minn Awtoritajiet Kompetenti għall-Finijiet tal-Prevenzjoni, l-Investigazzjoni, is-Sejbien jew il-Prosekuzzjoni ta' Reati Kriminali jew l-Eżekuzzjoni ta' Pieni Kriminali) u d-drittijiet u l-libertajiet fundamentali tas-sugġetti tad-data.

L.S. 586. 08.

(2) Fejn l-awtorità responsabbli fil-kapaċità tagħha ta' kontrollur tad-data tipproċessa data personali tal-persuni konċernati, għandha tikkonforma mal-prinċipji marbuta mal-ipproċessar ta' data personali skont ir-regolament 4 tar-Regolamenti dwar il-Protezzjoni tad-Data (Ipproċessar ta' Data Personali minn Awtoritajiet Kompetenti għall-Finijiet tal-Prevenzjoni, l-Investigazzjoni, is-Sejbien jew il-Prosekuzzjoni ta' Reati Kriminali jew l-Eżekuzzjoni ta' Pieni Kriminali). Is-Sistema ta' Monitoraġġ Elettroniku għandha taħżen id-data indikata fl-Iskeda IV.

(3) Il-kontrollur, b'kont meħud tan-natura, l-għan, il-kuntest u l-finijiet tal-ipproċessar kif ukoll ir-riskji ta' probabbiltà u gravità diversa għad-drittijiet u l-libertajiet tal-persuni konċernati, kemm fil-ħin tad-determinazzjoni tal-mezzi għall-ipproċessar u fiż-żmien tal-ipproċessar innifsu, għandu jimplimenta miżuri tekniċi u organizzattivi adatti, b'mod effettiv u biex jintegraw is-salvagwardji meħtieġa fl-ipproċessar, sabiex tali miżuri jipproteġu d-drittijiet tal-persuni konċernati.

(4) Fejn l-ipproċessar għandu jitwettaq mill-proċessur fisem il-kontrollur, il-kontrollur għandu juża biss proċessuri li jipprovdu biżżejjed garanziji biex jimplimentaw miżuri tekniċi u organizzattivi adatti skont is-subartikolu (3).

(5) L-uffiċjal tal-protezzjoni tad-data mahtur mill-kontrollur għandu jiġi kkonsultat fil-ħin qabel l-implimentazzjoni tas-sistema ta' monitoraġġ elettroniku u fil-ħin tal-operazzjonijiet tal-ipproċessar.

(6) Il-kontrollur għandu jiżgura li ssir valutazzjoni tal-impatt tal-protezzjoni tad-data qabel ma ssir l-implimentazzjoni tas-sistema ta' monitoraġġ elettroniku.

(7) Il-kontrollur għandu jżomm dokumentazzjoni relatata mas-sistema tal-ipproċessar, inklużi l-utenti u r-registri tas-sistema, li

għandhom ikunu disponibbli, fuq talba lill-Kummissarju.

14. Id-data personali kollha pproċessata għall-iskop ta' dan l-Att u r-regolamenti maħruġa taħtu, għandha tinżamm għal perjodu ta' sena (1) mid-data tat-tmiem tal-ordni ta' monitoraġġ elettroniku.

Żamma ta' data personali.

15. (1) L-awtorità responsabbli għandha tiżgura li l-aċċess fiżiku u, jew elettroniku għas-sistema ta' monitoraġġ elettroniku jingħata strettament lil persuni awtorizzati mill-Uffiċjal Kap Eżekuttiv ibbażat fuq mekkaniżmu ta' kontroll ta' aċċess.

Aċċess awtorizzat għas-sistema ta' monitoraġġ elettroniku.

(2) L-awtorità responsabbli għandha tagħmel l-arrangamenti meħtieġa biex tippermetti lill-Pulizija, fit-twettiq tad-dmirijiet tagħhom, li jkollhom aċċess għall-informazzjoni li tinsab fis-sistema ta' monitoraġġ elettroniku għall-finijiet tal-prevenzjoni, investigazzjoni, sejbien u prosekuzzjoni ta' reati kriminali.

(3) Kwalunkwe aċċess għal u użu tas-sistema ta' monitoraġġ elettroniku għandu jiġi rreġistrat permezz ta' sistema ta' audit trail.

SKEDA I
(artikolu 3)

Formola tal-Firma għall-Ordni ta' Monitoraġġ Elettroniku u
Kondizzjonijiet

Data: Illum,

Ordni magħmul minn _____ bhala
Awtorità Emittenti.

Ordni ta' monitoraġġ elettroniku qiegħed jiġi mahruġ fir-rigward ta' (isem u kunjom), (Numru tal-ID/Numru tal-Passaport/Numru tal-Permess ta' Residenza), hawn aktar 'il quddiem imsejha l-persuna konċernata. Il-persuna konċernata hawn tagħti l-kunsens u taqbel ma' dan l-ordni u tintrabat li tirrispetta l-Liġijiet ta' Malta, id-dispożizzjonijiet tal-Att dwar il-Monitoraġġ Elettroniku, u kwalunkwe kondizzjoni rilevanti għall-ordni u l-kondizzjonijiet li ġejjin:

Li huwa ser joqgħod f' _____

Li ser jithalla jaħdem/jistudja f' _____

Li għandu jmur lura fir-residenza indikata mhux aktar tard minn _____ ta' filgħaxija u ma johroġx mill-imsemmija residenza qabel _____ ta' filgħodu

Li ma jersaqx lejn il-lokalitajiet _____

Li ma jitlaqx mill-gzejjer Maltin mingħajr il-kunsens minn qabel tal-Awtorità Emittenti.

Il-persuna konċernata tifhem ukoll, tagħti l-kunsens u taqbel f'dan ir-rigward, li hija meħtieġa li twettaq kompiti ta' manutenzjoni tal-apparat skont l-artikolu 9 tal-Att dwar il-Monitoraġġ Elettroniku.

Il-persuna konċernata tifhem li tista' tinzamm taħt arrest jew titlef il-benefiċċji mogħtija bis-saħħa ta' dan l-ordni fil-każ ta' sospett ta' ksur tal-kondizzjonijiet, sa tali żmien li tittiehed deċiżjoni dwar il-każ skont il-leġiżlazzjoni applikabbli.

Iffirmat

Awtorità Emittenti

Persuna Konċernata

SKEDA II
(artikolu 4 (2))

Formola ta' Ordni ta' Monitoraġġ Elettroniku - Ordni fit-termini tal-artikoli 382A, 383, 412Ċ u 540A tal-Kodiċi Kriminali.

Data: Illum,

Ordni magħmul minn _____
bħala Awtorità Emittenti.

Ordni ta' monitoraġġ elettroniku huwa b'dan maħruġ fil-konfront ta' (isem u kunjom), (Numru tal-ID/Numru tal-Passaport/Numru tal-Permess ta' Residenza), minn hawn'il quddiem imsejjaħ il-persuna konċernata.

L-ordni ta' monitoraġġ elettroniku qiegħed isir flimkien ma' ordni fit-termini tal-artikoli 382A, 383, 412Ċ u 540A tal-Kodiċi Kriminali, anness ma' din il-formola u mmarkat _____.

Il-persuna konċernata tifhem ukoll u taqbel f'dan ir-rigward, li hija meħtieġa twettaq kompiti ta' manutenzjoni tal-apparat skont l-artikolu 9 tal-Att dwar il-Monitoraġġ Elettroniku.

Il-persuna konċernata tifhem li tista' tinżamm jew titlef il-benefiċċji mgarrba bħala riżultat ta' din l-ordni fil-każ ta' ksur suspettat tal-kundizzjonijiet, sakemm tittieħed deċiżjoni dwar il-każ fit-termini ta' leġiżlazzjoni applikabbli.

Iffirmat

Awtorità Emittenti

Persuna Konċernata

SKEDA III
(l-ewwel proviso tal-artikolu 4)

Leġislazzjoni	Kapitolu jew L.S	Dispożizzjoni/ Deskrizzjoni
Kodiċi Kriminali	Kap. 9	artikolu 338 (z)
Kodiċi Kriminali	Kap. 9	artikolu 338 (ll)
Kodiċi Kriminal u Vjolenza a bażi ta' Ġeneru u Vjolenza Domestika	Kap. 9 u Kap 581	Kull reat li jaqa' taht it-tifsira tal-artikolu 2 tal-Kap 581 u kwalunkwe reat imwettaq kontra l- persuni elenkati fl- artikolu 202(h) u (i) tal-Kap. 9
Att dwar Registrazzjoni għall- Protezzjoni tal- Minuri	Kap. 518	Kull persuna li isimha huwa rreġistrat fir-registru mwaqqaf skont artikolu 3 tal-Kap. 518.

SKEDA IV
(artikolu 13)

Data maħżuna fis-Sistema ta' Monitoraġġ Elettroniku:

- (a) isem u kunjom;
- (b) numru tal-karta tal-identità, numru tal-permess ta' residenza, jew numru tal-passaport jew numru ta' dokument ta' identifikazzjoni ieħor;
- (ċ) indirizz residenzjali (fejn applikabbli);
- (d) awtorità emittenti;
- (e) it-tul tal-ordni;
- (f) kondizzjonijiet li għandhom jiġu osservati (eż. curfew, postijiet li ma jistgħux jiġu avvicinati mill-persuna konċernata); u
- (g) data dwar il-lok:

Iżda minflok l-informazzjoni fil-paragrafi (a), (b) u (ċ), l-awtorità responsabbli tista' ddahhal numru ta' identifikazzjoni uniku.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 369 tat-23 ta' Lulju, 2025.

ANĠLU FARRUGIA

Speaker

ELEANOR SCERRI

Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

29th July, 2025

ACT No. XXIV of 2025

AN ACT to establish an electronic monitoring system for sentenced persons with a view to monitoring the movements of a person subject to the electronic monitoring order by means of a secure electronic device and to provide for matters connected therewith or ancillary thereto.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

ARRANGEMENT OF ACT

		Articles
Part I	General Provisions	1-11
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	Schedule I	
	Schedule II	
	Schedule III	
	Schedule IV	

PART I
General Provisions

1. (1) The short title of this Act is the Electronic Monitoring Act, 2025. Short title and commencement.

(2) This Act shall come into force on such date or dates as the Minister responsible for home affairs may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

2. In this Act, unless the context otherwise requires: Interpretation.

"Act" means the Electronic Monitoring Act;

"breach" and "suspected breach" mean any act that contravenes or may contravene the conditions that may be prescribed in the electronic monitoring order, including but not limited to:

(a) restrictions of access or a prohibition for the person concerned to enter any premises identified in the order; and

(b) restrictions on the movement of the person concerned, including movement at prescribed times of the day:

Provided that failure on the part of the person concerned to respond or contact the responsible authority shall also constitute a "breach" or "suspected breach";

"Commissioner" means the Information and Data Protection Commissioner established under article 11 of the Data Protection Act; Cap. 586.

"contracting party" means any public entity, private entity, or both, which the responsible authority considers is capable of performing the function entrusted to it by way of delegation from the responsible authority;

"Court" means the Court of Magistrates in its jurisdiction as a Court of Criminal Judicature or Court of Criminal Inquiry, the Criminal Court and the Court of Criminal Appeal;

"electronic monitoring equipment" means any equipment, worn or otherwise, by means of which the movements of a

person concerned are monitored for the purposes of the Act;

"electronic monitoring order" means the order issued by the Court, Parole Board or Correctional Services Agency prescribing the monitoring of the movements of a person concerned by means of a secure electronic device, as established in Schedule I;

"electronic monitoring system" means the system whereby the movements of persons required to wear or carry electronic monitoring equipment for the purposes of the Act are tracked on a twenty-four (24) hour basis from a control room;

"issuing authority" means the authority which is responsible for issuing an electronic monitoring order;

"Minister" means the Minister responsible for home affairs;

Cap. 516.

"Parole Board" means the Board established under article 8 of the Restorative Justice Act;

"person concerned" means a person who has been issued with an electronic monitoring order under articles 4, 5, 6 or 7;

Cap. 164.

"Police" means the Malta Police Force as established under article 3 of the Police Act;

S.L. 595. 14.

"responsible authority" means the Local Enforcement System Agency established by article 3 of the Local Enforcement System (Establishment as an Agency) Order:

Provided that the responsible authority may delegate some or all of its functions to a contracting party, or enter into a partnership with a contracting party to perform some or all of its functions;

"tamperers" means any act that interferes with or is capable of interfering with the proper functioning of the electronic monitoring equipment or which disrupts, or is capable of disrupting, the transmission of the monitoring tracking signal of the electronic monitoring equipment.

General principles.

S.L. 260. 03.

3. (1) An electronic monitoring order may be issued by a Court following a judgment or by the Correctional Services Agency according to the Prisons Regulations or by the Parole Board:

Provided that an electronic monitoring order shall only be issued if the person concerned gives his consent and signs the form

prescribed under Schedule I.

(2) Wherever the person concerned breaches any of the conditions imposed in the electronic monitoring order, the electronic monitoring order may be reviewed or withdrawn by the issuing authority according to the gravity of the breach:

Provided that although the conditions relating to an electronic monitoring order are listed in Schedule I, when the Court issues such electronic monitoring order, the Court may vary the conditions listed in Schedule I as it may deem appropriate in the circumstances.

4. (1) An electronic monitoring order may be issued by a Court to a concerned person who was sentenced for not more than one (1) year of imprisonment:

Issuance of an electronic monitoring order by the Courts of Justice.

Provided that such order shall not apply where the person concerned is found guilty of an offence which is liable to more than two (2) years of imprisonment, or is an offence or circumstance listed in Schedule III:

Provided further that the electronic monitoring order shall, following the consent and signature of the form established in Schedule I, suspend the person concerned from being confined in prison.

(2) An electronic monitoring order may also be issued by a Court to a person concerned when such person has been issued with an order in terms of articles 382A, 383, 412C and 540A of the Criminal Code. This shall be for the period imposed by the Court for the order issued in terms of articles 382A, 383, 412C and 540A of the Criminal Code:

Cap. 9.

Provided that the consent of the person concerned shall not be required for an electronic monitoring order issued in conjunction with an order in terms of 382A, 383, 412C and 540A of the Criminal Code as provided in Schedule II:

Cap. 9.

Provided further that where a protection order is issued in favour of a victim in accordance with articles 412C or 540A of the Criminal Code, or where the provisions of articles 382A and 383 of the said Code apply, the victim may, subject to his consent, be electronically monitored for his protection.

Cap. 9.

(3) When an electronic monitoring order is issued by the Court, the Court may appoint experts for the purpose of determining and specifying the parameters of such order.

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Issuance of an electronic monitoring order by the Chief Executive Officer of the Correctional Services Agency. S.L. 260. 03.

5. An electronic monitoring order may be issued by the Chief Executive Officer of the Correctional Services Agency in respect of any prisoner who is granted prison leave in accordance with regulation 61 of the Prisons Regulations:

Provided that the electronic monitoring order may be revoked by the Chief Executive Officer of the Correctional Services Agency in respect of prisoners if he deems it appropriate in the circumstances.

Issuance of an electronic monitoring order by the Parole Board. Cap. 516.

6. An electronic monitoring order may be issued by the Parole Board in respect of a prisoner who is granted parole in accordance with the Restorative Justice Act.

Responsible authority.

7. (1) The responsible authority shall procure and maintain electronic monitoring equipment and shall be responsible for:

(a) ensuring a secure system of electronic monitoring, whereby unauthorised persons cannot access data;

(b) monitoring the person concerned and make immediate contact with that person in accordance with prescribed regulations;

(c) retrieving and analysing information, in case it is suspected that the person concerned has breached monitoring conditions, in which case it shall act in accordance with the provisions of this Act, and provide information to the issuing authority;

(d) retrieving information, on a Police request, whenever the person concerned is subject to a criminal investigation; and

(e) reporting any suspected breach of the electronic monitoring order in accordance with this Act.

(2) The responsible authority shall install electronic monitoring equipment and secure any electronic tags to be worn by the person concerned as necessary, while ensuring that electronic tags do not cause physical pain or distress.

(3) The responsible authority may conduct unexpected visits to the place of residence or any place of work or any other premises where the person concerned is to perform any community work or other activity, in order to:

(a) inspect the tag and, or any other equipment relating to electronic monitoring;

(b) carry out maintenance of the said equipment;

(c) verify that the conditions associated with the electronic monitoring order are being observed by the person concerned; or

(d) for any other purpose related to the electronic monitoring order.

8. Notwithstanding the provisions of any other law, the person concerned may be arrested by the Executive Police without a warrant by the Magistrate, taken back to prison by the Correctional Services Officials or by the Executive Police in accordance with any regulations made under this Act.

Arrest or detention of the person concerned following a temporary recall issued pursuant to the regulations.

9. (1) The person concerned shall comply with any order relating to the maintenance of electronic monitoring equipment, in accordance with the instructions issued by the responsible authority.

Person concerned.

(2) The person concerned shall inform the responsible authority should he know or suspect that the electronic equipment is faulty.

10. (1) Any unauthorised person, including the person concerned, who attempts to or knowingly or deliberately tampers with or removes the electronic monitoring equipment device shall be guilty of an offence and shall be liable, on conviction, to imprisonment of not less than six (6) months and not more than two (2) years or a fine (*multa*) of not less than eight hundred euro (€800) and not more than five thousand euro (€5,000) or to both such fine and imprisonment:

Offences.

Provided that it shall be a defence for a person brought before the Court for the removal of the said electronic monitoring equipment to prove to the satisfaction of the Court that the electronic monitoring equipment was removed in a situation of emergency.

(2) Any person who acts in contravention of any provision of this Act in respect of which an offence is not established under any other article of this Act shall be guilty of an offence and shall be liable to imprisonment of not more than six (6) months, or to a fine (*multa*) of not less than two hundred fifty euro (€250) and not more than seven hundred euro (€700), or to both such fine and imprisonment.

11. The Minister may make regulations to give better effect to any of the provisions of this Act and for the better performance of any of the provisions of this Act and, without prejudice to the generality of the foregoing, may by such regulations:

Powers of the Minister to make regulations.

(a) set out procedures in relation to the electronic

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monitoring of persons issued with an electronic monitoring order;

(b) prescribe further conditions pertaining to persons in respect of whom an electronic monitoring order has been issued;

(c) provide for the voluntary electronic monitoring in accordance with the provisions of articles 4, 5 and 6;

(d) amend the Schedules as required.

PART II

Electronic Monitoring Regulator

Electronic
monitoring
regulator.

12. (1) The President shall, acting on the advice of Cabinet of Ministers, appoint an Electronic Monitoring Regulator, who may be

(a) a retired member of the judiciary; or

(b) a retired Attorney General; or

(c) a retired Public Service employee, who served either as a Permanent Secretary or a Director General, or equivalent, for a minimum of three (3) years.

(2) The Regulator shall be appointed for a period of three (3) years and shall be eligible for reappointment. The Regulator shall hold office until his successor is appointed.

(3) The Regulator may only be removed from office by the President acting on the advice of the Cabinet of Ministers on the grounds of proved inability to perform the functions of the office of the Regulator or proved misbehaviour.

(4) The Regulator shall oversee the implementation of the provisions of this Act and its regulations by the responsible authority. The Regulator may carry out inspections, including unannounced inspections, at any premises accessible to the responsible authority, as well as the control room and any other facility operated by the responsible authority in terms of this Act.

(5) The Regulator shall submit to the Minister, by the end of June of the following calendar year, a yearly report on the implementation of the provisions of this Act by the responsible authority, which report shall also include, where necessary, recommendations for improvement, which recommendations may be legislative or operational. The report shall be tabled in Parliament by the Minister.

PART III
Data Protection

13. (1) Nothing in this Act or any other regulations issued thereunder shall prejudice the applicability of the Data Protection (Processing of Personal Data by Competent Authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties) Regulations and the fundamental rights and freedoms of the data subjects.

Data protection.
S.L. 586. 08.

(2) Where the responsible authority in its capacity of data controller processes personal data of the persons concerned, it shall comply with the principles relating to the processing of personal data pursuant to regulation 4 of the Data Protection (Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection or Prosecution of Criminal Offences or the Execution of Criminal Penalties) Regulations. The Electronic Monitoring System shall store the data indicated in Schedule IV.

S.L. 586. 08.

(3) The controller, taking into account the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for the rights and freedoms of the persons concerned, both at the time of the determination of the means for processing and at the time of the processing itself, shall implement appropriate technical and organisational measures, in an effective manner and to integrate the necessary safeguards into the processing, in order to protect the rights of the persons concerned .

(4) Where processing is to be carried out by the processor on behalf of the controller, the controller shall only use processors providing sufficient guarantees to implement appropriate technical and organisational measures pursuant to sub-article (3).

(5) The data protection officer appointed by the controller shall be consulted in a timely manner prior to the implementation of the electronic monitoring system and at the time of the processing operations.

(6) The controller shall ensure that a data protection impact assessment is carried out prior to the implementation of the electronic monitoring system.

(7) The controller shall maintain documentation relating to the processing system, including users and system logs, which shall be made available, upon request to the Commissioner.

14. All the personal data processed for the purpose of this Act and the regulations issued thereunder, shall be retained for a period of one

Retention of
personal data.

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(1) year from the date of termination of the electronic monitoring order.

Authorised
access to the
electronic
monitoring
system.

15. (1) The responsible authority shall ensure that the physical and, or electronic access to the electronic monitoring system is strictly granted to personnel authorised by the Chief Executive Officer based on a role access control mechanism.

(2) The responsible authority shall make the necessary arrangements to enable the Police in the exercise of their duties, to access the information contained in the electronic monitoring system for the purposes of the prevention, investigation, detection and prosecution of criminal offences.

(3) Any access to and use of the electronic monitoring system shall be recorded by means of an audit trail system.

SCHEDULE I
(article 3)

Electronic Monitoring Order Signature Form and Conditions

Date: Today, the

Order made by _____ as
Issuing Authority.

An electronic monitoring order is hereby issued in respect of
..... (name and surname), (ID No./Passport No./
Residence Permit No.), hereinafter referred to as the person concerned.
The person concerned hereby consents and agrees to this order and
undertakes to abide by the Laws of Malta, the provisions of the
Electronic Monitoring Act, and conditions relevant to the order and to
the following conditions:

That he shall be residing at _____

That he shall be allowed to attend work/study at _____

That he retires at indicated residence by not later than _____pm
and that he does not leave the said residence before _____am.

That he shall not confine in the localities of _____

That he does not leave the Maltese Islands without prior consent of
the Issuing Authority.

The person concerned also understands, consents and agrees in this
regard, that he is required to carry out equipment maintenance tasks in
accordance with article 9 of the Electronic Monitoring Act.

The person concerned understands that he may be detained or lose
the benefits incurred as a result of this order in the event of a suspected
breach of conditions, until such time as a decision is taken on the case
in accordance with applicable legislation.

Signed

Issuing Authority

Person Concerned

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SCHEDULE II
(article 4 (2))

Electronic Monitoring Order Form – Order in terms of 382A, 383, 412C and 540A of the Criminal Code.

Date: Today, the

Order made by _____ as
Issuing Authority.

An electronic monitoring order is hereby issued in respect of
..... (name and surname), (ID No./ Passport No./
Residence Permit No.), hereinafter referred to as the person concerned.

The electronic monitoring order is being made in conjunction with
an order in terms of 382A, 383, 412C and 540A of the Criminal Code,
annexed with this form and marked _____.

The person concerned also understands and agrees in this regard,
that he is required to carry out equipment maintenance tasks in
accordance with article 9 of the Electronic Monitoring Act.

The person concerned understands that he may be detained or lose
the benefits incurred as a result of this order in the event of a suspected
breach of conditions, until such time as a decision is taken on the case
in terms of applicable legislation.

Signed

Issuing Authority

Person Concerned

SCHEDULE III
(first proviso to article 4)

Legislation	Chapter or S.L	Provision/ Description
Criminal Code	Cap. 9	article 338(z)
Criminal Code	Cap. 9	article 338(ll)
Criminal Code and Gender-based Violence and Domestic Violence	Cap. 9 and Cap. 581	Any offence that falls under the definition of article 2 of Cap. 581 and any offence committed against the persons listed in article 202(h) and (i) of Cap. 9
Protection of Minors (Registration) Act	Cap. 518	Any person whose name is registered in the Register established in accordance with article 3 of Cap. 518.

SCHEDULE IV
(article 13)

Data stored in the Electronic Monitoring System:

- (a) name and surname;
- (b) identity card number, residence permit number, or passport number or other identification document number;
- (c) residential address (where applicable);
- (d) issuing authority;
- (e) duration of the order;
- (f) conditions to be observed (e.g. curfew, premises that may not be approached by person concerned); and
- (g) location data:

Provided that instead of the information in

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paragraphs (a), (b) and (c), the responsible authority may enter a unique identification number.

Passed by the House of Representatives at Sitting No. 369 of the 23rd July, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives