



Data Subject Access Request Procedure



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1. Introduction

The Local Enforcement System Agency, hereinafter referred to as “LESA” responsibilities are determined by the Public Administration Act by virtue of Legal Notice 153 of 2015. They are generally responsible:

- To provide the enforcement of any law, regulation or bye-law, the enforcement of which has been delegated to regional committees, local councils or to such other local or regional authorities as are designated by the Local Councils;
- To collect penalties, including additional penalties and expenses which may be due to the regional committees or local councils in terms of the Local Government Act;
- To administer and apportion between the local councils constituting the regional committees any net surpluses resulting from enforcement operations in accordance with a formula established by agreement following consultations between the regional committees, the local council's association and the Minister;
- To review the workings of local enforcement;
- To ensure co-ordination of local enforcement activities;
- And to attend to such other matters which are ancillary, incidental or consequential to the matters stipulated in paragraphs (a) to (e) as the Minister may from time to time determine;

The LESA is a statutory local government agency, hence a public authority under the GDPR and the Data Protection Act (CAP 586), having a distinct legal personality and capable of entering into contracts, of suing and being sued, and of doing all such things and entering into such transactions as are incidental or conducive to the exercise and performance of its functions as are allowed under the Act.

2. How to Request your Personal Information

2.1 Your right to access information

You have the right to get a copy of the information that is held about you by the LESA. This is known as a **Subject Access Request**. This right, the **right of access by the data subject**, is set out in Art 15 of the GDPR, as follows:

The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

- (a) the purposes of the processing;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;

(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;

(e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;

(f) the right to lodge a complaint with a supervisory authority;

(g) where the personal data are not collected from the data subject, any available information as to their source;

(h) the existence of automated decision-making, including profiling, and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

2.2 Make a Subject Access Request

The LESA implements and maintains a data privacy complaints process whereby data subjects can contact the Data Protection Officer in cases related to data protection. Other information that a person might require but are classified as complaints not falling under the protection of data of a data subject can be obtained from the Customer Care Office of the LESA, but not limited to:

- Contravention notice/details did not reach the offender
- The amount due on a contravention
- To check about contraventions issued by other entities that are managed by the LESA
- Issues to transfer penalty points
- Number of pending contraventions
- Contravention number
- Date and time of tribunal sitting of a particular contravention
- How to submit a petition and its progress



- Amount of contraventions and dues on a particular vehicle

Only requests where the LESA members of staff will be satisfied that the person requesting the information has identified himself/herself will be entertained. The LESA members of staff have the right to ask for any official document to conduct such verification. If the members of staff are not satisfied with the response, the matter will be referred to the Data Protection Officer who will investigate the case following the receipt of a complaint by means of a Data Subject Request Form.

Other issues related to requests by data subject, or a third party on behalf of a data subject, fall under the GDPR and under the Data Protection Officer's role which includes working with the data subject to bring data protection complaints to a satisfactory conclusion for both parties. Data subjects are also informed of their right to bring their complaint to the Information and Data Protection Commissioner.

To access a copy of the personal data held by the LESA, in relation to you, please complete the **Subject Access Request Application Form** which can be obtained from the LESA Administrative Office or online.

The completed form, along with photographic identification (copy of Identity Card OR Driving Licence OR copy of Passport) and proof of address in the form of any document requested by the LESA, should be delivered to dpo.lesa@lesa.gov.mt, or by hand in a closed envelope to the LESA at the address cited below.

Requests may also be made, via post, by sending the completed application form to:

Data Protection Officer

Local Enforcement System Agency
LESA Administrative Building,
246, Triq Mater Boni Consili,
Fgura FGR1611

Please note that the Data Protection Officer of the LESA will be unable to commence processing your request or provide you with any information about your personal data, if it is not fully satisfied as to your identity.

This is in order to ensure that personal data is not accidentally disclosed to the wrong person.



2.3 When will you receive a reply?

A response will be issued to you as soon as possible and at the latest within one month of receipt of a valid request.

Where a request is received without verifiable identification, or where there is a concern as to the validity of the identification, the time limit for response will not commence until the LESA has verified the identification of the individual making the request.

Where requests are complex or numerous, the LESA may extend the period of compliance by a further two months. If this is the case, the LESA will inform you within one month of the receipt of the request and explain why the extension is necessary.

2.4 Is there a charge for Subject Access Requests?

Subject Access Requests are free of charge. However, the LESA may charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive. The LESA may also charge a reasonable fee to comply with requests for further copies of the same information. The fees must be based on the administrative cost of providing the information, and you will be advised if these apply.

2.5 Are there any reasons for refusing to release personal data?

The LESA may have some grounds for refusing to grant an access request.

- Where a request is deemed manifestly unfounded or excessive, it can be refused.
- There are certain circumstances in which your right to see your personal records can be limited. This is necessary in order to strike a balance between the rights of the individual, on the one hand, and some important needs of civil society, on the other hand. For example, the GDPR gives Member States discretion to restrict, by way of legislative measure, the scope of individuals' rights, including the right of access, where such restriction is necessary and proportionate to safeguard:
 - National security;
 - Defence;
 - Public security;
 - Prevention, investigation or prosecution of offences committed;
 - Public interest objectives of EU or Member State law;
 - Protection of judicial proceedings;
 - Prevention, investigation or prosecution of breaches of ethics;
 - Regulatory function connected with the exercise of official authority;
 - The protection of the data subject; or
 - The enforcement of civil law claims
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2.6 What can you do if you are unhappy with a decision on your access request?

The LESA maintains a complaints process whereby data subjects can contact the Data Protection Officer.

The Data Protection Officer will work with the data subject to try to bring the complaint to a satisfactory conclusion for both parties.

It is also open to you to make a complaint to the Information and Data Protection Commissioner (see contact details below).

3. Contact Details

Data Protection Officer

c/o Local Enforcement System Agency
LESA Administrative Building,
246, Triq Mater Boni Consili,
Fgura FGR1611

Telephone: +356 7957 3417

Email: dpo.lesa@lesa.gov.mt

Data Controller

The Chief Executive Officer
Local Enforcement System Agency
LESA Administrative Building,
246, Triq Mater Boni Consili,
Fgura FGR1611

Telephone: +356 2347 7400

Email: info.lesa@lesa.gov.mt

The Information and Data Protection Commissioner

Level 2, Airways House,
High Street,
Sliema, SLM 1549
Telephone: +356 2328 7100
Email: idpc.info@gov.mt

4. Approvals and sign offs

Document Control	
Approved By	The Chief Executive Officer
Date approved	22 nd June, 2020
Next review date	21 st June, 2021

This procedure will be reviewed on an ongoing basis. The DPO is responsible for initiating each review.

5. Version control

Version	Date	Changes made by	Details
1.0	15 June, 2020	DPO	Draft SARS Procedure