

COUNTRY: MALTA

Theme/ question:	Under the Directive + National Law	Under the GDPR + National law
Legislation	<u>Chapter 440 of the Laws of Malta: Data Protection Act: Act XXVI of 2001</u> And Health Act	The Data Protection Act (Chapter 586 of the Laws of Malta) <u>The Health Act, Chapter 528 of the Laws of Malta</u>
Legal grounds applicable to scientific research purposes	Health data could be processed on the basis of consent, or for scientific research purposes in the public interest (article 16 DPA)	Health data may be processed on the basis of consent and for scientific research purposes (article 6 NDPA).
Safeguards required - Conditions framing the processing of health data for scientific research purposes	<ul style="list-style-type: none"> - Processing of sensitive data was admissible for research purposes if there was a public interest, or an official authority vested to the controller or third party to whom data was disclosed. - Approval of Data Protection Authority after Ethics committee consultation 	GDPR provides for certain safeguards The Data Protection Authority must be consulted in the case of processing of genetic data.
Conditions for further processing of health data	No specific additional conditions	NA
What are the rights of the data subject?	Data subjects had a right to be informed and to access the data.	The GDPR provides the following rights: right to access by the data subject (Article 15); right to rectification (Article 16); right to erasure (Article 17); right to restriction of processing (Article 18); right to data portability (Article 20); as well as a right to object (Article 21).
Possible derogation from the rights of the data subject	Derogation from the obligation to provide information were admissible if it required disproportionate effort or was impossible.	Derogations from the rights of access, to rectification, to restriction of processing and from the right to object are admitted under certain circumstances.