

Annex II: User Guidelines

1. Introduction

Title of Regulations	Data Governance Regulations, 2024
Activity to be regulated	Voluntary data sharing for the benefit of businesses and citizens
Responsible entity	The Malta Digital Innovation Authority

2. Objectives & Purpose of the Legislation

The Data Governance Regulations, 2024, aim to provide the necessary clarity to all involved stakeholders as to which governmental entities shall be responsible for the tasks imposed by the same regulation.

Given the nature of the proposal and that the draft refers to an implementation of an EU regulation with no additional obligations imposed on local stakeholders by virtue of national requirements, stakeholders consulted were the Malta Information Technology Agency (MITA) and the Data Governance Council (DGC).

Following internal consultation, Malta digital Innovation Authority (MDIA) was designated as the competent authority for data intermediation services and for the registration of data altruism organisations and the DGC was nominated as the competent authority to grant or refuse access for re-use data and the single point of contact. In addition to designating the mentioned competent authorities, the legal notice further mentions the right to lodge a complaint, the right to an effective judicial remedy and infringements.

3. Commentary on parts and articles

Regulation number of draft legal notice	Meaning and obligations placed on user
Regulation 3	This regulation designates the DGC as the national competent authority to assist the public sector bodies which grant or refuse access for the re-use of the categories of data referred to in Article 3(1) of the DGA.

	<p>The DGC is empowered to grant access for the re-use of the categories of data referred to in Article 3(1) of the DGA.</p> <p>This is without prejudice to the situation wherein another competent body is designated as the competent body under national law for a particular sector.</p>
Regulation 4	<p>This regulation provides for the right of redress from any decision taken by a competent sector body for the re-use of certain categories of data. The Administrative Justice Act provisions relating to the Administrative Review Tribunal (the Tribunal) shall apply to the proceedings before the Tribunal and any appeals from the decisions of the Tribunal.</p>
Regulation 5	<p>This regulation states that the DGC shall be the body designated as the single information point. Persons may send enquiries or requests for the re-use of the categories of data referred to in Article 3(1) of the DGA.</p>
Regulation 6(1)	<p>This regulation designates the MDIA as the competent authority for data intermediation services and for the registration of data altruism organisations and gives the MDIA all powers required for the purposes of the DGA.</p>
Regulation 6(2)	<p>The regulation empowers the MDIA to monitor compliance of data intermediation services providers and recognised data altruism organisations in accordance with the DGA. This is without prejudice to the MDIA Act.</p>
Regulation 7	<p>This regulation on the right to lodge a complaint holds that, persons may lodge a complaint in relation to any matter falling within the scope of the DGA, either individually or with the MDIA against a data intermediation services provider or against a recognised data altruism organisation.</p>

Regulation 8	This regulation on the right to an effective judicial remedy applies Part IX of the MDIA Act to the legally binding decisions taken by the MDIA under Articles 14, 19 and 24 of the DGA and a failure of the MDIA to act on a complaint lodged with it.
Regulation 9(1)	This regulation applies parts of the MDIA Act to certain infringements of the obligations regarding transfers of non-personal data to third countries, the notification obligation of data intermediation services providers, the conditions for providing data intermediation services and the conditions for the registration as a recognised data altruism organisation pursuant to the DGA
Regulation 9(2)	This regulation lists the criteria for the imposition of administrative penalties on data intermediation services providers and recognised data altruism organisations.
Regulation 9(3)	This regulation holds that prior to initiating proceedings in relation to infringements relating to transfers of non-personal data to third countries, the MDIA may, at its discretion, consult with the DGC or any other person.

4. Concluding Section

Should more information be required kindly contact the MDIA on +356 21828800 or at info@mdia.gov.mt.

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