

General Complaints received by Data Subjects to Data Controllers

Members of the public (data subjects) may send requests or complaints directly to a particular Ministry, Department or entity (Data Controller) (e.g. the request is sent to the Minister or the Permanent Secretary or the Permanent Secretary's Office). In order to provide feedback this is then forwarded to the relevant official.

The request/complaint may be forwarded **internally**.

A data breach, in terms of the GDPR, occurs when the request/complaint containing personal data is forwarded to another Data Controller without the consent of the data subject.

All officials are to ensure that safeguards are in place before further processing occurs.

Complaints received by data subjects can be classified into two categories:

1. The request/complaint received is not of a personal nature and therefore can be looked into, investigated and resolved without the need to divulge the identity of the data subject and any other personal details which the request/complaint may contain. These could include general complaints relating to a particular government service.

In such cases, the Data Controller can forward the complaint in an **anonymised** manner to the Data Controller responsible to handle and resolve the issue. Once a conclusion is reached, the person who had originally received the email from the data subject can reply to the latter and provide feedback. By following this procedure, personal data or confidentiality breaches are completely avoided.

Note: If for a justified reason, the third party requests the identity of the data subject or other personal data contained in the request/complaint, consent needs to be obtained from the data subject, before such data can be forwarded.

2. The request/complaint received is of a personal nature concerning directly the data subject or other persons and thus, to be processed, examined and resolved, the data subject's identity and/or other persons' details need to be forwarded to another Data Controller to resolve the case.

For this category, consent from the data subject is **mandatory**. The person receiving this type of request/complaint must request consent from the data subject in order to be able to forward the complaint to the appropriate party (i.e. to the relevant Data Controller) so that the matter can be looked into.

Kindly refer to [Appendix I](#) for the template of the Consent Form that can be utilised. Justified retention periods need to be set for every record held, including for requests/complaints and other related documentation containing personal data.

When such complaints are sent through official **social media apps** (such as Facebook, WhatsApp, Instagram, etc.), as far as possible, the information should be processed without divulging personal data. If this is not feasible, the two scenarios stated above will apply. If the consent is requested, then a screenshot of the message containing the consent should be kept as evidence.

Appendix I

<Please insert letterhead>

Jien, _____ (isem u kunjom), numru ta' identifikazzjoni _____, qed nagħti l-kunsens tiegħi sabiex tiġi proċessata l-informazzjoni personali tiegħi; dan sabiex il-każ tiegħi jingħata l-attenzjoni meħtieġa.

Id-data personali ser tiġi proċessata skont ir-Regolament Ġenerali dwar il-Protezzjoni tad-Data (UE) 2016/679 u l-Att dwar il-Protezzjoni u l-Privatezza tad-Data (Kap 586). Għal aktar informazzjoni, jekk jogħġbok, aċċessa l-Politika dwar il-Protezzjoni tad-Data fuq *<ikteb il-ħolqa hawnhekk>*.

I, _____ (name and surname), identification number _____, am giving my consent for my personal information to be processed; for the purpose of taking the necessary action with reference to my case.

Personal data shall be processed as per the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act (Cap 586). For further information kindly access our Data Protection Policy on *<insert link>*.