

CDP/COMP/251/2025

Vs

COMPLAINT

1. On the 12th May 2025 [REDACTED] (the “complainant”) lodged a data protection complaint pursuant to article 77(1) of the General Data Protection Regulation¹ (the “Regulation”), alleging that the [REDACTED] (the “controller” or the [REDACTED]) failed to provide him with a copy of all his personal data undergoing processing, after exercising his right of access in terms of article 15 of the Regulation on the 21st January 2025 and the 23rd January 2025.
2. The complainant provided the Commissioner with the following information:
 - a. that, on the 21st January 2025, the complainant submitted a subject access request in his personal name to the controller;
 - b. that, on the 23rd January 2025, the complainant submitted another subject access request for access to his personal data that the controller processed in his capacity as a director of [REDACTED];
 - c. that the complainant had initially not received an acknowledgment, which prompted him to make several follow-ups to the controller, and it was only after several calls that he finally received an acknowledgement in relation to his requests;

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

- d. that one (1) month following the date of the requests, the complainant received an email stating that the controller requires more time since the requests involve a large volume of personal data;
 - e. that three (3) months following the requests, the complainant received an email with two (2) zip files, which contained a small part of the data which the controller holds about him personally and about the company for whom the complainant acts as a director; and
 - f. that the controller provided the following information: (i) the internal correspondence between employees of the controller and the complainant; and (ii) the redacted meeting minutes where the complainant was the subject of the meeting.
3. The complainant submitted several emails which were exchanged between himself and the employees of the controller in connection with the requests. The contents of such correspondence are being reproduced hereunder:

Date of the Email	Contents of the Email
21 st January 2025	The complainant sent an email to the Data Protection Officer of the controller exercising his right of access in terms of article 15 of the Regulation: <i>"I wish to make access request under Article 15 of the General Data Protection Regulation (GDPR) for a copy of any information you keep about me, on computer or in manual form in relation to myself as per Malta ID card number, email address and mobile number mentioned above."</i>
23 rd January 2025	The controller acknowledged receipt of the email dated the 21 st January 2025.
23 rd January 2025	The complainant sent his second request dated the 23 rd January 2025, in which the complainant requested the controller to provide <i>"the same for a company of which I am a Director, namely [REDACTED]"</i>

29 th January 2025	<p>The complainant sent another email to the Data Protection Officer stating that:</p> <p><i>“May I please be precise that the request for access to personal data includes internal emails/correspondence/data exchanged among employees and any other documents/data/notes or briefs written about me or that mention me. This also includes communications log and information shared with third parties”.</i></p>
30 th January 2025	<p>The controller acknowledged receipt of the email dated the 29th January 2025.</p>
19 th February 2025	<p>The controller informed the complainant that <i>“additional time is required to provide a response and we will revert back within the extended timeframe provided in Article 12(3) of the GDPR.”</i></p>
19 th February 2025	<p>The complainant argued that the <i>“email does not include the reasons for the delay as requested by law”</i>, and, for this reason, the complainant requested the controller to submit the reason for extending the timeframe of one (1) month.</p>
21 st February 2025	<p>The controller informed the complainant that <i>“[p]lease be advised that the extension is required in view of the complex nature and the multiple requests submitted. Furthermore, the requests involve a large volume of data with broad range of information”</i>.</p>
21 st April 2025	<p>The controller provided the response to the subject access requests:</p> <p><i>“Following a thorough review of our records, we confirm that the [REDACTED] processes your personal data. Such processing is carried out in accordance with the law and the [REDACTED] Privacy Notice, and pertain to regulatory, enforcement, and employment matters. The processing of this personal data is essential to ensure compliance with applicable laws and regulations, maintain the integrity of financial systems, and uphold public trust. Specifically, this processing enables the [REDACTED] to:</i></p>

- *Regulate, monitor, and supervise financial services – Overseeing financial service providers to ensure adherence to legal and regulatory standards.*
- *Promote consumer interests – Safeguarding the rights and interests of consumers in the financial sector.*
- *Investigate unauthorised financial activities – Identifying and addressing activities conducted without the necessary authorisations.*
- *Assess fitness and properness – Evaluating individuals applying for roles within regulated financial entities to determine their suitability.*

Personal data may be disclosed to other competent authorities or other entities as permitted or required by law and in compliance with the requirements of the GDPR.

ensures that all personal data shall be retained in accordance with the GDPR, that is, for no longer than is necessary, having regard to the purposes for which they are processed. Kindly note that the personal data relating to you is currently subject to a legal hold due to ongoing court proceedings. The data will be retained for as long as necessary to comply with legal obligations.

The requested personal data is attached to this email.

Please note that certain information has been withheld from disclosure, as necessary for the establishment, exercise or defence of a legal claim (including Case Ref: and for legal proceedings which may be instituted under any law. In accordance with Regulation 4(e) of Subsidiary Legislation 586.09, restrictions on the right of access may be applied where necessary to safeguard judicial proceedings and legal processes. Additionally, some data has been redacted to protect the rights and freedoms of other data subjects, as permitted under Article 15(4) of the GDPR.”.

21 st April 2025	<p>On the same day, the complainant expressed his disagreement and wrote as follows:</p> <p><i>"I confirm that today 21st April 2025, hence 3 months after my first request, I received an email with 2 zip files.</i></p> <p><i>I downloaded the zip files and it comes as no surprise that I was not provided with the data requested. You have been very selective, evasive and also unfair in carrying out a simple exercise for data request. The following data, amongst others, is missing:</i></p> <ol style="list-style-type: none"> <i>1. The internal correspondence between [REDACTED] officials whereby myself or [REDACTED] are mentioned.</i> <i>2. Almost all minutes are redacted with specific sections discussing myself and [REDACTED] blacked out (e.g. exo minutes 01/07/2020 Page 4)</i> <i>3. A document (hard copy) which I handed to [REDACTED] in July 2020 is not included.</i> <i>4. Recordings of Phone calls of [REDACTED] officials with the undersigned and [REDACTED] are missing.</i> <i>5. The recording of an online meeting set up by [REDACTED] with [REDACTED] on 16 June 2020 is not included.</i> <i>6. The license/s of [REDACTED] shown on the [REDACTED] portal are missing.</i> <i>7. The list of meetings and relative minutes of [REDACTED] officials with third parties about myself and [REDACTED] are missing.</i> <i>8. [REDACTED] internal correspondence or memos about my application for [REDACTED] vacancies are missing.</i> <i>9. The [REDACTED] memos mentioned in the minutes are missing.</i> <i>10. The data copied from the computers and servers at [REDACTED] offices in January 2017 is missing.</i> <i>11. The data redacted from the minutes does not concern third parties so this should not be blacked out.</i> <i>12. Email correspondence between [REDACTED] officials and [REDACTED] is missing.</i>
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	<p><i>I ask for the above data to be provided immediately.</i></p> <p><i>There are no legal proceedings by [REDACTED] against the [REDACTED] so the excuse of Regulation 4(e) of Subsidiary Legislation 586.09 does not apply..." [underlined by the complainant].</i></p>
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4. The complainant submitted to the Commissioner that the controller failed to provide him with access to the following information:

"1. The internal correspondence between [REDACTED] officials and myself. I sent to and received emails from [REDACTED].

2. [REDACTED] provided me with redacted minutes of meetings where I was the subject of the meeting. These minutes are blacked out. (eg [REDACTED] minutes 01/07/2020 Page 4). The sections redacted have been selectively chosen by [REDACTED] without any justification whatsoever.

3. Recordings of Phone calls of [REDACTED] officials with the undersigned are missing.

4. [REDACTED] internal correspondence and memos where my name is mentioned are missing.

5. The recording of an online meeting set up by [REDACTED] with myself on 16 June 2020 is not included.

6. The list of meetings and relative minutes of [REDACTED] officials with third parties about me are missing. Meeting where held but I do not have the list of meetings.

7. [REDACTED] internal correspondence or memos about my application for [REDACTED] vacancies are missing. I applied for Analyst within Strategy, Policy & Innovation, Analyst within Due Diligence, Analyst (Financial Stability – Banking sector), Junior Analyst (Funds), Junior Analyst (Due Diligence).

8. The [REDACTED] memos mentioned in the minutes are missing.

9. The data copied by [REDACTED] from my personal computer in a surprise visit in January 2017 is missing.

10. The data redacted from the minutes does not concern third parties so this should not be blacked out".

INVESTIGATION

A. Request for submissions

5. As part of the internal investigative procedure of this Office, the Commissioner provided the controller with a copy of the complaint, including all the supporting documentation provided by the complainant, and enabled the controller to submit any information that it deemed relevant and necessary for the purpose of defending itself against the allegation raised by the complainant. In addition, pursuant to article 58(1)(e) of the Regulation, the Commissioner ordered the controller to provide the following information:
 - a. to justify the necessity as to why the controller extended the period to provide a response by two (2) further months;
 - b. to clearly state how the restriction invoked by the controller in terms of regulation 4(e) of the Restriction of the Data Protection (Obligations and Rights) Regulations, (the “**Subsidiary Legislation 586.09**”) is a necessary and proportionate measure; and
 - c. to specify which categories of personal data pertaining to the complainant were restricted by the controller.
6. By means of a letter dated the 30th June 2025, the controller provided the following submissions for the Commissioner to consider during the legal analysis of the case:

Justification for the Extension of the One-Month Period

- a. that the controller received two (2) subject access requests from the complainant, which are summarised as follows: (i) the first request, received on the 21st January 2025, in which the complainant requested a copy of any information which the controller keeps about the complainant; (ii) the second request, dated the 23rd January 2025, in which the complainant requested information regarding [REDACTED] a company which was authorised by the [REDACTED] (iii) on the 29th January 2025, the complainant clarified that both requests include “*internal emails/correspondence/ data exchanged among employees and any other documents/data/notes or briefs written about me or that mention me*”;

- b. that due to the complex nature of the requests which resulted in a broad range of information and large volumes of records generated across several functions, the complainant was informed on the 21st February 2025 that an extension was necessary in line with the requirement of article 12(3) of the Regulation; and
- c. that the complainant was also informed that *“the extension is required in view of the complex nature and the multiple requests submitted. Furthermore, the requests involve a large volume of data with a broad range of information”*;

Specification of Personal Data Restricted

- d. that the records which were restricted in full or in part included: (i) records directly related to ongoing court proceedings, specifically proceedings in the Constitutional Court instituted by the complainant and [REDACTED] against the [REDACTED] and the [REDACTED] (Case ref: [REDACTED], as well as other proceedings; (ii) personal data of third parties intertwined with the data of the complainant; and (iii) minutes of internal meetings involving multiple stakeholders where redaction was necessary to protect third-party data;

Unredacted meeting minutes dated the 23rd March 2016, the 22nd February 2017, and the 1st July 2020

- e. that the complainant was provided with a redacted version of these minutes as they refer to other matters that were discussed on the respective dates, and which do not pertain to, or relate to the complainant;

Necessity and proportionality assessment

- f. that the controller carried out a thorough and meticulous necessity and proportionality assessment, reviewing each individual record prior to applying such restriction;

Justification under regulation 4(e) of Subsidiary Legislation 586.09

- g. that the restriction of certain categories of personal data was applied in terms of regulation 4(e) of Subsidiary Legislation 586.09, which permits such measures where it is necessary and proportionate *“for the establishment, exercise or defence of a legal claim and for legal proceedings which may be instituted under any law”*;

h. that the restriction measures ensure that premature disclosure does not interfere with the judicial process of such cases, and in this case, the measure was resorted to in view of the below list of court proceedings:

- (i) Application filed in the Constitutional Court by [REDACTED] and [REDACTED] against the [REDACTED] and the [REDACTED] (case ref. [REDACTED]);
- (ii) [REDACTED] (case ref. [REDACTED] – Constitutional Court (Civil Section) – Ongoing);
- (iii) [REDACTED] (case ref. [REDACTED] – Constitutional Court (Civil Section) – Ongoing);
- (iv) [REDACTED] (case ref. [REDACTED] – Court of Appeal (Inferior) – Ongoing – “*Provi Attur*”);
- (v) [REDACTED] (case ref. [REDACTED] – First Hall of the Civil Court – “*Provi*”);
- (vi) [REDACTED] (case ref. [REDACTED] – Court of Magistrates (Civil Jurisdiction) – “Final Oral Submissions” – ongoing);
- (vii) [REDACTED] (case ref. [REDACTED] – First Hall of the Civil Court – ongoing – “*Stadju ta’ Provi*”);
- (viii) [REDACTED] (case ref. [REDACTED] – First Hall of the Civil Court – “*Kontinwazzjoni*” – next sitting set for 3rd June 2025; and
- (ix) [REDACTED] (case ref. [REDACTED] – First Hall of the Civil Court).

i. that the controller considers that article 15 of the Regulation should never be used as a means of “*discovery*” to acquire evidence that can be used in separate legal claims and the

disputes listed above will be handled in the appropriate forum, and if either Court feels that the controller must produce any further documents, these will be provided as the controller did in previous sittings; and

- j. that the controller is concerned to note that the complainant is on a fishing expedition and is using data protection law as a means of retaliation against the controller.

B. Submissions of the complainant

7. By means of a letter dated the 3rd July 2025, the complainant submitted the following arguments:

- a. that the request for data access to the controller has been made in the personal name of the complainant and not in the name of any company where he holds the position of a director, namely, [REDACTED];
- b. that there are no court proceedings of any nature by the company that the complainant represents against the [REDACTED] and this is also confirmed by the [REDACTED] himself in the submissions provided to the Commissioner;

Justification for the Extension of the One-Month Period

- c. that the controller is factually wrong in referring to an extension of a one-month period because the extension was of two (2) months, and the controller only provided the complainant with the reason for the delay following the complainant's insistence for a reason;
- d. that despite employing five hundred and fifty (550) employees, it took the controller three (3) months to reply to the request, and in doing so, the controller did not provide the complainant with the full requested data;

Specification of Personal Data Restricted

- e. that the European Data Protection Board states that the "*controllers should not assess "why" the data subject is requesting access, but only "what" the data subject is requesting (see section 3 on the analysis of the request) and whether they hold personal data relating to that individual (see section 4). Therefore, for example, the controller*

should not deny access on the grounds or the suspicion that the requested data could be used by the data subject to defend themselves in court in the event of a dismissal or a commercial dispute with the controller”;

Unredacted meeting minutes dated the 23rd March 2016, the 22nd February 2017, and the 1st July 2020

- f. that the complainant provided the Commissioner with the redacted minutes and it is clear that the blacked-out parts are not related to any third party as alleged by the controller;

Necessity and proportionality assessment

- g. that the complainant respectfully submitted that it is the role of the Commissioner to decide whether the controller carried out its duty as per law; and

Justification under regulation 4(e) of Subsidiary Legislation 586.09

- h. that the controller gave a list of court cases whereby the controller is not involved and therefore, the controller is not a party to these cases, and therefore, one cannot understand why the controller attempted to use such an excuse in order not to provide the complainant with the requested data.

C. Final submissions of the controller

- 8. Pursuant to the internal investigative procedure, the controller was provided with the opportunity to rebut the arguments of the complainant. By means of a letter dated the 24th July 2025, the controller submitted the following arguments for the Commissioner to consider during the legal analysis of the case:

Justification for Extension of One-Month Period

- a. that the controller submitted that it was already amply clear in its prior submissions that the “one-month period” is the initial one (1) month period within which the controller must reply to the data subject – this period is not referring to the extension that was later notified

to the data subject within the initial one (1) month period and at no point did the controller indicate that the extension was going to be one (1) month;

- b. that the controller reiterated that it had already provided the relevant records which the complainant had requested and to which he is entitled, subject to legal restrictions highlighted by the controller in terms of article 23 of the Regulation and Subsidiary Legislation 586.09;

Specification of Personal Data Restricted

- c. that, by way of example, the controller highlighted a few instances where the data being requested was either provided to the complainant or else cannot be provided;
 - (i) “[t]he internal correspondence between [REDACTED] officials and myself. I sent to and received emails from [REDACTED] – the controller submitted that the complainant did not indicate which correspondence he is referring to, however, he was sent a copy of several records constituting correspondence between [REDACTED] officials and the complainant or vice versa;
 - (ii) “[REDACTED] provided me with redacted minutes of meetings where I was the subject of the meeting. These minutes are blacked out (eg. [REDACTED] minutes 01/07/2020 Page 4). The sections redacted have been selectively chosen by [REDACTED] without any justification whatsoever” – that all information blacked out in the minutes provided to the complainant did not pertain to the complainant as can be attested to by the Commissioner;
 - (iii) “[REDACTED] internal correspondence and memos where my name is mentioned are missing” – the controller argued that the complainant is not indicating which internal correspondence/memos he is referring to. The controller reiterated that all the restrictions that were imposed were based on article 23 of the Regulation and Subsidiary Legislation 586.09. Furthermore, the controller submitted that a copy of the record entitled “Declined_Alignment on LMS_R” which was an internal correspondence between two [REDACTED] officials stating “I cannot make it as I will be in court for the [REDACTED] testimony ...” was given to the complainant with the names of the [REDACTED] officers involved redacted;

- (iv) "[REDACTED] internal correspondence or memos about my application for [REDACTED] vacancies are missing. I applied for Analyst within Strategy, Policy & Innovation, Analyst within Due Diligence, Analyst (Financial Stability – Banking Sector), Junior Analyst (Funds), Junior Analyst (Due Diligence)" – the controller provided that these vacancies are mentioned in the affidavit which the complainant filed in Court in relation to the ongoing Constitutional Court case. The [REDACTED] [REDACTED], Head of Function, had in fact testified in Court multiple times in relation to these job applications;
- (v) "The data copied by [REDACTED] from my personal computer in a surprise visit in January 2017" – the controller clarified that the [REDACTED] did not copy any data from any personal computer and did not carry out any surprise visit in January 2017. The controller conducted a surprise visit on the 27th January 2016 at the offices of [REDACTED] [REDACTED] which were located at [REDACTED] [REDACTED]. During the visit, the [REDACTED] notified the company's Directors through an official notice that was read and handled physically to the Directors at the start of such a visit. This notice was issued as per article 13 of the Investments Services Act and specified that the [REDACTED] required "log in details and passwords of the company's I.T. systems, access such systems". The Directors were also informed that the [REDACTED] will be taking "copies of any information, documentation, data and records by [REDACTED] in whatever form, including electronically". The controller reiterated that all such data is a copy of the data which were present on the IT systems of [REDACTED] at the time of the [REDACTED]'s onsite inspection. This means that the source of such data was [REDACTED] [REDACTED] itself and the complainant already knows fully well that the controller has a copy of such data and what such data entails since presumably he still has this same data on [REDACTED] servers and/or computers;
- (vi) "The data redacted from the minutes does not concern third parties so this should not be blacked out" – the controller noted that the complainant had modified his list of ten (10) points as listed in his complaint and which originally referred to data pertaining to his company, such that it now instead refers to data pertaining to him directly. Moreover, the fact that [REDACTED] has made no legal claim against the controller is rendered moot since the complainant himself, in his personal capacity, has an ongoing Constitutional Court case against the controller. In the application filed in Court in relation to this case, the complainant

and the other party had made several allegations against the controller. This is not a hypothetical scenario at all. The restrictions are invoked in light of actual legal proceedings and not on a hypothetical basis. Moreover, the complainant is entirely incorrect when he stated that “*Hiding behind this excuse to restrict access to data held by [REDACTED] about the company should not be allowed*”. A data subject access request can only be used to request personal data pertaining to an individual and cannot and should not ever be used to obtain information about a company;

Unredacted meeting minutes dated the 23rd March 2016, the 22nd February 2017, and the 1st July 2020

- d. that the controller reiterated that all blacked out scenarios related to third parties were entirely irrelevant to the complainant and the internal meetings held by the controller would obviously discuss various different issues, many of which would have absolutely no connection to the complainant;
- e. that it is unclear to which redacted minutes of the 27th February 2019 – should the minutes in question be those of the [REDACTED] dated the 27th February 2019, the controller noted that these were submitted in Court as part of the ongoing Constitutional Court case on the 20th January 2025 and were also included among the three hundred and thirty five (335) records disclosed to the complainant on the 21st April 2025;

Justification under regulation 4(e) of S.L. 586.09

- f. that despite the controller not being directly involved in some of the Court cases listed, the controller has been and may still be called as a witness to testify in these proceedings involving [REDACTED], a company that was licensed by the [REDACTED] in which the complainant is a director, and therefore, it is self-evident that certain personal data which the complainant is requesting, could, if provided by the controller, be prejudicial to such ongoing legal proceedings.

D. Final submissions of the complainant

- 9. Given that the controller raised new arguments in its submissions dated the 24th July 2025, the Commissioner provided the complainant with a copy of the controller’s submissions and enabled the complainant to rebut such arguments. The complainant submitted the following arguments:

- a. that there have been two (2) requests for data access to the controller and these are distinct and separate, and the complainant expects that both requests are dealt separately – one request has been made in his personal name, and the other request has been made in his capacity as a director of [REDACTED];
- b. that there are no court proceedings of any nature by [REDACTED] against the [REDACTED], and this has also been confirmed by the [REDACTED] in his letter addressed to the Commissioner on the 30th June 2025;
- c. that, in addition, with reference to point 1 of the complaint, the complainant referred to “*internal correspondence between [REDACTED] officials and myself. I sent to and received emails from [REDACTED]*” – the complainant submitted that over the past years, he communicated with the controller using the following email addresses, [REDACTED] and [REDACTED];
- d. that the request of the complainant related to a copy of all the data where these email addresses feature and any communication between [REDACTED] officials and the above-mentioned email addresses should be made available;
- e. that any communication, memos, briefs, reports etc. between [REDACTED] officials or drawn up by [REDACTED] officials that refer to the above-mentioned addresses should be made available as these data are purely about the complainant within [REDACTED] and the controller holds thousands of emails of [REDACTED]

Justification for Extension of One-Month Period

- f. that in relation to point (a) of the submissions pertaining to the controller, the complainant argued that the submissions of the controller confirm that the [REDACTED] requested an extension of two (2) months and not of one (1) month;

Specification of Personal Data Restricted

- g. that the controller tried to justify why the requested data are not being provided in full and tried to attribute this to the constitutional court case which the complainant lodged in his personal name against the controller;

- h. that the complainant reiterated that [REDACTED] does not have any legal proceedings against the controller. The complainant rebutted the following points:
- (i) “[t]he internal correspondence between [REDACTED] officials and myself. I sent to and received emails from [REDACTED]” – This has been explained in points (c), (d) and (e) of paragraph 9 of this decision;
 - (ii) “[REDACTED] provided me with redacted minutes of meetings where I or [REDACTED] were the subject of the meeting. These minutes are blacked out. (eg. [REDACTED] minutes 01/07/2020 Page 4). The sections redacted have been selectively chosen by [REDACTED] without any justification whatsoever” – The [REDACTED] argued that all the information blacked out in the minutes does not pertain to the complainant and this is a lie. The complainant submitted a copy of the redacted minutes dated the 22nd February 2017 whereby on pages 17 and 18, the controller blacked out data about [REDACTED] that does not relate to third parties;
 - (iii) “Recordings of Phone calls of [REDACTED] with the undersigned are missing” – The [REDACTED] completely ignored this point and the complainant reiterated the request for his personal data;
 - (iv) “[REDACTED] internal correspondence and memos where my name is mentioned are missing” – There is internal correspondence between [REDACTED] officials about [REDACTED] and the complainant, and this can easily be proved. The complainant applied for several vacancies at the [REDACTED], and his applications should have been evaluated and given a scoring through a fair and transparent human resources engagement exercise. The name of the complainant must have appeared in some scoring sheet or evaluation exercise;
 - (v) “The recording of an online meeting set up by [REDACTED] with myself on 16 June 2020 is not included” – The complainant submitted that the [REDACTED] completely ignored this point and reiterated his request for this data;
 - (vi) “[REDACTED] internal correspondence or memos about my application for [REDACTED] vacancies are missing. I applied for Analyst within Strategy, Policy & Innovation, Analyst within Due Diligence, Analyst (Financial Stability – Banking sector), Junior Analyst (Funds), Junior Analyst (Due Diligence)” – An official of the

controller testified in court and refused to answer why the complainant was never given the opportunity to attend an interview. However, when the official was pressed to answer, the official claimed that the complainant is overqualified for all the vacancies he applied for. The complainant submitted that his applications should have been evaluated and given a scoring through a fair and transparent human resources engagement exercise;

- (vii) *"The [REDACTED] memos mentioned in the minutes are missing"* – The controller completely ignored this point, and the complainant further reiterated that he requests access to these data;
- (viii) *"The data copied by [REDACTED] from my personal computer in a surprise visit in January 2017 is missing"* – The complainant submitted that "2017" should have read "2016" and this was a typo. The complainant further argued that the official notice mentioned by the controller is missing and was not provided to him. The complainant submitted that [REDACTED] officials copied data from all computers at the building whether it was from a personal computer or a company server. This included personal photos, personal emails, and family matters;
- (ix) *"The data redacted from the minutes does not concern third parties so this should not be blacked out"* – In its submission, the controller argued that all the information blacked out in the minutes does not pertain to the complainant. According to the complainant, this is a lie. Therefore, the complainant requested the Commissioner to investigate this allegation and see for himself that the data blacked out is not related to third parties;

Justification under regulation 4(e) of S.L. 586.09

- i. that the controller gave a list of court cases whereby the [REDACTED] is not involved, and therefore, the complainant argued that the arguments presented by the controller are purely hypothetical; and
- j. that the controller is using wording, such as, "may" or "could" – this is pure guessing by the controller who should know better and ensure that the authority is led by fairness and transparency and not hidden agendas.

E. Further clarifications sought from the complainant

10. After reviewing the submissions of the complainant dated the 2nd September 2025, the Commissioner requested the complainant to substantiate his allegation made in relation to the first point of the complaint, namely, *“internal correspondence between [REDACTED] officials and myself”*. In particular, the Commissioner requested the complainant to provide him with any correspondence exchanged with the controller that contained his personal data but was not provided to him by the controller in response to his subject access request.
11. By means of an email dated the 3rd September 2025, the complainant submitted two (2) examples of correspondence between himself and the controller. The complainant further argued that *“[t]here are hundreds of such emails. I was not presented with these emails. The data was personal given that [REDACTED] took decisions against me personally”*. In addition, the complainant attached a copy of an invitation sent by the controller to attend a meeting dated the 16th June 2020. The complainant alleged as follows: *“This online meeting was recorded by [REDACTED] The meeting was about me personally. During the meeting, the [REDACTED] [REDACTED] I was not given a copy of this recording. I am requesting a copy of that recording. I believe that you understand why [REDACTED] does not want to provide me with such data”*.

F. Onsite inspection held by the Commissioner

12. The Commissioner requested the controller to schedule a meeting for the purpose of inspecting the documents containing the personal data pertaining to the complainant and which were restricted in terms of regulation 4(e) of Subsidiary Legislation. The meeting took place on the 22nd August 2025, during which the controller granted the Commissioner unrestricted access to the documents.
13. During this meeting, it emerged that some of the information requested by the complainant was not held by the controller. Consequently, the Commissioner requested the controller to submit a sworn declaration confirming that some of the information which the complainant claimed that it had not been provided was, in fact, not held by the controller. The Chief Executive Officer of the [REDACTED], [REDACTED], by means of a sworn declaration dated the 29th October 2025, confirmed that:

"I hereby confirm, to the best of my knowledge, that at the time of receipt of the data subject request from [REDACTED] on 21st January, the

[REDACTED] did not hold:

[1] Recordings of phone calls between [REDACTED] officials and [REDACTED] predating his data subject access request;

[2] Recording of a meeting held online between [REDACTED] and [REDACTED] on the 16 June 2020; and

[3] Minutes of meetings held between [REDACTED] and third parties relating to [REDACTED]".

LEGAL ANALYSIS AND DECISION

Preliminary considerations

14. The Commissioner examined the contents of the complaint, in which, the complainant submitted that *"1 month after submitting the requests, I received an email saying that they require more time. I asked for the reason and they replied that the requests involved a large volume of data. 3 months after the submission of the requests, I received an email with 2 zip files"*. After assessing the supporting documents provided by the complainant along with his complaint, the Commissioner observed that the complainant submitted two (2) requests for access to information:

- a. the first request dated the 21st January 2025, in which the complainant requested the controller to provide a *"copy of any information you keep about me, on computer or in manual form"*; and
- b. the second request dated the 23rd January 2025, in which the complainant requested the controller to provide *"the same for a company of which I am a Director, namely [REDACTED]"*.

15. The Commissioner clarifies that article 15(3) of the Regulations grants data subjects the right to receive a complete copy of their personal data undergoing processing, irrespective of whether the controller processes such data in the complainant's personal capacity or in the complainant's role as a director of [REDACTED]. This is also in accordance with the

Guidelines 01/2022² of the European Data Protection Board (the “EDPB”), which provides that:

“Unless explicitly stated otherwise, the request should be understood as referring to all personal data concerning the data subject and the controller may ask the data subject to specify the request if they process a large quantity of data.” [emphasis has been added].

16. The Commissioner emphasises that the right of access does not extend to information relating to legal persons, such as [REDACTED] Recital 14 of the Regulation provides that “[t]his Regulation does not cover the processing of personal data which concerns legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person”. However, any information held by the controller that includes the personal data of the complainant falls within the scope of the subject access request.
17. Accordingly, there was no need for the complainant to submit two separate subject access requests. For the purposes of this legal analysis, the Commissioner will treat the matter as a single subject access, through which the complainant sought a complete copy of his personal data in terms of article 15(3) of the Regulation.

Time limit for a response

18. The complainant submitted that the controller extended the response period by an additional two (2) months, resulting in a reply being issued three (3) months after the initial request was submitted by the complainant. The Commissioner assessed the supporting documentation submitted in conjunction with the complainant and established the following timeline:

Date	
21 st January 2025	The complainant submitted the subject access request in terms of article 15 of the Regulation, wherein he requested the controller to provide him with access to his personal data.

² Guidelines 01/2022 on data subject rights - Right of access, Version 2.1, adopted on the 28th March 2023, page 4.

19th February 2025	The controller informed the complainant that “ <i>additional time is required to provide a response and we will revert back within the extended timeframe provided in Article 12(3) of the GDPR</i> ”. On the same day, the complainant requested the controller to “ <i>inform me of the reasons for the delay</i> ”.
21st February 2025	The controller informed the complainant that “[p]lease be advised that the extension is required in view of the complex nature and the multiple requests submitted. Furthermore, the requests involve a large volume of data with a broad range of information”.
21st April 2025	The controller provided its response to the complainant.

19. Article 12(3) of the Regulation imposes stringent deadlines on controllers, wherein controllers are required to provide a response to a subject access request within the time-limits established by law. Article 12(3) of the Regulation reads as follows:

“The controller shall provide information on action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.” [emphasis has been added].

20. As a general rule, a response must be provided within one (1) month from the date of receipt. However, this period may be extended by an additional two (2) months where necessary, provided the controller is able to demonstrate that such an extension is justified. The controller may extend the response period after taking into account the complexity and number of the requests. The EDPB Guidelines 01/2022³ provide examples of circumstances where the controller may be justified in extending the time-limit in terms of article 12(3) of the Regulation:

³ ibid 2, paragraph 163.

“What constitutes a complex request varies depending upon the specific circumstances of each case. Some of the factors that could be considered relevant are for example:

- the amount of data processed by the controller,*
- how the information is stored, especially when it is difficult to retrieve the information, for example when data are processed by different units of the organisation,*
- the need to redact information when an exemption applies, for example information regarding other data subjects or that constitutes trade secrets, and*
- when the information requires further work in order to be intelligible”.*

21. The Commissioner acknowledges the detailed and comprehensive exercise conducted by the controller, which required a very thorough review of all information processed by the controller by different units within the authority in order to identify the complainant’s personal data, assess the necessity and proportionality of the restriction, redact information and determine which personal data were subject to the applicable restriction in terms of regulation 4(e) of Subsidiary Legislation 586.09. Thus, in view of the substantial volume of information processed by the controller, the extensive considerations that had to be made, and the complexity of the matter, the Commissioner concludes that the controller had a valid justification under article 12(3) of the Regulation to extend the one-month response period by an additional two (2) months.

The allegations made by the complainant in relation to missing information

22. Due to the significant number of allegations made by the complainant in his complaint dated the 12th May 2025, the Commissioner shall, for the purpose of this legal analysis, address each allegation in the chronological order set out in the complaint.

A. **“The internal correspondence between [REDACTED] officials and myself. I sent to and received emails from [REDACTED]”**

23. The complainant alleged that the controller had not provided him with access to internal correspondence between the employees of the controller and himself. As the complainant is presumed to hold a copy of such correspondence, the Commissioner invited the complainant to submit the relevant correspondence exchanged with the controller, in order to substantiate

his allegation. By means of a letter dated the 2nd September 2025, the complainant submitted that “[o]ver the past years, I communicated with [REDACTED] using the following addresses: [REDACTED] [REDACTED] My requests are to receive a copy of all the data where these email addresses feature”. Given that the complainant maintained that certain emails containing his personal data had been sent to him by the controller but were not disclosed by the controller in response to the subject access request, the Commissioner invited again the complainant to substantiate his claim by providing copies of such emails. On the 3rd September 2025, the complainant submitted two (2) emails sent to him by the controller’s employees.

24. As part of the investigation into the present case, the Commissioner examined the contents of the two emails submitted by the complainant, one dated the 23rd February 2017 and the other undated. For the purposes of this part of the complaint, the Commissioner emphasises that article 4(1) of the Regulation defines “personal data” as “any information relating to an identified or identifiable natural person (‘data subject’)”.

25. Following the assessment of the two (2) emails submitted by the complainant, the Commissioner observes that the mere fact that emails are sent or received by the complainant does not, in itself, render their content personal data relating to the complainant. In the present case, the emails in question do not contain any information that relates to the complainant. Accordingly, the emails provided by the complainant to support his allegation, instead demonstrate that the information in question does not constitute personal data within the meaning of article 4(1) of the Regulation. Therefore, the Commissioner is dismissing this allegation made by the complainant.

B. [REDACTED] provided me with redacted minutes of meetings where I was the subject of the meeting. These minutes are blacked out (eg [REDACTED] minutes 01/07/2020 Page 4). The sections redacted have been selectively chosen by [REDACTED] without any justification whatsoever”.

26. The complainant alleged that the redacted meeting minutes he received from the controller contained his personal data. Accordingly, on the 22nd August 2025, the Commissioner requested the controller to inspect the unredacted copies of the meeting minutes to determine whether the redacted material contains any personal data pertaining to the complainant within the meaning of article 4(1) of the Regulation.

27. Following the thorough examination of the unredacted meeting minutes, the Commissioner ascertained that the redacted content refers to other matters discussed on the respective dates and does not relate to the complainant. Accordingly, the Commissioner concludes that the controller was right when it redacted these passages of the meeting minutes.

C. "Recordings of Phone calls of [REDACTED] with the undersigned are missing"

28. The complainant alleged that the controller did not provide him with access to the recordings of phone calls held between himself and the employees of the controller.

29. During the investigation, the controller stated that it does not hold any recordings of phone calls. In response to the request from the Commissioner pursuant to article 58(1)(e) of the Regulation, the Chief Executive Officer of the [REDACTED] submitted a sworn declaration dated the 29th October 2025, which reads as follows:

"I hereby confirm, to the best of my knowledge, that at the time of receipt of the data subject request from Mr [REDACTED] on 21st January, the [REDACTED] did not hold:

[1] Recordings of phone calls between [REDACTED] officials and [REDACTED] predating his data subject access request;" [emphasis has been added].

30. In the absence of any evidence substantiating the complainant's allegation that the controller retains such recordings of phone calls and having regard to the sworn declaration provided by the Chief Executive Officer of the [REDACTED] the Commissioner dismisses the allegation made by the complainant.

D. [REDACTED] internal correspondence and memos where my name is mentioned is missing"

31. The complainant claimed that there is no justified reason to restrict his right to receive a copy of the [REDACTED] internal correspondence and memos that contain his personal data. The controller argued that it restricted the right of access pursuant to regulation 4(e) of Subsidiary Legislation 586.09, on the basis that the restriction is a necessary measure required "for the establishment, exercise or defence of a legal claim and for legal proceedings which may be instituted under any law".

32. In the request for submissions dated the 20th May 2025, the Commissioner, pursuant to article 58(1)(e) of the Regulation, requested the controller to provide a clear explanation of the

necessity and proportionality of the restriction. In its submissions, the controller held that it restricted access to the personal data of the complainant in order to defend its position in response to the ongoing constitutional proceedings filed by the complainant against the controller. The controller supported its position by providing evidence of the constitutional case filed against the [REDACTED] and the [REDACTED] (Case Ref. [REDACTED]). Accordingly, the Commissioner examined a copy of the sworn application filed by [REDACTED] and [REDACTED] against the controller on the 7th September 2023 and confirmed that the complainant had made several allegations against the controller.

33. The complainant rebutted this by arguing that there “are no court proceedings of any nature by the company that I represent against [REDACTED]” [underlined by the complainant], and submitted that, as a result, the controller is unjustifiably restricting his right to access his personal data. The controller, however, rejected this contention, observing that the absence of any legal claim by the company [REDACTED] is irrelevant, in light of the fact that the complainant, in his personal capacity, has an ongoing constitutional case against the controller.
34. The Commissioner fails to see the relevance of the argument raised by the complainant that the ongoing legal proceedings were not instituted by his company. In any event, whether the proceedings were initiated by the company, of which he is a director, or by the complainant in his personal capacity, is immaterial. For a restriction to apply, the controller must be able to demonstrate that the disclosure of the information could concretely prejudice its ability to effectively defend itself, and that such disclosure could result in inequality of arms and unfairness. In the present case, the Commissioner has been presented with concrete evidence to conclude that a partial restriction of the complainant’s right constitutes a necessary and proportionate measure to safeguard the controller’s ability to effectively defend itself in the constitutional proceedings instituted by the complainant in his personal capacity against the controller.
- E. “The recording of an online meeting set up by [REDACTED] with myself on 16 June 2020 is not included”
35. The complainant alleged that the controller did not provide him with access to the recording of an online meeting set up by [REDACTED] on the 16th June 2020. The complainant submitted a copy of the invitation he received for the online meeting.

36. During the investigation, the controller stated that it does not hold the recording of the online meeting in question. In response to the request made by the Commissioner pursuant to article 58(1)(e) of the Regulation, the Chief Executive Officer of the [REDACTED] submitted a sworn declaration dated the 29th October 2025, which reads as follows:

"I hereby confirm, to the best of my knowledge, that at the time of receipt of the data subject request from [REDACTED] on 21st January, the [REDACTED] did not hold:

...

[2] Recording of a meeting held online between [REDACTED] and [REDACTED] on the 16 June 2020" [emphasis has been added].

37. In the absence of any evidence substantiating the complainant's allegation that the controller retains such recording of the online meeting held on the 16th June 2020, and having regard to the sworn declaration provided by the Chief Executive Officer, the Commissioner dismisses the allegation made by the complainant.

F. *"The list of meetings and relative minutes of [REDACTED] officials with third parties about me are missing. Meetings were held but I do not have the list of the meetings"*

38. The complainant alleged that the controller did not provide him with the list of meetings and the relative minutes of [REDACTED] officials with third parties that contain his personal data.

39. During the investigation, the controller stated that it does not hold the information in question. In response to a request made by the Commissioner pursuant to article 58(1)(e) of the Regulation, the Chief Executive Officer of the [REDACTED] submitted a sworn declaration dated the 29th October 2025, which states that:

"I hereby confirm, to the best of my knowledge, that at the time of receipt of the data subject request from [REDACTED] on 21st January, the [REDACTED] did not hold:

...

[3] Minutes of meetings held between [REDACTED] officials and third parties relating to [REDACTED] [emphasis has been added].

40. In the absence of any evidence substantiating the complainant's allegation that the controller retains such meeting minutes and having regard to the sworn declaration provided by the Chief Executive Officer of the [REDACTED] the Commissioner dismisses the allegation made by the complainant.

G. [REDACTED] internal correspondence or memos about my application for [REDACTED] vacancies are missing. I applied for Analyst with Strategy, Policy & Innovation, Analyst within Due Diligence, Analyst (Financial Stability – Banking sector), Junior Analyst (Funds), Junior Analyst (Due Diligence)”

41. The complainant alleged that the controller failed to provide him with any internal correspondence or memos relating to the job applications he had submitted to the controller. The complainant held that “[m]y application should have been evaluated and given a scoring through a fair and transparent human resources engagement exercise. My name must have appeared in some scoring sheet or evaluation exercise”.

42. The controller explained that it had restricted the right of the complainant on the basis of regulation 4(e) of Subsidiary Legislation 586.09. The controller argued that the vacancies in respect of which the complainant is seeking access to internal communications are identified in the affidavit that the complainant filed in the ongoing constitutional case. The controller further explained that the [REDACTED] had in fact testified in Court multiple times in relation to these job applications. To this end, the Commissioner requested the controller to provide him with a copy of the relevant deposition transcripts. The controller complied with this request and furnished the transcripts of the depositions dated the 12th November 2024 and the 20th January 2025.

43. The Commissioner examined the deposition transcript of the 12th November 2024, wherein the lawyer acting on behalf of the complainant asked the H [REDACTED] as follows:

“The witness is being asked to verify the reason why [REDACTED] [REDACTED] was not accepted for employment with [REDACTED] after he was called for a job interview through job plus channels” [emphasis has been added].

44. The Commissioner observes that there is a clear and direct link between the personal data that the controller restricted in terms of regulation 4(e) of Subsidiary Legislation 586.09 and the

ongoing constitutional proceedings. In these proceedings, the complainant's lawyer expressly questioned the witness of the controller regarding the very matter to which the restricted personal data relates, and therefore, this effectively demonstrates that disclosure of such personal data in connection with the job applications could, or would prejudice the defence of the controller.

H. "The [REDACTED] memos mentioned in the minutes are missing"

45. The Commissioner has already addressed this point in Section B of this legal analysis, wherein the Commissioner has examined a copy of the unredacted meeting minutes at the premises of the controller on the 22nd August 2025 and ascertained that the redacted passages of the meeting minutes do not contain any personal data pertaining to the complainant.

I. "The data copied by [REDACTED] from my personal computer in a surprise visit in January 2017 is missing"

46. The complainant claimed that the data copied by the controller from his personal computer during a surprise visit is missing. He subsequently clarified that the surprise visit took place in 2016 rather than in 2017.

47. In its submissions, the controller held that the "[REDACTED] conducted a surprise visit on 27th January 2016 at the offices of [REDACTED] which were located at [REDACTED]. During the visit, the [REDACTED] notified the company's Directors through an official notice that was read and handed physically to the Directors at the start of such a visit. The notice was issued as per Article 13 of the Investment Services Act and specified that [REDACTED] required "log in details and passwords of the company's I.T. systems, access such systems". The Directors were also informed that the [REDACTED] will be taking "copies of any information, documentation, data and records by [REDACTED] in whatever form, including electronically".

48. The Commissioner notes that the information collected by the controller was obtained within the context of the performance of its functions as provided by law. The Commissioner further notes the regulatory action subsequently taken by the controller in respect of the complainant on the 28th August 2020, wherein the controller decided that the complainant is no longer deemed a fit and proper person, and in terms of the provisions of article 15(2) of the Investment Services Act and article 16(2)(b) of the [REDACTED] prohibited the complainant from acting, in any capacity, as an approved person with any entity licensed or

otherwise authorised by the [REDACTED] or to be personally licensed, authorised, enrolled, registered or otherwise approved by the [REDACTED] for a period of ten (10) years. This prompted the complainant to institute a constitutional case against the controller, requesting the Court, *inter alia*, to declare the controller's investigative procedures, together with the subsequent decision taken in relation thereto, null and void.

49. In view of the foregoing, the Commissioner is satisfied that restricting the complainant's access to any personal data stored on the servers or computers of [REDACTED] [REDACTED] which were obtained through the controller's powers and is currently subject to challenge, is strictly necessary to enable the controller to defend itself against the allegations raised by the complainant.

J. *"The data redacted from the minutes does not concern third parties so this should not be blacked out"*.

50. The Commissioner has already addressed this point in Section B of this legal analysis, wherein the Commissioner has examined a copy of the unredacted meeting minutes at the premises of the controller on the 22nd August 2025 and ascertained that the redacted passages of the meeting minutes do not contain any personal data pertaining to the complainant.

On the basis of the foregoing considerations, the Commissioner is hereby deciding that:

- a. the period for responding to the subject access request was justifiably extended by an additional two months in terms of article 12(3) of the Regulation, taking into account the complexity and volume of the information processed about the complainant; and**
- b. the restriction invoked by the controller in terms of regulation 4(e) of Subsidiary Legislation 586.09 is a necessary and proportionate measure.**

Having regard to the facts and findings established during the course of the investigation, the Commissioner is hereby dismissing the complaint in its entirety.

Ian
DEGUARA
(Signature) Digitally signed
by Ian DEGUARA
(Signature)
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**Ian Deguara
Information and Data Protection Commissioner**

Right of Appeal

The parties are hereby being informed that in terms of article 26(l) of the Data Protection Act (Cap. 586 of the Laws of Malta), any person to whom a legally binding decision of the Commissioner is addressed, shall have the right to appeal to the Information and Data Protection Appeals Tribunal within twenty (20) days from the service of the said decision as provided in article 23 thereof⁴.

An appeal to the Tribunal shall be made in writing and addressed to *"The Secretary, Information and Data Protection Appeals Tribunal, 158, Merchants Street, Valletta"*.

⁴ Further information on the appeals procedure is available on this Office's website at the following hyperlink: <https://idpc.org.mt/appeals-tribunal/>.