

CDP/COMP/306/2025

vs

The Complaint

1. Reference is made to the complaint which was lodged on the 5th of June 2025 by [REDACTED] [REDACTED] (the “**complainant**”) with the Information and Data Protection Commissioner (the “**Commissioner**”) pursuant to article 77(1) of the General Data Protection Regulation¹ (the “**Regulation**”), against [REDACTED] (the “**controller**”), where the complainant made the following allegations:
 - a. that on the 21st of August 2019, the complainant exercised her right of access pursuant to article 15 of the Regulation by requesting the controller to provide a complete copy of her personal data undergoing processing. The complainant alleged that the controller’s response to her access request was “*of extremely poor quality*”, as certain records containing her personal data were “*absent*”, while other records were provided in a form that was either “*practically illegible*”, or “*redacted*”, or lacking “*important contextual information*”. The complainant further alleged that when she followed up with the controller requesting that it provides a complete response to her access request, the controller failed to respond;
 - b. that on the 11th of October 2019, the complainant also exercised her right to erasure pursuant to article 17 of the Regulation by requesting the controller to erase certain records containing her personal data which, in the complainant’s view, contained “*defamatory*” and “*unfair*” information about the complainant. The complainant alleged that the controller failed to respond to her erasure request; and

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.

- c. that on the 1st of May 2025, the complainant once again exercised her right of access pursuant to article 15 of the Regulation by requesting the controller to provide a complete copy of her personal data undergoing processing. The complainant alleged that the controller acknowledged receipt of her access request, yet subsequently informed her that it was invoking an extension of the one-month time limit prescribed under article 12(3) of the Regulation to respond – which, in the complainant’s view, was not justified. The complainant further alleged that when the controller did provide her with a copy of her personal data, certain personal data falling within the scope of her access request was “*unjustifiably withheld*” by the controller, leaving her access request “*partially unanswered*”.
2. As supporting documentation, the complainant provided the Commissioner with copies of a number of emails exchanged between herself and the controller in relation to each of her requests.

The Assessment of the Contents of the Complaint

The allegations pertaining to the complainant’s access request dated the 21st of August 2019

3. The Commissioner noted that the complainant’s earliest access request was made on the 21st of August 2019, yet the present complaint was lodged several years later, on the 5th of June 2025, almost six (6) years later. In this regard, the Commissioner noted that, if the complainant was dissatisfied with the controller’s response to her 2019 access request, it was ultimately her responsibility to lodge a complaint with the Commissioner within a reasonable period of time. Accordingly, given the nearly six-year delay between the events complained of and the lodging of the present complaint, the Commissioner noted that it would not be possible to determine, with the necessary degree of certainty what personal data were being processed by the controller at the time. The significant lapse of time materially impairs the ability of the Commissioner to conduct a fair and effective investigation in respect of the 2019 access request and undermines the evidential basis upon which findings could be properly made. Thus, for reasons related to procedural fairness and to safeguard the integrity of the Commissioner’s investigative procedure, the scope of the investigation of the present complaint shall not extend to the complainant’s 2019 access request, and shall instead be limited to the complainant’s most recent access request, namely that made on the 1st of May 2025.

The allegations pertaining to the complainant's erasure request dated the 11th of October 2019

4. The Commissioner noted that the complainant's erasure request was made on the 11th of October 2019, yet the present complaint was lodged several years later, on the 5th of June 2025. In this regard, the Commissioner noted that, if the complainant was dissatisfied with the controller's response to her 2019 erasure request, it was ultimately her responsibility to lodge a complaint with the Commissioner within a reasonable period of time. Accordingly, given the nearly six-year delay between the events complained of and the lodging of the present complaint, for the reasons set forth in the preceding paragraph, the Commissioner determined that the scope of the investigation of the present complaint shall not extend to the complainant's 2019 erasure request.

The allegations pertaining to the complainant's access request dated the 1st of May 2025

5. The Commissioner noted that the complainant's allegations pertaining to her access request made on the 1st of May 2025 concerned two main issues, namely, (i) the complainant's allegation that the controller did not act in compliance with article 12(3) of the Regulation when it invoked an extension of the one-month time limit to respond to her access request, and (ii) the complainant's allegation that the controller withheld certain personal data from its response to her access request, and therefore failed to fully respond to her request.

The allegation pertaining to article 12(3) of the Regulation:

6. Regarding the complainant's allegation that the controller did not act in compliance with article 12(3) of the Regulation when it invoked an extension of the one-month time limit to respond to the complainant's access request, the Commissioner noted that the wording of this provision permits an extension of the prescribed time limit where the controller intends on complying with the request, but requires additional time to do so, either due to its complexity or due to the amount of requests made. In the email in which the complainant exercised her right of access with the controller, she explicitly requested "*access to all personal data that your organisation holds about me, in any format and across any systems or departments*" [emphasis has been added]. The Commissioner therefore took into consideration that the complainant did not narrow down her request to specific records containing her personal data, but rather, she requested access to *all* of her personal data undergoing processing by the controller. When requested to put forward its submissions on the complaint, the controller provided *inter alia* the following reasons for extending the time limit to provide a response to the request:

“The [controller] holds records spanning over twenty-three years of the complainant’s employment. The process of identifying, reviewing, and extracting personal data in scope - while ensuring the protection of third-party rights by deciphering which correspondence included third-party data and redacting same - was necessarily time consuming and resource intensive. This included sifting through historical correspondence, administrative records, and sensitive documentation, all of which required careful handling to comply with the principles of data minimisation and third-party protection.”

In this regard, the Commissioner considered that the complainant had been employed with the controller for several years at the time of making her access request, and therefore, the complainant’s request for “all [her] personal data” covered a broad and large quantity of wide-ranging personal data, spanning over a long period of time. According to the European Data Protection Board in its Guidelines 01/2022², what constitutes a complex request varies depending on the specific circumstances of each case. Factors that may be relevant include the volume of personal data processed by the controller, the manner in which the information is stored, particularly where it is difficult to retrieve, for example when data are processed by different units within the organisation and the need to redact information, such as personal data relating to third parties. Thus, the Commissioner concluded that in the present circumstances, the controller’s explanation is both reasonable and substantiated, and that the extension of the time limit under article 12(3) of the Regulation was justified due to the complexity of the request.

7. The Commissioner examined the rest of the wording of article 12(3) of the Regulation, which provides that where the controller intends on extending the prescribed time limit for responding to a request, the controller must inform the data subject of the extension and of the reasons for the delay within the one-month period from the date of receipt of the request. In the present case, the complainant submitted her access request on the 1st of May 2025, and the controller acknowledged receipt of her request a few days later, on the 8th of May 2025. On the 31st of May 2025, the controller then informed the data subject that it was invoking the extension of the one-month period prescribed under article 12(3) of the Regulation, and also specified its reasons for the delay. Since the controller communicated the extension and the reasons for delay within the one-month period, the Commissioner concluded that the controller had indeed complied with the requirements of article 12(3) of the Regulation. Nevertheless, the

² European Data Protection Board, Guidelines 01/2022 on data subject rights – Right of access, paragraph 163.

Commissioner highlights that, clearly knowing the volume of the complainant's personal data undergoing processing which fell within the scope of the request, the controller should have endeavoured to communicate the required information to the complainant earlier, and not at the end of the one-month period. The Commissioner notes that this would have required minimal time and effort on the controller's part, and therefore should have been done at the earliest practicable time, in line with the controller's obligation to facilitate the exercise of the data subject's rights pursuant to article 12(2) of the Regulation.

The allegation pertaining to the withheld personal data:

8. The complainant also alleged that the controller withheld certain personal data from its response to her access request, and therefore, failed to fully respond to her request. Accordingly, during the course of the investigation, the Commissioner considered it necessary to establish, firstly, which specific records the complainant alleged had been omitted from the response to her access request, and secondly, whether those records - insofar as they contained the complainant's personal data - are in fact undergoing processing by the controller and fell within the scope of the complainant's access request. To this end, the Commissioner requested the complainant to clearly specify what she considered had been omitted from the controller's response to her access request.

9. In this regard, the Commissioner considered it appropriate to note that, during the course of the investigation, the complainant sent a number of emails to the Commissioner and to the controller specifying which records she considered had been omitted from the controller's response to her access request. Each of the complainant's communications contained different, yet somewhat, overlapping lists or explanations articulating - often using different terminology - what the complainant believed fell within the scope of her access request but had not yet been provided to her. By way of example, these communications included:
 - a. the email sent on the 5th of August 2025, in which the complainant submitted a "*non-exhaustive sample of what should have been included*" in the controller's response to her access request. The complainant further explained that "*this list is illustrative - not exhaustive*";

 - b. the email sent on the 8th of August 2025, in which the complainant submitted what she described as a "*renewed, complete, and structured submission that I now expect the controller to address in full*";

- c. the email sent on the 11th of August 2025, in which the complainant submitted a list containing “*further clarification to assist [the Commissioner’s] investigation;* and
- d. the email sent on the 19th of August 2025, in which the complainant submitted, within the same communication, “*a concise list of the specific categories of documents and information which I presently consider missing from the controller’s response to my subject access request of 1 May 2025*” and “*a full scope list of my request*” containing “*a restatement of the scope already submitted*”.

The Commissioner noted that, in order to conduct an efficient and effective investigation, the subject-matter of a complaint and the specific information believed to be omitted should be clearly identified at the time the complaint is lodged. Providing such information sporadically during the course of the investigation created significant challenges in establishing the precise scope of the investigation and affected the overall progress of the investigation.

- 10. For this reason, the Commissioner considered it beneficial to hold a meeting with the complainant to discuss the subject-matter of the complaint in further detail, and to precisely establish which records - insofar as they contained the complainant’s personal data - still had not been provided to her by the controller. Accordingly, a meeting was convened on the 12th of September 2025, during which, it was clarified that the following list of missing personal data which was prepared by the complainant should be taken into consideration by the Commissioner for the purpose of the investigation of the present case:

QUOTE

1. Payslips (2014–present)

Missing:

No payslips provided in 2019 SAR.

No payslips provided in 2025 SAR.

No confirmation of which years are held.

2. Updated Salary/Increment Summary (2002–present)

Missing:

■ *re-submitted the exact same summary from 2019.*

No updated entries for 2020–2025.

No explanation of figures, if allowances were given, and calculations.

3. Conditions of Work Form

Missing:

No copy of the Conditions of Work form issued upon hire (as required by Legal Notice 267 of 2022 and Directive (EU) 2019/1152).

No document specifying salary, pay intervals, normal hours, leave entitlement, or notice periods.

4. Correspondence on Salary Progression, Allowances & Leave Entitlements

Missing:

No correspondence with █████ SfCE, Archdiocese, MEYR, MUT, DIER, NCPE or internal discussions regarding: Salary increments and progression, 91-day grace period, Reckonable service, allowances, leave entitlement, salary disputes, calculations, bullying reports, other.

5. Teacher Approval Documentation – Missing Correspondence

Missing:

Letter from █████ to Ministry requesting my approval (now disclosed).

Approval letter from █████ (now disclosed, in multiple differently redacted versions).

But: No accompanying correspondence between █████ the Ministry about my teaching level, salary scale classification, or primary/secondary duties.

6. Class Load, Capacity Building & Timetabling Records

Missing:

Annual capacity building reports to SfCE and MEYR listing teachers, class sizes, and loads.

Timetabling software outputs showing my assigned lessons.

Replacement allocation logs and related spreadsheets.

7. Parental Leave, Career Break & Maternity Leave Calculations

Missing:

While letters or application forms exist confirming dates, no payroll or HR calculations for reckonability or impact on salary/allowances were provided.

No correspondence with payroll about such calculations.

8. Data Erasure Non-Compliance

Missing:

Unsubstantiated misconduct allegations I never signed and █████ did not act upon remain on file. █████ re-submitted such documents which I had previously requested to be erased.

9. Arrears Claims (2011–2022)

Missing:

No internal notes, calculations, or meeting minutes on my arrears requests.

10. Audit Reports & Communications

Missing:

No audit findings or related communications, despite [REDACTED] referring to audits in salary and workload disputes.

11. NCPE Complaint Records

Missing:

Only [REDACTED] letter rejecting being bound by NCPE's opinion was disclosed. No internal discussions, drafts, or attachments referenced in correspondence.

12. MUT Involvement (Salary & Complaints)

Missing:

No records of correspondence or data sharing with MUT, despite MUT intervening in salary progression and workload disputes.

13. Bullying and Victimisation Policies and Complaints

Missing:

No internal or external correspondence, meeting notes, or investigations related to my reports of workplace bullying and harassment.

14. Collective Agreements, Circulars & Internal Manuals

Missing:

No historic collective agreements (2002–2022). No circulars, internal policy notices, or payroll manuals explaining progression, allowances, or leave rules.

15. Wellbeing & Pastoral Care Records

Missing:

No wellbeing or pastoral care records disclosed, including notes or support measures.

16. Tribunal Preparation Documents (Non-Privileged)

Missing:

No factual records or notes prepared by [REDACTED] that reference me in the context of the Tribunal case.

END QUOTE

11. During the course of the investigation, by means of emails sent on the 6th and the 12th of November 2025, the controller informed the Commissioner that further personal data of the complainant had been retrieved from its archives, and that this would be passed on to the complainant. Shortly thereafter, by means of an email sent on the 15th of November 2025, the complainant informed the Commissioner that she had received this additional personal data. Nevertheless, there was still a significant discrepancy between the personal data provided thus far by the controller, and the personal data which the complainant maintained was being withheld by the controller. Thus, pursuant to the investigative powers provided under article 58(1)(e) of the Regulation, the Commissioner determined that it was necessary to conduct an on-site inspection of the controller's records containing the complainant's personal data, in order to establish precisely what personal data is undergoing processing by the controller but had not yet been provided to the complainant. Accordingly, the controller was informed that an on-site inspection would be held, and reminded the controller of its obligation under article 31 of the Regulation to cooperate with the Commissioner in the performance of his tasks, including by ensuring access to all personal data and information necessary for that purpose.
12. The on-site inspection was held on the 23rd of January 2026. Importantly, during the inspection, it was brought to the Commissioner's attention that certain records containing the complainant's personal data had been inadvertently omitted from the response to her access request. These were, namely, copies of time-off and sick-leave records, timetables records, capacity building exercise records, social security reports records, and the protection of minors ('POMA') clearance record. The controller confirmed that it would promptly pass on copies of these records to the complainant.
13. Furthermore, the Commissioner referred to the "*factual records or notes prepared by [the controller] in the context of the Tribunal case*" which were requested by the complainant. In this regard, the controller confirmed that it provided the complainant with access to her personal data which fell within the scope of her request and concerned the subject-matter of the Tribunal proceedings which she had filed, save for legally privileged communications, which were not disclosed. The Commissioner noted that, indeed, any notes or other documents prepared in the course of providing legal advice are protected by legal professional privilege in accordance with article 588(1) of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta), and therefore, any of the complainant's personal data contained therein is not subject to disclosure.
14. In addition to the foregoing, the controller confirmed that with respect to the following records - which the complainant claimed are held on file by the controller, but had not been provided -

copies thereof could not be provided because such personal data is not undergoing processing by the controller, either because it never existed, or because it was deleted, or because it was otherwise not retained on file by the controller:

- a. the records regarding the complainant's salary increments, beyond the general information about salary increments that may be contained in the collective agreements;
- b. the records regarding the complaint lodged with the National Commission for the Promotion of Equality, including specific notes pertaining to the complaint;
- c. the records regarding the complainant's bullying allegations;
- d. the records regarding the complainant's wellbeing and pastoral care issues;
- e. the records regarding the "91-day grace period"; and
- f. the "Conditions of Work" form.

Furthermore, the controller also confirmed that with respect to the following records - which the complainant claimed are held on file by the controller, but had not been provided in full - there is no further personal data undergoing processing by the controller beyond that already provided:

- g. the records regarding the complainant's primary and secondary duties;
- h. the records regarding the complainant's leave, including specific notes or calculations pertaining to the leave;
- i. the records regarding the complainant's arrears, including specific notes or calculations pertaining to the arrears; and
- j. the correspondence exchanged in relation to the complainant by the controller's [REDACTED] with others internally, as well as externally, namely with the Secretariat for Catholic Education, the Ministry for Education, Sport, Youth, Research and Innovation, the Malta Archdiocese, the Malta Union of Teachers, the Department for Industrial and Employment Relations, and/or the National Commission for the Promotion of Equality.

15. Finally, pursuant to article 58(1)(a) of the Regulation, the Commissioner requested the controller to submit a sworn declaration, confirming on oath that the personal data which the complainant alleged had not been provided - namely, the personal data referred to in the preceding paragraph - are not undergoing processing by the controller. The sworn declaration was signed by the controller's [REDACTED] on the 19th of February 2026, and was received by the Commissioner on the 23rd of February 2026.

Based on the foregoing considerations, the Commissioner is hereby deciding that:

- regarding the complainant's allegation that the controller did not comply with article 12(3) of the Regulation in responding to her access request dated the 1st of May 2025, the Commissioner concludes that the extension invoked by the controller was justified given the complexity of the request. Furthermore, the controller informed the complainant of the extension and the reasons for the delay within the prescribed one-month period. Accordingly, this allegation is being dismissed in its entirety; and
- regarding the complainant's allegation that the controller failed to fully respond to her access request dated the 1st of May 2025, taking into consideration the facts established during the investigation of the complaint, the on-site inspection of the controller's records, and the sworn declaration of the controller, confirming that no additional personal data concerning the complainant is in its possession beyond what has already been disclosed, the Commissioner is satisfied that the controller is not processing any further personal data concerning the complainant.

Pursuant to article 58(2)(d) of the Regulation, the Commissioner orders the controller to develop and implement an internal policy, within three (3) months from the date of service of this decision, to ensure that the employees of the controller are properly trained and equipped to respond to all data protection requests under Chapter III of the Regulation, in a complete and timely manner, in accordance with the requirements of the Regulation. Additionally, the Commissioner recommends the controller to review its existing record-keeping systems and processes to ensure that the records are organised, structured and maintained in a manner that allows for efficient searching and retrieval of information.

Ian
DEGUARA
(Signature) Digitally signed
by Ian DEGUARA
(Signature)
Date: 2026.03.02
12:55:37 +01'00'

**Ian Deguara
Information and Data Protection Commissioner**

Right of Appeal

The parties are hereby being informed that in terms of article 26(1) of the Data Protection Act (Chapter 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 thereof.³

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*”.

³ Further information on the appeals procedure is available on the IDPC’s portal at the following hyperlink:
<https://idpc.org.mt/appeals-tribunal/>