

**SUBSIDIARY LEGISLATION 440.02**

**NOTIFICATION AND FEES  
(DATA PROTECTION ACT)  
REGULATIONS**

4th July, 2003

*LEGAL NOTICE 154 of 2003, as amended by Legal Notices 162 of 2004 and 426 of 2007.*

1. The title of these regulations is Notification and Fees (Data Protection Act) Regulations. Citation

2. Unless otherwise stated in these regulations, the definitions contained in the Data Protection Act, hereinafter called "the Act", shall apply. Interpretation  
Cap 440

3. With effect from the 15th July, 2003, controllers shall, prior to carrying out any wholly or partially automated or manual processing operation of personal data, notify the Commissioner thereof: Transition periods  
*Amended by  
L N 162 of 2004*

Provided that in the following cases notification may be made at any time up to and including:

- (a) the 14th July 2004, where automated processing operations of personal data have already been initiated on the 15th July, 2003;
- (b) the 24th October 2007, where processing operations of personal data held in manual filing systems have already been initiated on the 15th July 2003.

4. (1) Subject to the provisions of regulation 5, a notification fee of twenty-three euros and twenty-nine cents (23.29) shall be payable to the Commissioner for Data Protection, upon the lodging of notification pursuant to regulation 3 above and annually thereafter. Fees  
*Amended by  
L N 162 of 2004,  
L N 426 of 2007*

Provided that where a personal data representative is appointed in accordance with article 30 of the Act, notification and the relative fee shall be lodged with the said personal data representative, who shall by not later than seven days from the date of lodging of said notification, forward the notification documents and relative payment to the Commissioner.

(2) No fee shall be due in respect of any other notification.

5. (1) The notification to the Commissioner as is referred to in regulation 3 shall not be required in relation to personal data processed by a company, where the only personal data processed by such company is that contained in its Memorandum and Articles of Association as registered with the Registrar of Companies under the Companies Act. Exemptions  
*Substituted by  
L N 162 of 2004*  
Cap 386

(2) Without prejudice to the notification requirements as are referred to in regulation 3, no fee shall be due by the following:-

Cap 123

- (a) any person who carries on a trade, business, profession or other economic activity in a self employed capacity, but does not employ any employees with him;
- (b) any of the following organisations which are exempt from tax under article 12(1) of the Income Tax Act -
  - (i) the philanthropic institutions and other similar organisations to which paragraph (e) of the said subarticle applies;
  - (ii) *bona fide* band clubs which qualify under paragraph (n) of the said subarticle;
  - (iii) *bona fide* sports clubs and other similar institutions which qualify under paragraph (o) of the said subarticle;
  - (iv) registered trade unions; and
  - (v) political parties and clubs adhering to political parties.

Transfer of data to  
third countries  
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**6.** These regulations shall not apply in respect of matters specifically provided for in the Third Country (Data Protection) Regulations.

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