

# Tars Data Protection Notice

The personal data (which may include sensitive data) provided in this Traffic Accident Report (“Report”) is part of the Traffic Accident Report Services (“Tars”) arrangement between the Insurance Association Malta (“The Insurance Association”), the participating insurers and the Local Enforcement System Agency (LESA the “Agency”/ “we”/ our”/ “us”). The Insurance Association and the relevant insurers covering the vehicles included in this motor traffic accident report (the “Relevant Insurers”) are the data controllers in relation to personal data provided by you or any other person involved in the related motor traffic accident.

The Agency has been appointed as a data processor to collect and process the information on site, on behalf of the data controllers, in accordance with the provisions of the General Data Protection Regulation (ELI) 2016/679 (“GDPR”) and the Data Protection Act, Chapter 586 of the Laws of Malta, for the purpose of:

- a. investigating and reporting the motor traffic accident collisions in performance of its contractual obligations with The Insurance Association and in accordance to law; and
- b. transferring or disclosing such personal data to the Relevant Insurers (those covering the vehicles mentioned in this Report), and where applicable the Insurance Association, in order to process insurance claims in performance of its contract with The Insurance Association.

For the execution of its obligations, the Agency appoints community officers to go on site and compile information about the motor traffic accident and relevant personal data as required in this Report. For the scope of achieving the processing purposes, your personal data shall be disclosed to the Relevant Insurers, insurance agents, sub agents or brokers of the policyholders. Some or all the data may be passed to other insurance companies or to re insurers for underwriting and claims handling purposes, to third party entities for fraud and crime prevention purposes, to third parties for the purpose of claiming compensation and to other governmental bodies or competent authorities for data verification purposes.

Your personal data shall be disclosed to the police where the collision involves personal injury or government owned property, the vehicle is not properly insured, or may involve a criminal offence or require police intervention. Your personal data may be transferred to other countries in case the insurer is located outside Malta. In order to provide you with products and services this information will be held in the data systems of the Relevant Insurers and / or of their intermediaries. The Relevant Insurers may also collect information from other sources and check the information you provide them with such information.

As a data subject, you have the right to request access to your personal data as well as the right to rectify and where applicable, erase any inaccurate, incomplete or immaterial personal data; to request restriction of processing and to object to processing. Any such request must be made in writing to your Relevant Insurer and must be signed by yourself as the data subject to whom the particular data relates, whether you are a driver, pedestrian or witness. If you consider that the processing of your personal data is carried out in an unlawful manner, you may lodge a complaint with the Information and Data Protection Commissioner (the “IDPC”). In adherence its contractual obligations, the Agency will retain the personal data included in this Report for a minimum of ten years, or any longer period as may be required by law.

By signing this Report, you acknowledge that you as the driver of vehicle A or B at the time of the accident or the owner of vehicle A or B (where different from the driver) and all other passengers, pedestrians and witnesses specified by you, agree to this Data Protection Notice (“Notice”). You hereby confirm that you have shown this Notice to anyone whose personal data you disclosed in this Notice. Their explicit consent should be obtained before disclosing any sensitive personal data (such as medical conditions or injuries arising from the accident).

By signing this Report, you acknowledge that you and all such persons indicated by you have acknowledged the contents of this Notice and given their explicit consent to such information being processed in the manner and for the purposes outlined here.

# TARS AVVIŻ TA' PROTEZZJONI TA' DATA:

Id-data personali (li tista' tinkludi data sensittiva) ipprovduta f'dan ir-Rapport ta' Incident Stradali ("Rapport") hija parti minn Traffic Accident Report Services ("Tars") b'arrangament bejn il-Insurance Association Malta ("The Insurance Association"), l-assiguraturi partecipanti (l-Assiguraturi Relevanti") u l-Local Enforcement System Agency (LESA l-"Aġenzija"/ "aħna"/ tagħna").

L-Insurance Association u l-assiguraturi relevanti li jkopru l-vetturi inkluzi f'dan ir-rapport stradali huma l-kontrolluri tad-data personali pprovduta minnek jew minn kwalunkwe persuna oħra involuta f'dan l-incident stradali.

L-Aġenzija giet mahtura bħala l-proċessur tad-data biex tiġbor u tipproċessa l-informazzjoni minn fuq il post f'isem il-kontrolluri tad-data, skont id-dispożizzjonijiet tar-Regolament Ġenerali dwar il-Protezzjoni tad-Data (ELI) 2016/679 ("GDPR") u l-Att dwar il-Protezzjoni tad-Data, Kap 586 tal-Liġijiet ta' Malta, sabiex:

- a. tinvestiga u tirrapporta l-incidenti stradali fit-tweġġ tal-obbligi kuntrattwali tagħha mal-Insurance Association u skont il-liġi; u
- b. t-trasferiment jew l-iżvelar tad-data personali lill-Assiguraturi Relevanti (dawk li jkopru l-vetturi msemija f'dan ir-Rapport), u fejn applikabbli lill- Insurance Association, għall-finijiet tal-obbligi kontrattwali mal-Insurance Association sabiex jigu pprocessati talbiet għall-kumpens magħmula kontra dawn l-Assiguraturi.

Fl-eżekuzzjoni tal-obbligi tagħha, l-Aġenzija taħtar uffiċjali tal-komunità biex imorru fuq il-post u jiġbru informazzjoni dwar l-incident stradali u data personali relevanti kif meħtieġ f'dan ir-Rapport. Sabiex jintlahqu l-għanijiet tal-ipproċessar, id-data personali tiegħek tiġi żvelata lill-Assiguraturi Relevanti, Agenti, Sottoagenti jew intermedjarji tal-assigurazzjoni f'isem min tkun mahruġa l-polza tal-assigurazzjoni. Din id-data personali jew xi parti minnha tista' tiġi skambjata ma' kumpaniji oħra tal-assigurazzjoni jew ma' riassiguraturi sabiex namministraw il-polza tiegħek, nassiguraw u nimmanigjaw talbiet għal kumpens, u ma' entitajiet oħra sabiex titrażżan il-kriminalità jew il-frodi, lil partijiet terzi għall-iskop ta' talba ta' kumpens u lil korpi governattivi oħra jew awtoritajiet kompetenti għal skopijiet ta' verifika tad-data.

Id-data personali tiegħek tiġi żvelata lill-pulizija fejn il-ħabta tinvolvi korriment personali jew proprjetà tal-gvern, fejn il-vettura ma tkunx assicurata kif suppost, jew fejn il-ħabta tista' tinvolvi reat kriminali jew intervent tal-pulizija. Id-data personali tiegħek tista' tiġi trasferita lejn pajjiżi oħra f'każ li l-assiguratur ikun jinsab barra minn Malta. Sabiex nipprovdulek prodotti u servizzi din l-informazzjoni ser tinżamm fis-sistemi tad-data tal-Assiguraturi Relevanti u/jew tal-intermedjarji tagħhom. L-Assiguraturi Relevanti jistgħu wkoll jiġbru informazzjoni minn sorsi oħra u jiċċekkjaw l-informazzjoni li tipprovdilhom b'tali informazzjoni.

Fuq dan is-suġġett tad-data, għandek id-dritt tkun taf x'data personali tinżamm fuqek fis-sistemi tagħna, kif ukoll id-dritt li tirrettifika u fejn ikun il-każ, li tħassar kwalunkwe data personali mhux preċiża, mhux kompluta jew immaterjali; li titlob restrizzjoni tal-ipproċessar u li togħġezzjona għall-ipproċessar.

Talba bħal din għandha ssir bil-miktub lill-Assiguratur Relevanti tiegħek u trid tiġi ffirmata minnek bħala s-suġġett tad-data li dwarha tkun qed tagħmel it-talba kemm jekk kont is-sewwieq, persuna pedonali jew xhud.

Jekk tqis li l-ipproċessar tad-data personali tiegħek qed isir b'mod illegali, tista' tressaq ilment lill-Kummissarju tal-Informazzjoni u l-Protezzjoni tad-Data (l-"IDPC").

Minhabba l-obbligi kontrattwali tagħha, l-Aġenzija ser izzomm id-data personali inkluzi f'dan ir-Rapport għal mhux inqas minn għaxar snin, jew għal kwalunkwe perjodu itwal kif meħtieġ mill-liġi.

Meta tiffirma dan ir-Rapport, inti tagħraf li inti bħala s-sewwieq tal-vettura A jew B fil-ħin tal-incident jew is-sid tal-vettura A jew B (fejn differenti mis-sewwieq) u kull passigier, persuna pedonali jew xhud imsemmi minnek taqbel ma' dan l-Avviż dwar il-Protezzjoni tad-Data ("Avviż") kif ukoll li taqbel mall-ipproċessar ta' din l-informazzjoni bil-mod u għall-iskopijiet imsemmija f'dan l-Avviż.

Inti tikkonferma wkoll li wrejt dan l-Avviż lil kull persona li dwarha żvelajt data personali u li ksibt il-kunsens espliċitu tagħha qabel ma svelajt data personali sensittiva (bħal kundizzjonijiet mediċi jew korrimenti li jirrizultaw mill-incident).

Meta tiffirma dan ir-Rapport, inti tagħraf li inti u kull persuna msemija minnek taċċetaw il-kontenut ta' dan l-Avviż u tagħtu l-kunsens biex l-informazzjoni tiġi proċessata skont il-mod u l-iskop imsemmi hawn.