

Terms of Business

Data Protection

Here at 3A Malta Limited we take your privacy and the privacy of the information we process on your behalf seriously. We will only use your personal data and the personal data you give us access to provide the services you have requested from us.

Our Privacy Notice setting out 3A Malta Limited's approach to handling any personal data which we are provided with. By using our services on or after 25th May 2018, you'll be agreeing to our new Privacy Policy and updated terms and conditions. You will also be confirming that you have read, understood and agreed with the terms and conditions under which we operate.

Privacy Notice

1. Introduction

The Data Protection Act (Chapter 440 of the Laws of Malta), the EU General Data Protection Regulation (Regulation [EU] 2016/679) (hereinafter referred to as “**GDPR**”) and other applicable data protection legislation that may be enacted from time to time impose a number of obligations in relation to the processing of personal data on both data controllers and data processors.

Depending on the services being provided to our clients, 3A Malta Limited may be considered either as a data controller or a data processor within the meaning of the GDPR due to processing personal data.

In cases where we act as a data processor on behalf of a data controller, for example when providing payroll services, we shall provide the Client with an additional Data Processing Agreement which sets out the required terms and conditions as part of that agreement. The said Data Processing Agreement should be read in conjunction with this privacy notice.

The firm’s contact details are as follows:

3A Malta Limited

Level 2,

Palazza Ca’ Brugnera,

Valley Road,

Birkirkara, BKR9024

Malta

Telephone Number: +356 2757 2757

2. Definitions

‘Data Controller’ means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of the personal data;

‘Data Processor’ means a natural or legal person, public authority, agency, or other body which processes personal data on behalf of the Data Controller;

‘Data Subject’ means an identifiable natural person wherein an identifiable person is one who can be identified directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural and social identity;

‘Data Subject Rights’ means the rights recognized to the Data Subject pursuant to the relevant applicable data protection legislation and the General Data Protection Regulation (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);

‘Engagement Letter’ means the Engagement Letter agreed and signed between 3A and the Client;

'Personal Data' shall have the same meaning as set forth in the General Data Protection Regulation;

'Services' means the services as agreed upon in the Engagement Letter;

'Special Categories of Personal Data' means Personal Data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation, including data relating to criminal convictions and offences or related security measures.

'Supervisory Authority' means any authority which have the competence of monitoring and enforcing the application of the relevant data protection laws with respect to the processing of the Client's personal data concerning the provision of the Services.

3. Purpose for which 3A Malta Limited intends to process personal data

We intend to process personal data for the following purposes:

- To enable us to supply professional services to you as our client;
- Process financial transactions on your behalf and as instructed by you;
- To fulfill our obligations under the relevant legislation in force from time to time including, but not limited to, the Prevention of Money Laundering Act (Chapter 373 of the Laws of Malta) and the Prevention of Money Laundering and Funding of Terrorism Regulations (S.L. 373.01);
- To enable us to invoice you for our services and investigate/address any fee disputes that may have arisen;
- To enable us to maintain appropriate client records as may be required under the applicable law;
- To contact you about other services we provide which may be of interest to you if you have expressly given your consent for us to do so.

4. Legal basis for such processing

3A Malta Limited's processing of personal data, as indicated above, has the following legal bases as underlined in Article 6 of the GDPR:

- At the time you requested and/or instructed us to provide you with our services, you gave us your consent to process your personal data for the purpose listed above;
- The processing of personal data is necessary for the performance of our contract with you and for us to fulfill our obligations as underlined in the contract in terms of Article 6(1)(b) of the GDPR;
- The processing is necessary for us to comply with legal obligations which we are subject to, particularly those obligations under the Prevention of Money Laundering Act (Chapter 373 of the Laws of Malta) and the Prevention of Money Laundering and Funding of Terrorism Regulations (S.L. 373.01).

It is a requirement of our engagement and contract with you that you provide us with the personal data that we request in order for us to provide the Services. If such information is not provided, we will not be able to commence with the provision of the service or will need to cease to act.

5. Persons and organizations to whom we may give personal data

Throughout the course of providing our Services to you and in order to fulfill our legal obligations, we may be required to share your personal data with the following persons, organizations and public authorities:

1. The Malta Financial Services Authority ('**MFSA**');
2. The Registry of Companies;
3. The Financial Intelligence Analysis Unit ('**FIAU**');
4. The VAT Department;
5. The Inland Revenue Department ('**IRD**');
6. Jobsplus;
7. Any third parties with whom you permit us to correspond with on your behalf and expressly give your consent to us in writing to share your personal data with

If the law allows or requires us to do so, we may share your personal data with:

1. The Police or other law enforcement agencies;
2. Courts and tribunals

6. Data Subject Rights

As a data subject, you have the following rights:

1. Right to request access to your personal data held by us the data controller;
2. Right to rectification of any erroneous, missing or inaccurate personal data held by us the data controller;
3. Right to request the erasure of your personal data, provided that the data controller is not required by law to retain the personal data for a stipulated period of time;
4. Right to restrict or object to the processing personal data that we hold about you
5. In cases where the processing of your personal data is based on consent, you have the right to withdraw the consent given at any time.

7. Retention of Personal Data

We are required by legislation and other regulatory requirements to retain certain personal data and related records after we have ceased to act as your service provider.

It must be noted that the period of retention required varies with the applicable legislation but is typically five or six years. To ensure compliance with all such requirements it is the policy of the firm to retain all data for a period of ten years from the end of the period concerned.

8. Confidentiality

3A Malta Limited shall ensure that all personal data provided to it by the Client or collected throughout the provision of the Services is kept confidential.

This stipulation on confidentiality shall not apply to personal data which is known to the public or which have been disclosed pursuant to a legal requirement or a court order.

9. Amendment to this Privacy Notice

3A Malta Limited reserves the right to amend this Privacy Notice from time to time. In case of such amendments, we will inform the Client accordingly in writing and further supply the Client and/or otherwise make available a copy of such amended privacy notice.

10. Complaints

If you have requested details of the personal data we hold about you and you were not satisfied with the response or think that we have not complied with the GDPR or other applicable legislation in some other way, you can send a complaint to us in writing via email on infor@3amalta.com.

As a data subject, you have the right to lodge a complaint with the Office of the Information and Data Protection Commissioner, if you believe that your rights as indicated under the GDPR have been breached or have not been complied with.