FKNK

8 Jannar 2012

Maltese

Il-Kummissarju tal-Protezzjoni tad-*Data* jwissi lill-BirdLife Malta

Fid-Deċiżjoni mgħotija fit-22 ta' Diċembru 2011 mill-Kummissarju tal-Protezzjoni tad-*Data* rigward ilment li kienet ressqet il-Federazzjoni Kaċċaturi Nassaba Konservazzjonisti (FKNK) kontra l-BirdLife Malta, il-Kummissarju qal "..BirdLife Malta qiegħda tiġi mwissija biex ma terġax tagħmel dan it-tip ta' proċessar permezz ta' filmati jew xi meżżi oħrajn fejn individwi jkunu jistgħu jiġu identifikati, mingħajr dawk il-persuni la jkunu taw il-kunsens tagħhom u lanqas tali proċessar ma jkun jissodisfa xi waħda mill-kriterji l-oħra stabbiliti taħt l-artikolu 9 tal-Att."

Fil-21 ta' Ottubru 2010 l-FKNK kienet ressqet ilment mall-Kummissarju tal-Protezzjoni tad-*Data* sabiex issir investigazzjoni dwar allegat ksur tad-dritt tal-privatezza taħt l-Att dwar il-Protezzjoni u l-Privatezza tad-*Data* minn diversi persuni ta' BirdLife Malta waqt inċident li nqala nhar l-20 ta' Settembru 2010 fir-Riżerva tal-Kaċċa tal-FKNK fil-Miżieb bejn l-istess BirdLife Malta u l-FKNK. Fl-ilment l-FKNK qalet li diversi persuni mill-BirdLife Malta bdew jieħdu ritratti u videos tal-persuni rappreżentanti mill-FKNK u dan mhux biss mingħajr l-awtorizzazzjoni ta' l-istess rappreżentanti iżda ukoll wara li ġew imwissija diversi drabi biex jieqfu jiffilmjaw u jieħdu r-ritratti. Dawn l-istess filmati imbagħad tqegħedu wkoll fuq il-website tal-BirdLife.

Għalhekk fid-Deċiżjoni l-Kummissarju qal ukoll li "..BirdLife Malta naqset meta qiegħdet fuq il-website tagħha l-filmat in kwistjoni b'tali mod li setgħu jiġu identifikati rappreżentanti tal-FKNK u għalhekk ipproċessat *data* personali ta' dawk ir-rappreżentanti. Tali proċessar ċertament ma kienx fl-interess pubbliku li jsir u għalhekk ma kienx konformi mal-provvedimenti tal-Att,..."

Il-*footage* in kwistjoni tneħħa minn fuq l-istess website ta' BirdLife Malta, minnufih wara t-talba li saritilhom għas-sottomissjonijiet mill-Kummissarju.

Rigward l-istess inċident l-FKNK ressqet ilment simili kontra l-organizzazzjoni mill-Germanja, CABS, u d-Deċiżjoni tal-Kummissarju dwar dan għada mistennija.

Fl-aħħar nett, l-FKNK tħeġġeġ lill-Membri tagħha, li jekk isibu ruħhom f'sitwazzjonijiet simili għandhom jimxu mall-Linji Gwida ta' l-istess FKNK.

Ingliż

Data Protection Commissioner Warns BirdLife Malta

Following a complaint lodged with the Commissioner of Data Protection by the Federation for Hunting & Conservation – Malta (FKNK) against BirdLife Malta, in his Decision of the 22 December 2011 the Commissioner said: *Free Translation* "..BirdLife Malta is being warned not to repeat such processing through the use of filming or any other means where individuals may be identified, without those individuals having given their consent and when such processing does not satisfy any one of the other criteria established under article 9 of the Act."

On 21 October 2010 the FKNK requested the Commissioner of Data Protection investigate an alleged private-right breach of the Data Protection and Privacy Act by different persons from BirdLife Malta during an incident that occurred on 20 September 2010 at FKNK's Hunting Reserve of Miżieb between the same BirdLife Malta and FKNK. In its complaint FKNK said that different persons from BirdLife Malta where taking videos and pictures of FKNK representatives, and this not just without the representatives consent, however also and notwithstanding several warnings to stop taking pictures and videos. The footage from these videos were then uploaded on BirdLife's website.

Therefore, in his Decision the Commissioner also said: *Free Translation* "..BirdLife Malta acted incorrectly when it uploaded the said videos on its website in such a manner that FKNK representatives could be identified and as such processed personal data of those representatives. Such process certainly was not done in the public's interest and so was not in conformity with the provisions of the Act,…"

BirdLife Malta had taken off the videos from its website when the Commissioner had requested clarifications regarding FKNK's complaint.

Regarding the same incident the FKNK had lodged a similar complaint against German based CABS, and the Commissioner's Decision is still awaited.

Finally the FKNK requests that its members follow FKNK's Guidelines if they find themselves in similar situations.

Lino Farrugia
Secretary General