

Mr Saviour Cachia
Information and Data Protection Commissioner
Level 2, Airways House
High Street
Sliema SLM 1549
Malta



15th November 2016

Dear Mr Saviour Cachia,

This complaint is being submitted to you on behalf of Mr. Keith Schembri (ID No. 331975M) due to a breach of his privacy arising from an illicit processing of personal data. Moreover, the data illicitly processed should be considered as **sensitive personal data** due to the fact that it reveals private information relating to the data subjects' health.

Reference is made to the attached blog-posts published by Daphne Caruana Galizia in her 'Running Commentary' Blog under the title "Prime Minister's chief of staff avoided Maltese surgeons/hospitals to have treatment in Rome clinic last year", published on the 7th of November, 2016 and "Prime Minister's chief of staff has inoperable tumour: government should release statement".

The articles are an abhorrent violation of Mr. Schembri's right to private life. Information disclosing my clients state of health should have never been published and distributed in a such a manner. It is abundantly clear that the legal criteria established by the Data Protection Act for the processing of sensitive personal data as regulated by article 12 *et seq* as well as the legal criteria established for the processing of personal data as considered in article 9 of the Data Protection Act are completely absent in the present case.

Furthermore, there is a clear illicit processing and disclosure of my clients' personal financial transactions, which also constitutes personal data in terms of the Act.

In light of the above, you are hereby being cordially requested to investigate the irregular processing of my clients' personal data by Ms. Daphne Caruana Galizia using all the powers granted to you by the Data Protection Act. In light of this to order the deletion of the aforementioned articles and all other articles subsequently published which refer to them and to take any decision you may deem just and appropriate for this purpose in terms of the said Act.


Avv. Andrew Sciberras

c.c. Mr. Keith Schembri, Villa Abelia, St. Maria Gardens, Unit C4, Triq iz-Zebbug, Mellieha.



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