



MALTA POLICE ASSOCIATION

YOUR INDEPENDENT UNION



Document: Business Interest & Additional Occupation

Date: 19.05.2021

A. Introduction;

This document has been prepared by the Malta Police Association as a dispute to points 4.1 (c), 5.2, 5.4 and 6.1.7 of Policy POL-BIO entitled Business Interest & Additional Occupations dated 18th April 2021.

The Malta Police Association, whilst recognizing that this document is a step in the right direction to regularize a topic which for a number of years has not been addresses, goes beyond what is required and is interfering with the fundamental rights of our members without a specific legal grounds.

B. Points in dispute;

4.1 (c) a police officer's spouse, civil partner or partner (in each case not being separated from them) or any relative included in their family living with them² holds, or possesses a pecuniary interest in, any such licence or permit relating to wines and spirit shops (including within political party, football and band clubs), or betting outlets.

5.2 If a police officer is aware or becomes aware that a relative included in their family proposes to have, or has, a Business Interest within the meaning of 4.1(c) of this document, then that officer shall forthwith give written notice of that interest.

5.4 If a police officer proposes to carry out any activity on a voluntary basis as per 4.1(b) of this document, the officer shall forthwith give written notice of that interest. Such notice shall be submitted by way of two-part application, which can be downloaded from Police Extranet available at <https://policeextranet.gov.mt/extranet/templates/>. Part 1 (TEM-POL-BIO-1) shall be filled by the Applicant while Part 2 (TEM-POL-BIO-2) shall be filled by the Applicant's Senior Officer. The form shall in both instances be digitally filled and hand signed.

The Malta Police Association feels that request for information about an employees family may be justified in exceptional cases which may also depend on the special nature of a particular job assigned to that particular employee.

We wish to point out that our claims are without prejudice to the investigative powers vested in the Malta Police Force. However this Policy is not issued in relation to those powers, but are seemed to be related to an HR aspect of the Department, which is independent from the investigative side.

Furthermore, a number of the requirements of the Data Protection Act will come into play whenever an employer wishes to monitor workers. The Act does not prevent an employer from monitoring workers, but such monitoring must be done in a way which is consistent with the Act. Employers - especially in the public sector - must also bear in mind Article 8 of the European Convention on Human Rights which creates a right to respect for **private and family life** and for correspondence.

One of the core principles of leading data privacy mandates is *proportionality* – in the context of employee monitoring, this means that any monitoring activity taking place must have a legitimate business interest that definitively outweighs any potential harms to the privacy rights of employees.

**6.1.7 Letting an accommodation providing that the letting is not to a subordinate or superior;
The Malta Police Force is not and is not connected to the Housing authority. Therefore it cannot interfere in an way in how the person, uses his property.**

The fundamental human rights clearly explain that Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure payment of taxes or other contributions or penalties.

There is no legal basis for an employee to inform the Malta Police Force that he/she will be renting the his/her property, there are other competent authorities in this regard, and the Malta Police Force is not one of them.

Should the Malta Police Force, as a law enforcement agency in the country feels that one of its members is breaching any law, the Malta Police Force should investigate that particular case, but certainly imposing that anyone, has to inform a priori is for sure a no-go on this issue.

C. Conclusion;

- 1) The Malta Police Association is requesting to have the legal basis, which empowers the Malta Police Force to issue these instructions to its members.
- 2) In the event that the previous request is not met, The Malta Police Association is requesting that the quoted points of Policy POL-BIO be withdrawn. This request is enforced further by the fact that no proper consultation has been conducted with the Union prior to the publishing of this policy.

Executive Committee

Malta Police Association