

Response to Complaint Filed by Mr. John Caruana

To: The Office of the Information and Data Protection Commissioner

Subject: Response to Complaint Filed by Mr. John Caruana

Dear Commissioner,

I am writing in formal response to the complaint filed by Mr. John Caruana, Head of the Monetary Policy and Operations and Eurosystem Relations Department at the Central Bank of Malta, concerning the publication of photographs and video footage of him placing candles at the Great Siege Monument in Valletta on 1 May.

Mr. Caruana alleges that I uploaded this material without his consent and thereby infringed upon his data protection rights. However, I firmly reject the basis of this complaint, which I believe misrepresents both the facts of the matter and the applicable legal framework under the General Data Protection Regulation (GDPR) and the Maltese Data Protection Act.

The events in question occurred in a public place-namely, the Great Siege Monument, a national site located in the heart of Valletta and frequently visited by locals and tourists alike. Mr. Caruana's actions were conducted in broad daylight, in full view of numerous passersby, and were part of a broader trend involving the informal transformation of the monument into a shrine for the late journalist Daphne Caruana Galizia.

As a senior public official representing a national institution, Mr. Caruana's participation in this activity raises matters of public interest. European data protection jurisprudence is clear: images and recordings taken in public spaces, particularly where public figures are involved in public actions, do not in themselves constitute breaches of data protection law. Moreover, the publication of such

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material is protected under the right to freedom of expression and is permissible when it serves a journalistic or public interest function.

Rather than engage with the legitimate questions surrounding the use of a national monument for partisan or symbolic activity, Mr. Caruana has chosen to pursue a complaint aimed at curtailing scrutiny. This, I fear, may reflect an attempt to use data protection legislation not as a shield for privacy, but as a sword to silence public criticism and independent reporting.

To be clear:

- The content was recorded in a public space.
- Mr. Caruana was acting visibly and openly.
- No sensitive or private data was disclosed.
- The purpose of publication was public interest commentary.
- The action does not, in my view, fall within the scope of unlawful data processing.

In light of the above, I respectfully request that this complaint be dismissed as manifestly unfounded.

I remain at your disposal should you require any further clarification or supporting information.

Kind regards,

Neville Gafà