

Complaints Procedure



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1. STATEMENT

The Complaints Procedure refers to the series of actions to be taken by the Authority to handle dissatisfaction filed by external actors, relating solely to administrative matters, arising from the exercise of, or failure to exercise, any of its relevant functions.

The Procedure covers Complaints relating to alleged administrative shortcomings, such as:

- a. Gross and/or ordinary negligence
- b. Undue/disproportionate delay
- c. Unbecoming behaviour

2. SCOPE

Complaints can be submitted by anyone who feels they have been directly affected by the alleged administrative shortcomings mentioned in (1) above, provided that the Complaint meets the guidelines laid out in the Procedure.

Where it is established that a Complaint is justified, the MFSA will inform Complainants accordingly and determine the most appropriate remedy within the parameters of the Authority's remit. This may include an official apology letter and, if appropriate, taking relevant actions to prevent a recurrence

We know the issues leading to a complaint can be frustrating or distressing. Please be polite to our people though, as we don't allow abusive behaviour towards them and it may impact how well we are able to communicate with you about your complaint.

3. EXCLUSIONS

For the purpose of this procedure, the MFSA will not investigate a Complaint received under the following circumstances:

- a. Complaints submitted through an incomplete Complaint Form.
- b. Complaints against Financial Services Providers.
- c. Complaints filed by Licence Holders against regulatory decisions.
- d. Complaints against administrative fines and penalties.
- e. Complaints against the Authorisation process.
- f. Complaints received more than four months from the date on which Complainants first became aware of the circumstances giving rise to the Complaint.
- g. Complaints relating to a contractual or commercial dispute between the MFSA and a supplier of the MFSA.
- h. Complaints expressing a generic issue without specification to an occurrence.

- i. Complaints against regulations, rules, circulars, or any other regulatory communication issued by the MFSA, from time to time.
- j. Complaints analysed by the MFSA on previous occasions unless new facts came to light that made the case relevant again.
- k. Complaints in respect of which legal proceedings against the MFSA are in progress or have been completed.
- l. Complaints that are unjustified, irrelevant, or vexatious.
- m. Complaints arising out of the MFSA alleged failure to comply with the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act (Cap 586) or a request for information under the Freedom of Information (FOI) Act (Cap. 496). These matters will be considered under the GDPR, Data Protection Act and the FOI Act respectively.

Where a Complaint falls into one or more of the above categories, the MFSA will advise Complainants that their Complaint is not admissible.

4. COMPLAINTS PROCEDURE

Stage 1 – Submission of a Complaint

Complaints against the MFSA can be received at the Authority through the following channels:

- Emails

communications@mfsa.mt

- Letters

Communications,
Triq L-Imdina, Zone 1,
Central Business District,
Birkirkara,
Malta, CBD 1010

A Complaint may be submitted by filling in a [Complaint Form](#). The Complaint Form shall be duly completed and signed by the complainant or by the mandatary of the complainant who holds a written power of attorney in English or Maltese, provided that such power of attorney has been signed and attested in front of a notary public or a lawyer, as the case may be, and apostilled or legalised if issued in a country outside Malta. A certified true copy of the original power of attorney shall be provided to the Authority in physical form upon submission of the Complaint Form. If the power of attorney was not issued in Malta, the certified true copy of the original power of attorney shall be apostilled or legalised by the competent authority of the State from which the document emanates. Should the power of attorney contain restrictions or conditions, the Authority reserves the right to require additional information from the mandatary to enable the Authority to process the Complaint Form. Such Complaint Form shall

be submitted to the Authority in physical form by postal mail, together with a covering letter addressed to the MFSA.

Complaints should be submitted by no later than four (4) months from the date on which Complainant first became aware of the circumstances giving rise to the Complaint.

When handling, all Complaints shall be treated with utmost confidentiality whilst embracing the Authority's values.

The Complaints Handler must declare any actual or perceived conflict of interest and or any involvement in the matter giving rise to the Complaint to his/her superior.

The Complaints Handler may contact the Complainant in writing to request further information relating to the submitted Complaint.

The Complaints Handler will acknowledge receipt of the Complaint to the Complainant, within three working days and shall assign a reference number to the Complaint.

Stage 2 – Processing of a Complaint

All Complaints will be considered by the Complaints Handler who will conduct an initial assessment of the Complaint to determine its completeness and correctness and eventually by which function the Complaint should be processed. The Complaint Handler, under the supervision of the Head of Function, will determine if the Complaint falls within the scope of this procedure; the complexity or the nature of the issue, whether additional information is required; and consider whether further investigation is merited.

If it is established that the Complaint falls outside the scope of this procedure, the Complainant is informed accordingly within four weeks and the investigation from the end of the MFSA is concluded.

If additional investigation is required, there is the possibility to extend depending on the complexity of the case from the time the Complaint is officially referred.

Depending on the severity and the complexity of the case, the intervention of the Internal Audit Function may also be warranted as directed by the Chief of Operations.

Stage 3 – Outcome of the Complaints Processing

Once an outcome has been received by the relevant function, it will be the Complaint Handler's duty to inform the Complainant accordingly.

The reply to the Complaint will be in the form of an official MFSA letter signed by the Chief of Operations.

Complainants who are dissatisfied with the outcome of an investigation, or who are dissatisfied with the MFSA's progress in investigating a Complaint, may refer the matter to other National Authorities.

All Complaints will be recorded and logged in a Complaint Log for record purposes.