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**CYBER SECURITY AND CRITICAL INFORMATION
INFRASTRUCTURE AMENDMENT TO THE PORT
SECURITY REGULATIONS – LEGAL NOTICE**

**A Legislation Drafting Project submitted in partial fulfillment of the
requirements for the award of the Degree of Master of Laws (LL.M.) in
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AUTHORITY FOR TRANSPORT IN MALTA ACT

(CAP.499)

Port Security (Amendment) Regulations, 2020

IN exercise of the powers conferred by Article 43 (1) and (3) of the Authority for Transport in Malta Act, the Minister for XXXXX, in consultation with the Authority for Transport in Malta, has made the following regulations: -

Citation and commencement

S.L. 499.35

1. (1) The title of these regulations is the Port Security (Amendment) Regulations, 2020 and they shall be read and construed as one with the Ports Security Regulations, hereinafter referred to as “the principal regulations”.

(2) These regulations shall be deemed to have come into force on the XXth of XXXX, 2020.

Amends regulation 4 of the principal regulations

2. For Regulation 4 of the principal regulations shall be amended as follows:

(1) Immediately after the definition “the Convention”, there shall be added the following new definitions:

S.L. 460.35

(a) “critical information infrastructure” means information and communication technology asset, system, network or part thereof as defined in Article 2 of the Measures for High

Common Level of Security of Network and Information Systems Order;

S.L. 460.35

(b) “CIIP Unit” means the Critical Information Infrastructure Protection Unit established under Article 5 (1) of the Measures for High Common Level of Security of Network and Information Systems Order;

S.L. 460.35

(c) “CSIRT Malta” means the National Computer Security Incident Response Team within the CIIP Unit, known as ‘CSIRT Malta’ established under Article 6 (1) of the Measures for High Common Level of Security of Network and Information Systems Order;

(2) Immediately after the definition “mobile offshore drilling unit”, there shall be added the following definition:

Cap. 399

(a) “network and information system” means

(1) an electronic communications network within the meaning of Article 2 of the Electronic Communications (Regulation) Act;

(2) any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automatic processing of digital data; or

(3) digital data stored, processed, retrieved or transmitted by elements covered under paragraph (a) and (b) for the purposes of their operation, use, protection and maintenance.

(b) Immediately after the definition “security level 3”, there shall be added the following definition:

(1) “security of network and information systems” means the ability of network and information systems to resist, at a

given level of confidence, any action that compromises the availability, authenticity, integrity or confidentiality of stored or transmitted or processed data or the related services offered by or accessible via those network and information systems;

Amends
regulation 10 of
the principal
regulations

3. For Regulation 10 of the principal regulations shall be amended as follows:

(1) Immediately after the words “the Commissioner of Police”, there shall be added the following words:

(a) “an official of the CIP and CIIP Unit”

(b) “an official of the National CSIRT Unit”

Amends
regulation 26 of
the principal
regulations

4. For sub-regulation (4) (b) of Regulation 26 of the principal regulations there shall be amended as follows:

(1) For the words “but at least once every five years” there shall be substituted the words “but at least once every calendar year”;

Amends
regulation 27 of
the principal
regulations

5. For sub-regulation (5) (c) of Regulation 27 of the principal regulations there shall be amended as follows:

(1) For the words “but at least every five years” there shall be substituted the words “but at least every three years”;

Amends
regulation 32 of
the principal
regulations

6. For sub-regulation (5) of Regulation 32 of the principal regulations shall be amended as follows:

(1) Immediately after the words “identification of weaknesses, including human factors, in the infrastructure, policies and procedures”, there shall be added the following words:

(a) “identification and evaluation of possible risks and weaknesses of the existing network and information systems, critical information infrastructure and the security of networks and information systems”

Amends
regulation 33 of
the principal
regulations

7. For sub-regulation (4) (k) of Regulation 33 of the principal regulations shall be amended as follows:

(1) Immediately after the words “procedures for responding to security threats or breaches of security, including procedures for maintaining critical operations in the port facility or ship/port interface”, there shall be added the following words:

(a) “as well as security of network and information systems and critical information infrastructure”

