

Ministry for Health

Directorate Programme Implementation (DPI)

Data Protection and Retention Policy

SCOPE

1. This Policy is aimed at regulating the retention, maintenance and disposal of documentation, both personal and other, within the Directorate Programme Implementation, as provided for in the General Data Protection Regulation (GDPR), and in terms of requirements emanating from legal provisions in such other acts as the Public Administration Act chapter 497, and the National Archives Act chapter 477.

BACKGROUND

2. The GDPR puts forward the principle that personal data and sensitive personal data should not be retained for periods that are longer than necessary. In this context, the Directorate Programme Implementation will be putting forward a retention policy for all data and documentation that it collects and processes, with the purpose of ensuring compliance to the Regulation and to ensure that no resources are utilised in the processing and archiving of data which is no longer of relevance.

OBJECTIVES

3. This policy aims to achieve the following objectives:
 - a. Regulate the retention of and disposal of the various types of documentation whether held in manual or automated filing systems within the, Directorate Programme Implementation while adhering to the Data Protection principle that personal data should not be retained for a longer period than necessary;
 - b. Dispose of unnecessary documentation that is no longer relevant and is taking up useful storage space;
 - c. Promote the digitisation of documentation as may be reasonably possible in order to minimize the use of storage space required to store documentation, as well as to promote a sustainable use of paper and printing consumables.

THE DATA SUBJECT RIGHTS

4. The data subject is entitled to know, free of charge, what type of information the Directorate Programme Implementation holds and processes about you and why, who has access to it, how it is stored and kept up to date, for how long it is kept, and what the Directorate is doing to adhere with the said data protection legislation.

The GDPR establishes a formal procedure for dealing with data subject access requests. All data subjects have the right to access any personal information kept about them by the Directorate Programme Implementation, either on computer or in manual files. [Requests for Access to Personal Information](#) by data subjects are to be made in writing and sent to the Data Protection Officer of the Directorate Programme Implementation. Your identification details such as ID number, name and surname have to be submitted with the request for access. In case we encounter identification difficulties, you may be required to present an identification document.

ADMINISTRATION

5. Documentation is held and recorded by the Directorate Programme Implementation This Policy is therefore applicable to all such documentation. It will be the responsibility of the Directorate Programme Implementation relevant and its Data Controller Director, of the Directorate Programme Implementation to ensure that all provisions of this Policy are adhered to.

DOCUMENTATION HELD WITHIN THE DIRECTORATE PROGRAMME IMPLEMENTATION

6. As part of its operating requirements the Directorate Programme Implementation, requests, keeps and maintains a wide range of documentation including personal data. The various types of documentation utilised by Directorate Programme Implementation may be categorised as follows:
 - a. Procurement files
 - b. Processed payments required for a sufficient audit trail
 - c. Documents constituting proof of actual delivery of work/goods/services
 - d. Complaints registered by the general public with Servizz.gov
 - e. Project Grant Application files
 - f. Recruitment
 - g. Meeting minutes

SECURITY OF DOCUMENTATION

7. Documentation is maintained in an accessible but secure location with adequate access provided to officials who have the clearance level to access the relevant documentation. In the case of documents with sensitive personal data with higher clearance levels, access control protocols are fully adhered to, to ensure that only those that have the required security clearance have access to such documentation.

8. In the case of personal data, the GDPR also stipulates that only those required to process personal data should have access to personal records.
9. Personnel who are found to be in breach of these security protocols, and thus in breach of the GDPR, will be subject to disciplinary action.

MANUAL VS ELECTRONIC RECORDS

10. In terms of retention periods, it needs to be pointed out that the same retention period will apply for both electronic and manual data.

RETENTION PERIOD

11. Retention of different categories of documents is governed by different requirements and different legislation and regulations. Any personal data collected, processed and retained for the purposes of the implementation and as supporting documentation for expenditure supported by the particular EU Fund, is to serve as an audit trail of EU funded projects in accordance with relevant EU Fund's regulation. The retention of documentation policy, established in each Fund's particular Manual of Procedures and as per Circular 03/2010 on Data Protection Compliance issued by the Planning Priorities Coordination Division (PPCD), establishes the parameters required when processing information of a personal nature.
12. The documentation retention period is determined by the Managing Authority at the end of each project. This period is usually not less than 5 years from the project's closure report.

The following schedule outlines the retention requirements for the various categories of documentation within the Directorate Programme Implementation

Key	Unit/Department	Category	Records Type	Description	Retention Period	Remarks	Action to be determined by the National Archivist (When Retention Period Expires)
1	Directorate Programme Implementation (DPI)	EU Projects Files	Project Grant Applications files (contains personal data)	Applications for EU funded projects, General Correspondence with Project Leader and the Managing Authority, Grant agreements, Project Publicity events records, Training events records, Verification Checks documentation, Audit reports.	Three (3) years after end of programming period	The retention period of documentation is established according to Planning & Priorities Coordination Division (PPCD) instructions. DPI holds copies of the original documentation. The Originals are created and held by each project leader which DH files are created.	Not required by permanent preservation by the National Archives
2	Directorate Programme Implementation (DPI)	Procurement	Procurement files (contains personal data)	Tenders published, Bids received from the market, Nomination Letters and CVs of Evaluation Board Members, Evaluation reports, Contracts with suppliers.	Three (3) years after end of programming period	The retention period of documentation is established according to Planning & Priorities Coordination Division (PPCD) instructions. DPI holds copies of the original documentation. The Originals are created and held by each project leader which DH files are created.	Not required by permanent preservation by the National Archives

3	Directorate Programme Implementation (DPI)	Financial	Payments (contains personal data)	EU funded projects payment claims, Invoices from suppliers, fiscal receipts from suppliers, Boarding Passes in case of Travel Claims, documentation generated from the Structural Funds Database to process the claim for payment.	Three (3) years after end of programming period	The retention period of documentation is established according to Planning & Priorities Coordination Division (PPCD) instructions. DPI holds copies of the original documentation. The Originals are created and held by each project leader which DH files are created.	Not required by permanent preservation by the National Archives
4	Directorate Programme Implementation (DPI)	Human Resources	Recruitment (contains personal data)	Recruitment of staff / project Administrators/ Officers/ Support Officers assigned with any particular project. DPI processes the salaries of these staff members therefore documentation includes Payslips, vacation leave applications, sick leave certificates, attendance sheets etc.	Three (3) years after end of programming period	The retention period of documentation is established according to Planning & Priorities Coordination Division (PPCD) instructions	Not required by permanent preservation by the National Archives
5	Directorate Programme Implementation (DPI)	Administration	Meeting Minutes (contains personal data)	Agendas and Minutes of meetings attended by any DPI staff. These include DPI Staff Meetings, Ministerial Management Board Meeting, Project Steering Committee Minutes, Ministerial Projects Steering Committee (MPSC), Meetings with Project Partners, Monitoring Committees etc.	Three (3) years after end of programming period	The retention period of documentation is established according to Planning & Priorities Coordination Division (PPCD) instructions. DPI holds copies of the original documentation. The Originals are created and held by each project leader which DH files are created.	Not required by permanent preservation by the National Archives

6	Directorate Programme Implementation (DPI)	Administration	Servizz.Gov Complaints Database (Annual Online Excel Sheet only) (contains personal data)	DPI receives general public complaints through the Servizz.Gov as received in Servizz.Gov offices located around Malta & Gozo or through the Government 153 call centre. Each complaint received which in most cases includes personal details of the complainant and the complaint description is inserted in the DPI Complaints Database Excel Online sheet and then the complaint is referred to the Contact person within the concerning MFH entity which can address each particular complaint.	Five (5) years	Confimed with OPM Servizz.Gov.	Not required by permanent preservation by the National Archives
7	Directorate Programme Implementation (DPI)	Operations	Procurement & Financial (contains personal data)	Procurement of Operational stuff such as tenders, contracts, correspondence and invoices from suppliers of the Directorate's photocopier, water dispenser, office furniture/works within the Directorate's Offices etc.	Ten (10) years	According to Companies Act Chapter 386	Not required by permanent preservation by the National Archives

8	Directorate Programme Implementation	Human Resources	DPI Staff Members Attendance and Personal files (contains personal data)	Staff Details, Contract of Employment, Professional Development and training records	According to existing Retention policy for Hr Documents issued from OPM	Original copies of attendance sheets and personal file of staff are kept at HR People management Department	According to existing Retention policy for Hr Documents issued from OPM
9	Directorate Programme Implementation	Human Resources	DPI Staff Members Attendance and Personal files (contains personal data)	Vacation leave / Sick Leave records, Performance Management Appraisals Records, and the Directorate's weekly attendance sheets.	According to existing Retention policy for Hr Documents issued from OPM	Original copies of attendance sheets and personal file of staff are kept at HR People management Department	According to existing Retention policy for Hr Documents issued from OPM

CONCLUSION

This retention policy aims to achieve a good working balance between the retention of useful and meaningful information in line with the provisions of the relevant legislation and the disposal of data which is no longer required and is being archived unnecessarily. Data that needs to be destroyed after the noted timeframes will be disposed of in an efficient manner to ensure that such information will no longer be available within the Directorate Programme Implementation. Data Protection Controllers, Heads, and DPOs are aware of the noted retention periods and will instruct all relevant personnel to follow the indicated procedures accordingly.

It is to be noted that anonymised or statistical data do not fall within the parameters of this Retention Policy, since they do not constitute identifying personal data.

DPI's Data Controller

The Directorate Programme Implementation's Data Controller is Joseph Abela -Director Programme Implementation

The Directorate Programme Implementation can be contacted at:

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Data Protection Officer:

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The Information and Data Protection Commissioner

The Information and Data Protection Commissioner may be contacted at:

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