

**Ministry for Health**  
**Mater Dei Hospital - Medical Records Department**  
**& Sir Anthony Mamo Oncology Hospital**  
**Data Protection and Retention Policy**

SCOPE

1. This Policy is aimed at regulating the retention, maintenance and disposal of documentation. Patients' medical records include: clinical and theatre notes, electronic records, lab results, X-Ray and imaging records, consent forms and treatment charts, within the Mater Dei Hospital- Medical Records Department (MDH) and Sir Anthony Mamo Oncology Hospital (SAMOC) as provided for in the terms of requirements emanating from legal provisions in such other acts as the Public Administration Act chapter 595 and directives emanating therefrom, and in accordance with the principles of data protection legislation, and the National Archives Act chapter 477.

A Record Life Cycle describes the life of a record from its creation through the period of its 'active' use, into a period of 'inactive' retention and finally disposal – archival preservation or confidential destruction.

BACKGROUND

2. The General Data Protection Regulation (GDPR) (EU) 2016/679 puts forward the principle that personal and sensitive personal data, should not be retained for periods that are longer than necessary. In this context, the MDH and SAMOC will be putting forward a retention policy for all records collected and processed, 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:
  - Regulate the retention and disposal of the patients' medical file within the MDH-Medical Records and SAMOC while adhering to the Data Protection principle that personal data should not be retained for a longer period than necessary; as per Article 5 (e) of the GDPR.
  - Dispose of unnecessary documentation that is no longer relevant and is taking up useful storage space: as per Article 17 of the GDPR.
  - Promote the digitisation of documentation as may be reasonably possible in order to minimize the use of storage space, 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 MDH-Medical Records and SAMOC holds and processes about him/her and why, who has access to it, how it is held and kept up to date, for how long it is kept, and what the Unit is doing to comply with 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 Mater Dei Hospital -Medical Records, either on computer or in manual files. Requests for access to personal information by data subjects are to be made in writing using the [Request for Access to Personal Data Form](#), and sent to the Customer Care Unit of the Mater Dei Hospital. The data subject identification details such as ID number, name and surname have to be submitted with the request for access. In case we encounter identification difficulties, the data subject may be required to present an identification document.

## ADMINISTRATION

5. This policy is applicable to all Public Health Services in Malta. It will be the responsibility of the relevant Head of the MDH -Medical Records to ensure that all provisions of this policy are adhered to.
6. All staff that create, maintain, process and store records mentioned hereunder are responsible to perceive and implement the instructions given in this policy.
7. The next level supervisor, following appropriate consultation and direction, is authorized to modify this policy as deemed appropriate from time to time to ensure compliance with state laws.

## DOCUMENTATION HELD WITHIN THE MDH AND SAMOC

8. As part of its operating requirements the MDH and SAMOC requests, keeps and maintains a wide range of documentation including personal data. The type of data that is being utilised by MDH may be listed as follows:
  - Patients' records which holds Maltese Identification Number
  - Patients' records not holding an official Maltese Identification Document

While the data related to the SAMOC is listed as follows:

- Records of patients suffering from cancer, which hold a Maltese Identification Number
- Records of patients suffering from cancer, not holding an official Maltese Identification Number.

## SECURITY OF DOCUMENTATION

9. 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, ensure that only those that have the required security clearance have access to such documentation.

10. In the case of personal data, the GDPR also stipulates that only those required to process personal data should have access to patients' medical records.
11. 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 as per Article 33 Clause (5) of the GDPR.

## MANUAL VS ELECTRONIC RECORDS

12. The same retention periods will apply for both electronic (if applicable) and manual data.

## RETENTION PERIOD

13. The Retention schedule (on the following document) outlines the retention requirements for the various categories of documentation within the Mater Dei Hospital -Medical Records:

<b>Key</b>	<b>Unit / Dept.</b>	<b>Records type</b>	<b>Category</b>	<b>Description</b>	<b>Retention Period</b>	<b>Remarks</b>	<b>Action - to be determined by the National Archivist (When Retention Period Expires)</b>
1	Mater Dei Hospital - Medical Records Department	Medical file	Patients' records which holds Maltese Identification Number	Records containing all medical history	10 years after death	None	Records of patients whose date of birth are on the 9th, 19th & 29th are to be transferred to the National Archives for permanent preservation. The rest will not be required by the National Archives.
2	Mater Dei Hospital - Medical Records Department	Medical file	Patients' records not holding an official Maltese Identification Document	Records containing all medical history	10 years after the last registered healthcare encounter	Number of files have no date of birth	Random sample of 5% will be transferred to National Archives.
3	Mater Dei Hospital - Medical Records Department	Medical file	All patients' records which are listed as they have a rare condition or disease	Records containing all medical history	Indefinite	None	to be kept indefinitely by the originating office

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1	Sir Anthony Mamo Oncology Centre	Patient Medical File	Records of patients who hold a Maltese Identification document / number.	Records containing all the medical history of the patient suffering from cancer.	Ten (10) years after death	None	Records of patients with the day of birth falling on the ninth (9th), nineteenth (19th) and the twenty ninth (29th) are to transferred to the National Archives for permanent preservation. The rest will not be required by the National Archives.
2	Sir Anthony Mamo Oncology Centre	Patient Medical File	Records of patients who do not hold a Maltese Identification document / number.	Records containing all the medical history of the patient suffering from cancer.	Ten (10) years after the last registered Healthcare encounter	A number of these files do not include the date of birth of the data subject.	Random sample of Five (5) % will be transferred to National Archives.

## IMPLEMENTATION OF THE RETENTION PERIOD

14. The implementation of the said retention periods was in force as from 2011, it was reviewed in October 2018 and cover all data held at the MDH and SAMOC. The first step will be to dispose of old documents dating back decades held within the premises according to procedure and timeframes listed in this policy. Every file destroyed shall be documented by the staff to keep a track record. Eventually officers responsible for data listed in the retention schedule will, following approval by the management team, dispose of such data according to the given timeframes.

## CONCLUSION

15. This retention policy is intended towards achieving a good working balance between the retention of useful information and the disposal of data which is no longer required and is being unnecessarily archived. Data that needs to be destroyed will be disposed of in an efficient manner to ensure that such information will no longer be available within the Mater Dei Hospital-Medical Records Department - Data Protection Controllers, Heads, and DPOs will be made 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 data do not fall within the parameters of this Retention Policy, since they do not constitute identifying personal data.

**The Data Protection Officer of the Mater Dei Hospital -Medical Records Department** may be contacted at:

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## **The Information and Data Protection Commissioner**

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