

**Ministry for Health**  
**Office of the Superintendent of Public Health**  
**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 Office of the Superintendent of Public Health, as provided for in the terms of requirements emanating from legal provisions in such other acts as the Health Care Professions Act Chapter 464, the Drug Dependence (Treatment not Imprisonment) Act Chapter 537 and the Health Act Chapter 528, and other directives emanating therefrom, and in accordance with the principles of data protection legislation, and the National Archives Act Chapter 477.

BACKGROUND

2. The General Data Protection Regulation (GDPR) (EU) 2016/679 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 Office of the Superintendent of Public Health will be putting forward a retention policy for 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:
  - Regulate the retention of and disposal of the various types of records whether held in manual or automated filing systems within the Office of the Superintendent of Public Health, 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 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 Office of the Superintendent of Public Health holds and processes about him 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 Office 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 Office of the Superintendent of Public Health, either on computer or in manual files. Requests for access to personal information by data subjects are to be made to the Data Protection Officer for the Office of the Superintendent of Public Health on [dpo.osph@gov.mt](mailto:dpo.osph@gov.mt) . 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. Documentation is held and recorded by Units, Regulatory Councils/Committees within the Office of the Superintendent of Public Health. This policy is therefore applicable to such documentation. It will be the responsibility of the relevant Unit, Council or Committee within the Office of the Superintendent of Public Health and its Data Controller and any other deputy, supervisor or administrator who may be delegated 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 Office of the Superintendent of Public Health, 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 OFFICE OF THE SUPERINTENDENT OF PUBLIC HEALTH

8. As part of its operating requirements the Office of the Superintendent of Public Health, requests, keeps and maintains a wide range of documentation including personal data. The various types of documentation utilised by the Office of the Superintendent of Public Health may be categorised as follows:
  - Individual's Professional file opened by the respective Regulatory Council's/Committee's Registrar
  - Disciplinary files opened by the respective Regulatory Council's Registrar
  - Minutes of meetings held by Regulatory Councils/Committees
  - Application forms collected following a call for proposal to participate in the Merit Award Scheme
  - Survey of Children's Dental Health held by the Dental Public Health Unit
  - Data Collection Form – 8 year olds COSI collected by the Dental Public Health Unit
  - Dental Public Health Unit Form collected by the Dental Public Health Unit
  - Request by the Superintendent of Public Health to convene a medical panel held by the Pharmaceutical Unit
  - Authorisation for prescription for drugs held by the Pharmaceutical Unit
  - Request for approval for prescribing of medical cannabinoid by a licensed medical practitioner held by the Pharmaceutical Unit
  - Request for the use of an unlicensed medicinal product on a named patient basis, for a specific patient (applies to both the Government Health Services and the private held by the Pharmaceutical Unit)

## 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, 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 personal 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.

#### MANUAL VS ELECTRONIC RECORDS

12. 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

13. The Retention schedule outlines the retention requirements for documents held within the Office of the Superintendent of Public Health

Key	Unit /Dept.	Category	Records Type	Description	Retention Period	Remarks	Archival Action (when retention period expires)
1	Department for Health Regulation Office of the Superintendence of Public Health.	Medical Council; Pharmacy Council; Council for Nurses and Midwives; Council for the Professions Complementary to Medicine; Specialist Accreditation Committee (Medical); Specialist Accreditation Committee (Dental); Specialist Accreditation Committee (Nursing and Midwifery).	Individual's Professional File opened by the respective Council's/Committee's Registrar.	Application forms and other various documents related to the professional history of the individual.	In the case of Maltese citizens - five (5) years from date of decease of licenced professional.  In the case of foreigners who are not registered on the Common Database (CdB) held by the Government of Malta - until the licenced professional reaches the age of 85, and subject that no request for renewal of registration has been lodged.	Health Care Professions Act <a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=loam&amp;itemid=8930&amp;l=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=loam&amp;itemid=8930&amp;l=1</a>	A random sample of five (5) % of the files from each council is to be retained and transferred to the National Archives for permanent preservation.

2	Department for Health Regulation Office of the Superintendence of Public Health.	Medical Council; Pharmacy Council; Council for Nurses and Midwives; Council for the Professions Complementary to Medicine.	Disciplinary Files opened by the respective Council's Registrar. Disciplinary action as provided by Part VII of the Health Care Professions Act.	Disciplinary file opened for a health care professional.	Indefinite. Disciplinary files may contain information which might stay relevant for numerous years.	None	To be retained indefinitely by the originating office.
3	Department for Health Regulation Office of the Superintendence of Public Health.	Medical Council; Pharmacy Council; Council for Nurses and Midwives; Council for the Professions Complementary to Medicine; Specialist Accreditation Committee (Medical); Specialist Accreditation Committee (Dental); Specialist Accreditation Committee (Nursing and Midwifery).	Minutes of Meetings	Minutes of the meetings held by the Council/Committee.	Indefinite. Minutes of meetings may contain information which might stay relevant for numerous years.	None	To be retained indefinitely by the originating office.

4	Department for Health Regulation Office of the Superintendence of Public Health.	Merit Award Scheme.	Application Form (following Call for Proposals).	Form filled in by applicant to apply for the Merit Award Scheme.	Five (5) years.	Decision has been taken by the Merit Award Committee.	A random sample of one (1) % of the records is to be retained and transferred to the National Archives for permanent preservation.
5	Department for Health Regulation Office of the Superintendence of Public Health.	Dental Public Health Unit.	Survey of Children's Dental Health.	Questionnaire filled in for research purposes. Before each research is conducted, ethical approval is obtained from pertinent authority. Anonymised information collected though this form is digitally transferred onto a database owned by Dental Public Health Unit.	Two (2) years.	Decision has been taken by the Dental Public Health. <u>Data is used for surveys and annual reports.</u>	Not Required for permanent preservation by the National Archives.
6	Department for Health Regulation Office of the Superintendence of Public Health.	Dental Public Health Unit.	Data Collection Form – 8 year olds COSI.	Form filled for research purposes. Research is conducted after seeking and obtaining ethical approval, and following assent and permission of the parent/legal guardian of the child. Each entry is given a code number and any related data thus undergoes pseudonymisation, which data is then digitally transferred onto a database kept by the Dental Public Health Unit.	Two (2) years.	Decision has been taken by the Dental Public Health. Data is used for surveys and annual reports.	Not Required for permanent preservation by the National Archives.

7	Department for Health Regulation Office of the Superintendence of Public Health.	Dental Public Health Unit.	Dental Public Health Unit Form.	The basic personal data collected on this Form is utilised to set up follow up dental appointments for patients who visit the Mobile Dental Unit.	One (1) year.	Decision has been taken by the Dental Public Health. Data is used for surveys and annual reports.	Not Required for permanent preservation by the National Archives.
8	Department for Health Regulation.	Pharmaceutical Unit.	Request by the Superintendent of Public Health to convene a medical panel.	Request to a panel of medical specialists to give advise to the Superintendent of Public Health as to whether such prescribing is indicated, and where indicated, make recommendations as may be necessary with a view to weaning of patient from such drug - in terms of Art 13 (3) and Art 13(4) of S.L. 31.18 'Drugs (Control) Regulations', 1985.	Two (2) years.	S.L. 31.18 'Drugs (Control) Regulations' <a href="http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=9056&amp;f=1">http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=9056&amp;f=1</a>	A random sample of one (1) % of the records is to be retained and transferred to the National Archives for permanent preservation.
9	Department for Health Regulation.	Pharmaceutical Unit.	Authorisation for prescription for drugs.	Authorisation by the Superintendent of Public Health for the prescription of drugs - in terms of Art 13 (5) of S.L. 31.18 'Drugs (Control) Regulations', 1985. Retention period stipulated in terms of Art 12 of same S.L.	Two (2) years.	S.L. 31.18 'Drugs (Control) Regulations' <a href="http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=9056&amp;f=1">http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=9056&amp;f=1</a>	A random sample of one (1) % of the records is to be retained and transferred to the National Archives for permanent preservation.

10	Department for Health Regulation.	Pharmaceutical Unit.	Request for approval for prescribing of medical cannabinoid by a licensed medical practitioner.	Request for approval for prescribing of medical cannabinoid by a licensed medical practitioner.	Twenty (20) years.	Cap 537, Drug Dependence (Treatment not Imprisonment) Act, Art 10 <a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=12289&amp;I=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=12289&amp;I=1</a>	A random sample of one (1) % of the records is to be retained and transferred to the National Archives for permanent preservation.
11	Department for Health Regulation.	Pharmaceutical Unit.	Request for the use of an unlicensed medicinal product on a named patient basis, for a specific patient (applies to both the Government Health Services and the private sector).	Request for the use of an unlicensed medicinal product on a named patient basis, for a specific patient (applies to both the Government Health Services and the private sector).	Twenty (20) years.	DH Circular 270/06.	A random sample of one (1) % of the records is to be retained and transferred to the National Archives for permanent preservation.



## IMPLEMENTATION OF THE RETENTION PERIOD

14. The implementation of the said retention periods come into effect as from 1st January 2023 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 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 Office of the Superintendent of Public Health. The Data Protection Controller, and the Data Protection Officer 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.

The Data Protection Officer of the Office of the Superintendent of Public Health may be contacted at:

Address: Office of the Superintendent of Public Health  
Level 1, Outpatients Block,  
St Luke's Hospital,  
Pieta`  
Email: [dpo.osph@gov.mt](mailto:dpo.osph@gov.mt)  
Telephone: 2595 3308

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

The Information and Data Protection Commissioner may be contacted at:  
Level 2, Airways House,  
High Street,  
Sliema SLM 1549  
Email: [idpc.info@gov.mt](mailto:idpc.info@gov.mt)  
Telephone: 23287100