

Ministry for Health
People Management Division
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 People Management Division, as provided for in 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.

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 longer than necessary. In this context, the People Management Division will be putting forward a retention policy for all records collected and processed to ensure compliance with the Regulation and ensure that no resources are utilised in processing and archiving data that is no longer relevant.

OBJECTIVES

3. This policy aims to achieve the following objectives:
 - Regulate the retention of and disposal of various records within the People Management Division while adhering to the Data Protection principle that personal data should not be retained for longer than necessary; as per Article 5 (e) in 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 to minimise the use of storage space required to store documentation and promote 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 People Management Division 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 People Management Division, either on a 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 By Data Subjects](#) and

sent to the Data Protection Officer of the People Management Division. The data subject identification details, such as ID number, name and surname, must be submitted with the request for access. If we encounter identification difficulties, the data subject may be required to present an identification document.

ADMINISTRATION

5. Documentation is held and recorded by the offices at the People Management Division. This policy is, therefore, applicable to all such documentation. It will be the responsibility of the relevant Head of the People Management Division 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 for perceiving and implementing the instructions given in this policy.
7. Following appropriate consultation and direction, the next level supervisor is authorised to modify this policy to ensure compliance with state laws.

DOCUMENTATION HELD WITHIN THE PEOPLE MANAGEMENT DIVISION

8. As part of its operating requirements, the People Management Division requests, keeps and maintains a wide range of documentation, including personal data. The type of data that is being utilised by People Management Division may be listed as follows:
 - Employees personal files
 - Recruitment files
 - Discipline files
 - Call for application files
 - Employment records
 - Collective agreements
 - Public Service Research requests
 - Documentation related to internal audits
 - Documentation related to miscellaneous projects, such as 'Meet Our Employees'
 - Miscellaneous employee lists related to family friendly measures, allowances, etc.

SECURITY OF DOCUMENTATION

9. Documentation is maintained in an accessible but secure location with adequate access provided to officials with 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, ensuring that only those with the required security clearance have access to such documentation.
10. Regarding personal data, the GDPR also stipulates that only those required to process personal data should have access to personal records.

11. Personnel 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 GDRP.

MANUAL VS ELECTRONIC RECORDS

12. The same retention period will apply for both electronic and manual data.

RETENTION PERIOD

13. The Retention schedule hereunder outlines the retention requirements for the various categories of documentation within the People Management Division:

Key	Unit / Department	Category	Record Type	Description	Retention Period	Remarks	Archival Action (once retention period expires)
1	People Management Division	Employees Personal Files	Personal Files and Personal Record Sheets (PRSs) of Public Service Officers.	Personal Files and employment documents of all employees employed within the Ministry for Health.	Ten (10) years from date of retirement or fifteen (15) years from date of resignation (in case of reemployment or reinstatement).		Apply the Retention Policy for Human Resources records - "Data Protection Public Administration Human Resources Corporate Procedures" issued by the People & Standards Division (Office of the Prime Minister).
2	People Management Division	Employees Personal Files	Personal Files and Personal Record Sheets (PRSs) where applicable of Non-Public Service Officers - Persons of Trust, members of Ministers' and Parliamentary Secretaries' private secretariats, public employees seconded to the public service.	Personal files and documents of Persons of Trust, members of Ministers' and Parliamentary Secretaries' private secretariats, public employees who are seconded to the public service .	One (1) year after end of legislature. If the same person is re-appointed for another legislature, the personal file should be kept until a year (1) after said legislature.		Apply the Retention Policy for Human Resources records - "Data Protection Public Administration Human Resources Corporate Procedures" issued by the People & Standards Division (Office of the Prime Minister).
3	People Management Division	Employees Personal Files	Personal Files and Personal Record Sheets (PRSs) where applicable, of Students and Trainees.	Personal files and documents of student employees who are employed with the public service for a short period of time.	Apply the Retention Policy for Human Resources records - "Data Protection Public Administration Human Resources Corporate Procedures" issued by the People & Standards Division (Office of the Prime Minister).	Internal decision	Apply the Retention Policy for Human Resources records - "Data Protection Public Administration Human Resources Corporate Procedures" issued by the People & Standards Division (Office of the Prime Minister).

4	People Management Division	Recruitment	Main Files of Calls (Call for Applications <u>not of Doctors or Managerial stream/ Call for Expression of Interest, etc.</u>)	This file contains information related to the processing activity of a particular call and applications containing CVs and other personal documents related to the post.	Appointed persons - ten (10) years from date of retirement or fifteen (15) years from date of resignation (in case of reemployment or reinstatement). Others - one (1) year subsequent to the validity period of the relevant call for applications (unless, in the interim, a complaint connected with a particular call for applications has been filed). All other documents found in the file are to be kept for fifteen (15) years from the date of the issue of the call. Following the fifteen (15) years, all documents except for any appointment letters, which are to be placed in the respective personal files.	Others refer to the applicants who were not appointed, hence, the withdrawn, the ineligible, and those failed from the interview.	A random sample of one (5) % of the records is to be retained and transferred to the National Archives for permanent preservation.
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5	People Management Division	Recruitment	Main Files of Calls (Call for Applications for Basic Specialist BSTs Trainees, Higher Specialist Trainees HSTs and General Practitioners GPs)	This file contains information related to the processing activity of a particular call and applications containing CVs and other personal documents related to the post.	Appointed persons - ten (10) years from date of retirement or fifteen (15) years from date of resignation (in case of reemployment or reinstatement). Others - six (6) months or a further extension, subsequent to the validity period of the relevant call for applications (unless, in the interim, a complaint connected with a particular call for applications has been filed). All other documents found in the file are to be kept for fifteen (15) years from the date of the issue of the call. Following the fifteen (15) years, all documents except for any appointment letters, which are to be placed in the respective personal files	Others refer to the applicants who were not appointed, hence, the withdrawn, the ineligible, and those failed from the interview. Call for applications of Doctors can have their validity period extended.	A random sample of one (5) % of the records is to be retained and transferred to the National Archives for permanent preservation.
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6	People Management Division	Recruitment	Main Files of Calls (Call for Applications for Managerial stream)	This file contains information related to the processing activity of a particular call and applications containing CVs and other personal documents related to the post.	Appointed persons - ten (10) years from date of retirement or fifteen (15) years from date of resignation (in case of reemployment or reinstatement). Others - two (2) years, subsequent to the validity period of the relevant call for applications (unless, in the interim, a complaint connected with a particular call for applications has been filed). All other documents found in the file are to be kept for fifteen (15) years from the date of the issue of the call. Following the fifteen (15) years, all documents except for any appointment letters, which are to be placed in the respective personal files.	Others refer to the applicants who were not appointed, hence, the withdrawn, the ineligible, and those failed from the interview.	A random sample of one (5) % of the records is to be retained and transferred to the National Archives for permanent preservation.
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7	People Management Division	Recruitment	Application Forms (for the filling of posts/ positions/ promotions in the Public Service)	This file contains applications containing CVs and other personal documents related to the post.	Appointed persons - ten (10) years from date of retirement or fifteen (15) years from date of resignation (in case of reemployment or reinstatement). Others - one (1) year subsequent to the validity period of the relevant call for applications (unless, in the interim, a complaint connected with a particular call for applications has been filed).		Apply the Retention Policy for Human Resources records - “Data Protection Public Administration Human Resources Corporate Procedures” issued by the People & Standards Division (Office of the Prime Minister).
8	People Management Division	Recruitment	Application Forms (for the filling of Expression of Interest calls).	This file contains applications containing CVs and other personal documents related to the post.	Employed persons - ten (10) years from date of retirement or fifteen (15) years from date of resignation (in case of reemployment or reinstatement). Others – one (1) year subsequent to the validity period of the relevant call for applications (unless, in the interim, a complaint connected with a particular call for applications has been filed).		Apply the Retention Policy for Human Resources records - “Data Protection Public Administration Human Resources Corporate Procedures” issued by the People & Standards Division (Office of the Prime Minister).
9	People Management Division	Recruitment	Application Forms (for the filling of positions co-financed from EU funds).	This file contains applications containing CVs and other personal documents related to the post.	Appointed persons -ten (10) years from date of retirement or fifteen (15) years from date of resignation (in case of reemployment or reinstatement). Others - to be retained for the period stipulated in the regulations governing the relative EU programme/s.		Apply the Retention Policy for Human Resources records - “Data Protection Public Administration Human Resources Corporate Procedures” issued by the People & Standards Division (Office of the Prime Minister).

10	People Management Division	Discipline	Admonishments (Written or Verbal)	Verbal or written warnings kept by the officer issuing admonishment.	According to the Manual on Disciplinary Proceedings in the Public Service issued in July 2022 by the People and Standards Division within the Office of the Prime Minister and the Public Service Commission Disciplinary Regulations issued in 2017.		Apply the Retention Policy for Human Resources records - "Data Protection Public Administration Human Resources Corporate Procedures" issued by the People & Standards Division (Office of the Prime Minister) which refers to the Manual on Disciplinary Proceedings in the Public Service issued in July 2022 by the People and Standards Division within the Office of the Prime Minister and the Public Service Commission Disciplinary Regulations issued in 2017.
11	People Management Division	Discipline	Discipline Files containing Disciplinary Charges (Minor or Serious)	Personal files containing sealed envelopes with discipline files containing disciplinary charges	According to the Manual on Disciplinary Proceedings in the Public Service issued in July 2022 by the People and Standards Division within the Office of the Prime Minister and the Public Service Commission Disciplinary Regulations issued in 2017		Apply the Retention Policy for Human Resources records - "Data Protection Public Administration Human Resources Corporate Procedures" issued by the People & Standards Division (Office of the Prime Minister) which refers to the Manual on Disciplinary Proceedings in the Public Service issued in July 2022 by the People and Standards Division within the Office of the Prime Minister and the Public Service Commission Disciplinary Regulations issued in 2017.

12	People Management Division	Absence Management	Attendance Sheets	Attendance sheets of various MFH entities.	Two (2) years.		Apply the Retention Policy for Human Resources records - "Data Protection Public Administration Human Resources Corporate Procedures" issued by the People & Standards Division (Office of the Prime Minister).
13	People Management Division	Absence Management	Vacation Leave Application Forms	Employee application forms for vacation leave.	Two (2) years.		Apply the Retention Policy for Human Resources records - "Data Protection Public Administration Human Resources Corporate Procedures" issued by the People & Standards Division (Office of the Prime Minister).
14	People Management Division	Absence Management	Vacation Leave Records	Vacation leave records showing number of vacation leave days taken during employment	Three (3) years		Apply the Retention Policy for Human Resources records - "Data Protection Public Administration Human Resources Corporate Procedures" issued by the People & Standards Division (Office of the Prime Minister).

15	People Management Division	Absence Management	Quarantine Leave Records	Letters from the Office of the Superintendent of Public Health sent to MFH staff for mandatory quarantine.	Two (2) years	Internal decision	Not Required for permanent preservation by the National Archives.
16	People Management Division	Medical Records	Copies of Sick Leave Certificates	Sick leave certificates.	One (1) year from date of issue.		Apply the Retention Policy for Human Resources records - "Data Protection Public Administration Human Resources Corporate Procedures" issued by the People & Standards Division (Office of the Prime Minister).
17	People Management Division	Medical Records	Sick Leave Records	Sick leave cards showing number of sick leave days taken during employment	Ten (10) years from date of retirement or Fifteen (15) years from date of resignation (in case of reemployment or reinstatement).		Apply the Retention Policy for Human Resources records - "Data Protection Public Administration Human Resources Corporate Procedures" issued by the People & Standards Division (Office of the Prime Minister).
18	People Management Division	Training	Application Forms for Internships, Placements, Sponsorships, Training, Courses etc.	Application forms of students who apply for internships, placements, etc. with the MFH are filed in Deptment of Health (DH) file	Three (3) years from end of Internships, Placements, etc.	Internal decision	Not Required for permanent preservation by the National Archives.

19	People Management Division	Industrial Relations	Collective Agreements	Copies and original copies of Collective Agreements done with and without Industrial Relations Unit (IRU) are kept for reference and for implementation.	Eight (8) years from when the collective agreement expires.	Internal decision. These collective agreements are held at PMD office for reference purposes.	Retain the collective agreements that are not done with IRU and transfer to the National Archives for permanent preservation.
20	People Management Division	Research	Public Service Research	Detailed application forms of the research being carried out by the applicants.	Five (5) years from date of approval/refusal.	Internal decision. Applicants are mainly students, but sometimes employees (students) and others (employees in the private sector doing research) can apply too.	Not Required for permanent preservation by the National Archives.
21	People Management Division	Audits	Audit documentation	Audit and compliance reports on MFH files, carried out by Office of Prime Minister (OPM) and Public Service Commission (PSC).	Six (6) years following the creation of such documentation.	Internal decision. These are final reports from OPM and PSC compiled after questions asked by OPM and PSC are answered by the PMD.	Not Required for permanent preservation by the National Archives.

22	People Management Division	Projects	Meet our Employees	This project provides information regarding different professions and roles across the Ministry. Consent is obtained from the participants for their replies and photographs that are used on the website and Facebook page.	Three (3) years from date of signature on consent form	Internal decision	Not Required for permanent preservation by the National Archives.
23	People Management Division	Lists	Miscellaneous lists with frequently updated data	Lists of employees from various entities requesting family friendly measures, transfers, etc.	Five (5) years from date of collection	Internal decision	Not Required for permanent preservation by the National Archives.
24	People Management Division	Lists	Miscellaneous lists required for a specific project.	Lists of employees from various entities indicating way of travel to work, amounts of unutilised leave, etc.	One (1) year from completion of the project.	Internal decision	Not Required for permanent preservation by the National Archives.

IMPLEMENTATION OF THE RETENTION PERIOD

14. The implementation of the said retention periods shall come into force as from 20th July 2023 cover all data held at the People Management Division. The first step will be to dispose of old documents dating back decades held within the premises according to the procedure and timeframes listed in this policy. The staff shall document every file destroyed 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 to achieve a good working balance between the retention of useful information and the disposal of data that is no longer required and is being unnecessarily archived. Data that needs to be destroyed will be disposed of efficiently to ensure that such information will no longer be available within the People Management Division. 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 Ministry for Health, People Management Division may be contacted at:

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The Information and Data Protection Commissioner

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