



Ministry for Health

Central Procurement & Supply Unit

Data Protection and Retention Policy

SCOPE

This Policy sets the required retention periods for specified categories of personal data and sets out the minimum standards to be applied when destroying certain information within the Central Procurement and Supply Unit [CPSU]. Referenced documents:

- EU GDPR 2016/679 (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC)
- National Archives Act Chapter 477
- Medicines Act Legislation Chapter 458
- Falsified Directive – Commission delegated Regulation EU206/161
- Emergency Procurement Regulations (Legal Notice 350/2016)
- Public Procurement Regulations (Legal Notice 352/2016)
- Concession Contract Regulations (Legal Notice 353/2016)
- Medical Devices Legislation S.L. 427.44
- Special Food Legislation
- Personal Data Protection Policy
- Disposal and Destruction Policy
- GMP & GDP Guidelines

BACKGROUND

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, CPSU 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.

The Data Protection Officer [DPO] has the responsibility to ensure that each of the CPSU's offices complies with this Policy. It is also the responsibility of the DPO to assist any local office with enquiries from any local data protection or governmental authority. Any suspicion of a breach of this Policy must be reported

immediately to the DPO. In addition, the DPO shall investigate all instances of suspected breaches of the Policy and appropriate / effective action taken.

Failure to comply with this Policy may result in adverse consequences, including, but not limited to, loss of customer confidence, litigation and loss of competitive advantage, financial loss and damage to the CPSU's reputation, personal injury, harm or loss. Non-compliance with this Policy by permanent, temporary or contract employees, or any third parties, who have been granted access to CPSU premises or information, may therefore result in disciplinary proceedings or termination of their employment or contract. Such non-compliance may also lead to legal action against the parties involved in such activities.

OBJECTIVES

This policy aims to achieve the following objectives:

- Regulate the retention of and disposal of the various types of documentation whether held in manual or automated filing systems within CPSU, while adhering to the Data Protection principle that personal data should not be retained for a longer period than necessary;
- Dispose of unnecessary documentation that is no longer relevant and is taking up useful storage space;

ADMINISTRATION

This Policy applies to all CPSU officers, directors, employees, agents, affiliates, contractors, consultants, advisors or service providers that may collect, process, or have access to data (including personal data and / or sensitive personal data). It is the responsibility of all of the above to familiarise themselves with this Policy and ensure adequate compliance with it. This policy applies to all data held and/or processed by CPSU officials as indicated above, whether it is held in paper or electronic format.

- Emails
- Hard copy documents
- Soft copy documents
- Video and audio
- Data generated by physical access control systems

This Policy applies to all business units, processes and systems in all countries in which CPSU conducts business and has dealings or other business relationships with third parties.

DATA retention schedule

Under the Maltese Law, we are required to keep you documents account to our Data Retention Schedule (below). After this period, your data will be irreversibly destroyed. Any personal data held by us for service notifications will be kept by us until such time that you notify us that you no longer wish to receive this information.

Key	Unit/Department	Category	Records Type	Description	Retention Period	Remarks	Action to be determined by the National Archives (when Retention Period expires)
1	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Recruitment and career progression documents: Application for the filling of post in the Public Service	Until age of seventy five (75) in the case of successful applicants. All others, 1 years after the validity period of the relevant call for applications unless in the intermit, a complaint connected with a practical call for applications has been filled	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Reasources documents issued by the Office of the Prime Minister
2	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Applications for External Training	One (1) year from conclusion of section process]	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Reasources documents issued by the Office of the Prime Minister

3	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Declaration on Employment/ Appointment	Apply retention policy for HR documents issued by the Office of the Prime Minister	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Reasources documents issued by the Office of the Prime Minister
4	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Confirmation of Appointments	Apply retention policy for HR documents issued by the Office of the Prime Minister	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Reasources documents issued by the Office of the Prime Minister
5	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Personal Record Sheet	Apply retention policy for HR documents issued by the Office of the Prime Minister	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Reasources documents issued by the Office of the Prime Minister
6	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Service & Leave Records Form	Apply retention policy for HR documents issued by the Office of the Prime Minister	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Reasources documents issued by the Office of the Prime Minister

7	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Annual Performance Reports including PMPs	Apply retention policy for HR documents issued by the Office of the Prime Minister	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Resources documents issued by the Office of the Prime Minister
8	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	General Employee Records: Approval to perform private work	Apply retention policy for HR documents issued by the Office of the Prime Minister	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Resources documents issued by the Office of the Prime Minister
9	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Pension form	Apply retention policy for HR documents issued by the Office of the Prime Minister	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Resources documents issued by the Office of the Prime Minister
10	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Discipline Records: Admonishments	Apply retention policy for HR documents issued by the Office of the Prime Minister	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Resources documents issued by the Office of the Prime Minister

11	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Discipline Records: Written warnings	Apply retention policy for HR documents issued by the Office of the Prime Minister	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Resources documents issued by the Office of the Prime Minister
12	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Discipline Records: Minor and serious Disciplinary cases	Apply retention policy for HR documents issued by the Office of the Prime Minister	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Resources documents issued by the Office of the Prime Minister
13	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Absence Management: Attendance Sheets	Apply retention policy for HR documents issued by the Office of the Prime Minister	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Resources documents issued by the Office of the Prime Minister
14	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Vacation Leave application forms	Apply retention policy for HR documents issued by the Office of the Prime Minister	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Resources documents issued by the Office of the Prime Minister

15	Central Procurement and Supplies Unit	People Management and Resources Administration	Employees record keeping	Vacation Leave Cards	Apply retention policy for HR documents issued by the Office of the Prime Minister	Legitimacy: Legal obligation [Public Administration Act & Public Service Management Code]	Apply retention Policy for Human Resources documents issued by the Office of the Prime Minister
16	Central Procurement and Supplies Unit	Resource Administration	CCTV footage	Premise & Stores surveillance footage - for security purposes	One (1) week - 7 days	Legitimacy: Legitimate interest Retention time as per CCTV policy	Not required for permanent preservation by the National Archives
17	Central Procurement and Supplies Unit	Resource Administration (Security Section)	Stores Security Register	Register that logs in the sign-in and sign-out of visitors and third party supplies	One (1) year	Legitimacy: Legitimate interest	Not required for permanent preservation by the National Archives
18	Central Procurement and Supplies Unit	Resource Administration (Security Section)	Stores Key Management	Register that logs the key management at CPSU stores	One (1) year	Legitimacy: Legitimate interest	Not required for permanent preservation by the National Archives
19	Central Procurement and Supplies Unit	IT	Inventory of hardware & eRFS	Complete hardware details of the devices in the network.	Upon confirmation of employment termination	Legitimacy: Legitimate interest	Not required for permanent preservation by the National Archives

20	Central Procurement and Supplies Unit	Finance	Invoicing & Accounts supporting documents	Document supporting the product or service purchased by the supplier.	Ten (10) years from date of invoice	<p>Legitimacy: Legal obligation [General Financial Regulation & Public Administration Act]</p> <p>Legitimate interest</p> <p>Public task</p>	Not required for permanent preservation by the National Archives
21	Central Procurement and Supplies Unit	Procurement (Stores)	Bin Cards	Perpetual inventory system used at CPSU stores	One (1) year	Legitimacy: Legitimate interest	Not required for permanent preservation by the National Archives
22	Central Procurement and Supplies Unit	Procurement	Procurement Record Keeping	All documents relevant to the pre-tendering, tendering and contract administration phases	<p>Ten (10) years from last dated minute.</p> <p>Exceptions:</p> <p>1. Documents are retained if audit reports are still being carried out or feedback is being obtained.</p> <p>2. Retention period for EU projects: Three (3) years after end of programming period. Retention period has been established from the Planning & Priorities Coordination Division PPCD.</p>	<p>Legitimacy: Public task and / or Contract</p>	Not required for permanent preservation by the National Archives

23	Central Procurement and Supplies Unit	Procurement	Request for Participation	Gluten Free Voucher Scheme Contracts	Thirthy (30) months	Legitimacy: Contract	Not required for permanent preservation by the National Archives
24	Central Procurement and Supplies Unit	Stores Administration	Technical Agreement	Documentation of technical agreements	Five (5) years from termination of contract	Legitimacy: Contract	Not required for permanent preservation by the National Archives
25	Central Procurement and Supplies Unit	Customer Support	Contact Us Forms / Emails	Queries received from Suppliers or Patients	One (1) year. Retention time may vary if and only if the query concerns a legal dispute.	Legitimacy: Legitimate interest	Not required for permanent preservation by the National Archives

26	Central Procurement and Supplies Unit	Quality Assurance	Quality Assurance Processes and Procedures	Notifications from MCCA, Documentation related to Unlicensed Medicinal Products (UMPs), Certificate of analysis for medicinal products, Tender documentation, Quality Manual & SOPs, and Documentation related to QMS	Ten (10) years from date of award	<p>Legitimacy: Legal obligation[</p> <ol style="list-style-type: none"> 1. Falsified Directive – Commission delegated regulation – EU206/161 2. Medicines Act 2013 Ch 458, EU GDP Guidelines March 2013 and Wholesale distribution of medicinal products SL 458.37 3. Pharmacovigilance Regulations SL 458.35 for ADR reports 4. Medical Devices – EU Directive 93/42/EC & 98/79/EC for in vitro medical devices 5. MEDDEV 2.12-1 rev 8 January 2013 Guidelines on a Medical Devices Vigilance System] 	Not required for permanent preservation by the National Archives
27	Central Procurement and Supplies Unit	Quality Assurance	Technical Agreement	Documentation of technical agreements	Five (5) years from terminated of contract	<p>Legitimacy: Legal obligation[Medicines Act 2013 Ch 458, EU GDP Guidelines March 2013 and Wholesale distribution of medicinal products SL 458.37]</p>	Not required for permanent preservation by the National Archives
28	Central Procurement and Supplies Unit	Healthcare Intelligence Unit [HIU]	MedAlerts Mater Dei Hospital (MDH)	Telephone number records to allow a dispatch of messages to a large number of people.	Upon confirmation of employment termination	<p>Legitimacy: Vital Interest</p>	Not required for permanent preservation by the National Archives

29	Central Procurement and Supplies Unit	Healthcare Intelligence Unit [HIU]	MedAlerts [HCP]	Telephone number records to allow a dispatch of messages to a persons involved with CPSU but are not directly employed under CPSU.	Upon confirmation of consent withdrawal	Legitimacy: Consent	Not required for permanent preservation by the National Archives
30	Central Procurement and Supplies Unit	Quality Assurance	Medicine Review Documentation	Medicine Review documentation related to patency, correspondence, meeting minutes and notes of HIU	Ten (10) years from date of review	Legitimacy: Legal obligation[Ch 23 (1) and (2) of Health Act 2013]	Records to be transferred to the National Archives for permanent preservation

ROUTINE DISPOSAL SCHEDULE

Records which may be routinely destroyed without any stipulated period, unless subject to an on-going legal or regulatory inquiry are as follows:

- Announcements and notices of day-to-day meetings and other events including acceptances and apologies;
- Requests for ordinary information such as travel directions;
- Reservations for internal meetings without charges / external costs;
- Transmission documents such as letters, fax cover sheets, e-mail messages, routing slips, compliments slips and similar items that accompany documents but do not add any value;
- Message slips;
- Superseded address list, distribution lists etc.;
- Duplicate documents such as CC and FYI copies, unaltered drafts, snapshot printouts or extracts from databases and day files;
- Stock in-house publications which are obsolete or superseded; and
- Trade magazines, vendor catalogues, flyers and newsletters from vendors or other external organizations.

In all cases, disposal is subject to any disclosure requirements which may exist in the context of litigation.

DISPOSAL AND DESTRUCTION OF EQUIPMENT AND MEDIA

All data and licensed software stored on mobile storage media (e.g. on CD, DVD, USB flash drive, memory card, etc.; but also, on paper) and on all equipment containing storage media (e.g. computers, mobile phones, etc.) must be erased or the medium destroyed before it is disposed of or reused as per retention policy periods. The person responsible for erasing data / destroying media must inform the owner of the asset in question about erasing /destroying the data and keep record of the data destroyed.

Equipment

Information Management Unit [IMU] is responsible for checking and erasing data from government equipment. It is up to the Board of Survey for unserviceable and obsolete items to decide if storage media is to be destroyed or not. In the eventuality that it is decided that it is to be destroyed a record is to be kept of the equipment destroyed and the necessary inventory recorded updated.

Digital storage media

IMU officials are responsible for erasing data from digital storage media. Data must be erased by formatting, but if the erasure process is not secure enough considering the sensitivity of the data, then the storage medium must be destroyed.

Paper media

Senior Operative is responsible for destroying paper documents. Paper documents are destroyed in paper shredders. Moreover, CPSU may opt to use Maltapost to certify the destruction of documents by entering into an agreement. Once documents are destroyed a record is to be kept.

Records of erasure/destruction must be kept for all data classified as "Confidential". Records must include the following information: information about the media, date of erasure/destruction, method of erasure/destruction, person who carried out the process.

All information classified as "Confidential" must be erased/destroyed in the presence of a board consisting of persons authorized to access the information in question.

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. The Controller, the Processors, CPSU employees and the DPO 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.



Data Controller:

Ministry for Health
15, Palazzo Castellania,
Merchants Street,
Valletta, VLT 1171
Telephone: 21224071

Data Processor:

Central Procurement & Supplies Unit (Head Office)
UB002, Industrial Estate,
San Gwann - SGN3000
Telephone: 2540 4000

The Data Protection Officer of CPSU may be contacted at:

Email: bzerafa@tfork.com or benjamin.b.zerafa@gov.mt

Telephone: 99222777

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

Telephone: 23287100