

Ministry for Health

Office of the Permanent Secretary and the Management Support Directorate

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 Permanent Secretary which includes the Management Support Directorate, as provided for in terms of requirements emanating from legal provisions in such other acts as the Public Administration Act Chapter 497, and directives emanating therefrom, and in accordance with the principles of data protection legislation, 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 Office of the Permanent Secretary and the Management Support Directorate will be putting forward a retention policy for all data and documentation that they collect and process, 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 are 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 documentation whether held in manual or automated filing systems within the Office of the Permanent Secretary and the Management Support Directorate, 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 are no longer relevant and is taking up useful storage space;
 - 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 Permanent Secretary and the Management Support Directorate hold and processes about oneself 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 two Units are 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 Management Support Directorate, 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 by Employees](#), and

sent to the Data Protection Officer of the Management Support Directorate. 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 Office of the Permanent Secretary and Management Support Directorate. This Policy is therefore applicable to all such documentation. It will be the responsibility of the relevant Office of the Permanent Secretary and the Management Support Directorate and the Data Controller to ensure that all provisions of this Policy are adhered to.

DOCUMENTATION HELD WITHIN THE MANAGEMENT SUPPORT DIRECTORATE

6. As part of its operating requirements the Office of the Permanent Secretary and Management Support Directorate, requests, keeps and maintains a wide range of documentation including personal data. The various types of documentation utilised are being categorised for each respective Unit as follows:

Office of the Permanent Secretary

Data Protection Related

- In-coming and out-going correspondence;
- Telephone Database and other contact details;
- Copies of Contracts Agreements;
- Personal files of officials in a Headship position;
- Files relating to Boards of Inquiry under the Inquiries Act and other Boards of Investigations;
- Files relating to Ombudsman cases;
- Legal documents

Other Documents held, not DP Related

- Copies of Collective and Sectorial Agreements
- Memos to Cabinets

Management Support Directorate

Data Protection Related

- Personal Data of employees within the Office of the Permanent Secretary and Management Support Directorate;
- Copies of contracts of employees employed on a Position or Person of Trust Basis and related forms;
- Copies of secretariat contracts and letters of renewal;
- Copies of contracts for service and contracts of service;

- Files setting up and including all Selection Board procedures in line with Directive 9. Files are closed off, when all candidates on the Result Sheet have been appointed or the Result expires, whichever happens first and stored;
- Selection Board Reports and Declaration by successful candidates prior to appointment;
 - a. Files relating to investigation;
 - b. Files pertaining to the appointment of Boards and Committees;
 - c. Copies of correspondence re. Legal proceedings relating to Health cases;

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.

The following schedule outlines the retention requirements for the various categories of documentation within the People Management and Development Directorate

Key	Unit/Department	Category	Records Type	Description	Retention Period	Remarks	Archival Action (When Retention Period Expires)
1	Permanent Secretary's Office and Management Support Directorate	<u>Copies</u> of General Correspondence - 'Floats Files'.	Printed or hand written letters, including copies of emails.	<u>Copies of all</u> correspondence received or sent both in typed format (including emails) and written correspondence.	Ten (10) years from date of year end of correspondence.	It is the practice to keep <u>copies</u> of correspondence in files marked as 'Floats'. The official correspondence is inserted in a related file, however, for ease of reference a copy is kept in the 'Floats'. This request is for the 'Floats Files' as the Departmental files are the responsibility of the Ministry's Central Registry and do not fall under the scope of this Policy.	These records (floats) are not required for permanent preservation by the National Archives.
2	Permanent Secretary's Office and Management Support Directorate	Internal Telephone Directory	Manual and/or Electronic formats	Names and Surname, mobile numbers and or landlines and email addresses.	Up to (3) three years following an officer's retirement, resignation or dismissal from public employment as defined within the Public Administration Act under the definition of "public employee."	The Office may need to contact the individual on official business.	Not required for permanent preservation by the National Archives.

3	Management Support Directorate	Files and databases relating to the setting up of Boards and Committees, their composition and remuneration.	Manual and/or Electronic formats	Names and Surname, mobile numbers and or landlines, Home addresses, occupations, email addresses, legal capacity officers are being appointed, the classification of the Board, remuneration and Boards term.	Five (5) years from when the Board/Committee members resign/retire, or from when the Board/Committee ceases to exist because of a change in legislation. This direction was given by Cabinet Office communicated via email on Thu 23/08/2018 13:11, wherein direction was also given that the names and surnames of Board Members can be retained indefinitely for archiving purposes in the public interest.	Archiving purposes in the public interest.	Not required for permanent preservation by the National Archives.
4	Office of the Permanent Secretary and Management Support	Files relating to Boards of Inquiry under the Inquiries Act and other Boards of Investigations.	Manual and/or Electronic formats	These are departmental files opened when a board of investigation is set up.	Ten (10) years from conclusion of the findings, and then transferred to the Registry. Adding another twenty (20) years in the registry storages.	None	Records are to be transferred to the National Archives for permanent preservation.
5	Management Support Directorate	Memos to Cabinet	Manual and/or Electronic formats	Memos to Cabinet, Impact Assessment and Legal Notices and related communication.	Thirty (30) years unless an official retention period is issued by Office of the Prim Minister (OPM) across government.	The thirty (30) year period is being proposed for continuity to bridge when there are changes in administration.	Records are to be transferred to the National Archives for permanent preservation.
6	Office of the Permanent Secretary and Management Support	Minutes of Meetings	Manual and/or Electronic formats	Minutes of Management Board meetings chaired by the Permanent Secretary and Minutes of Administration Support Group chaired by the Director, Management Support.	Thirty (30 years) from year of meeting.	None	Records are to be transferred to the National Archives for permanent preservation.

7	Permanent Secretary's Office	Personal files of officials in a Headship position.	Manual and/or Electronic formats	Documents from the officer's first appointment until one resigns or retires.	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).	Headship position files are kept within the Office of the PS as the recruitment process is initiated from OPM directly to him.	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	Management Support Directorate	Personal files of Secretariate Officers, POTs and Ministry Advisors	Manual and/or Electronic formats	Documents from the officer's first appointment until one resigns or retires.	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).	Headship position files are kept within the Office of the PS as the recruitment process is initiated from OPM directly to him.	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	Permanent Secretary and Office of the Management Support Directorate	Collective Workforce Agreements and past agreements that could affect present employees.	Manual and/or Electronic formats	Details of agreement and signatories.	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).	When the IRU (Industrial Relations Unit) within OPM are involved in collective and sectoral agreements, they keep an original signed agreement. Still, there are instances when a department within a Ministry does not include the IRU, in that case, they can even have a copy because they are forwarded one, or not, if they are not forwarded one. However, the People Management Division are always involved in discussions with unions and have an original agreement as they need to implement it.	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	Management Support Directorate	Selection Board Reports including interview score sheet/reports.	Manual and/or Electronic formats	Documents include declaration forms by Selection Board members in line with the Manual on Selection under Directive 9, schedule of the breakdown of marks, Result Sheet and other correspondence with candidates regarding the selection process.	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).	Once all candidates have been appointed and the validity period of the Result expires, the Report is no longer required by the Directorate, more so since a copy of the Report is kept within the Resourcing and Employee Relations Directorate.	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).
11	Office of the Permanent Secretary	Copies Vacation Leave.	Manual and/or Electronic formats	Name and Surname, date/s requested as VL.	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).	None	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).
12	Office of the Permanent Secretary	Copies of Attendance sheets.	Manual and/or Electronic formats	Name and Surname and signature of individual and certification by Head of Department and date of certification.	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).	None	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	Management Support Directorate	Electronic Database on recruitment under Delegated Authority – Directive 9.	Manual and/or Electronic formats	Name of file, whether Board has been composed, date when and timeline re. progress of selection process.	Five (5) years from the issuing of the Result unless an official retention period is issued by OPM across government.	Once all candidates have been appointed and the validity period of the Result expires, information on the status of the Call is no longer required by the Directorate, more so since information on the related process is inserted in a DH file and audits performed by the PSC.	Not required for permanent preservation by the National Archives.
14	Management Support Directorate	Database on criminal offences of employees/potential employees following declaration of offence by officer.	Manual and/or Electronic formats	Details of the employee or potential employee, details of related offence, outcome and final decision by Permanent Secretary whether to employ the officer or give him/her the promotion.	Ten (10) years from conclusion or as per Data Protection Public Administration Human Resources Corporate Procedure Manual issued by OPM.	This information is kept to maintain a uniform approach and apply the same procedure for similar criminal offences declared.	Not required for permanent preservation by the National Archives.
15	Management Support Directorate	Positions of Trust Employee Contract.	Manual and/or Electronic formats	Details of employment term, salary and other conditions of work.	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).	Officers occupying ‘Positions of Trust’ are public service employees and therefore the same retention policy for public employees applies.	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).
16	Management Support Directorate	Service Providers Employment Contracts.	Manual and/or Electronic formats	Details of employment term, salary and other conditions of work. Contracts entered mostly by Direct Order.	Ten (10) years from date of termination of employment unless an official retention period is issued by OPM across government.	None	A random sample of one (1) % of the records is to be retained and transferred to the National Archives after that thirty (30) years have lapsed from the termination date.

17	Management Support Directorate	Register of public service officers having pending criminal/disciplinary proceedings prior to an appointment.	Manual and/or Electronic formats	Declaration form signed by the candidate, information regarding the pending case, internal correspondence on the case and final decision.	Ten (10) years from date of termination of employment	None	Not required for permanent preservation by the National Archives.
18	Management Support Directorate	Post Training Candidate Feedback.	Manual and/or Electronic formats	Feedback forms received following training.	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).	None	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).
19	Office of the Permanent Secretary and Management Support	Performance Reviews and Plans.	Manual and/or Electronic formats	Hard copies of template forms filled in by holders of a Headship position and employees entitled to a performance bonus and endorsed by their superiors and Permanent Secretary.	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).	None	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).
20	Management Support Directorate	Legal Documents.	Manual and/or Electronic formats	Originals/Copies of documents forwarded as information or follow up together with related correspondence.	Ten (10) years from when the case is closed.	The ten (10) year period. Documents held are copies as the original is forwarded to the Legal Services Directorate for processing and follow up.	These records (copies) are not required for permanent preservation by the National Archives.

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 Office of the Permanent Secretary and the Management Support Directorate. 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.

The Data Protection Officer of the Ministry for Health, Office of the Permanent Secretary and the Management Support, may be contacted at:

Address:

Ministry for Health

15, Triq il-Merkanti, Valletta

Email: dp.meh-health@gov.mt

Telephone: 22992541

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

Telephone: 23287100

Email: idpc.info@gov.mt