



DATA PROTECTION POLICY FOR THE LOCAL GOVERNMENT DIVISION

The General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act (Cap 586) regulate the processing of personal data whether held electronically or in manual form. The Local Government Division is set to fully comply with the Data Protection Principles as set out in such data protection legislation.

Purposes for collecting data

The Local Government Division collects and processes information to carry out its obligations in accordance with present legislation. All data is collected and processed in accordance with Data Protection Legislation, the Local Councils Act (Cap. 363) and its subsidiary legislation, as well as the Public Administration Act, its subsidiary legislation and directives issued in terms of the Public Administration Act, and the Public Service Management Code and its relevant manuals, procedures and guidelines.

Recipients of data

Personal Information is accessed by the employees who are assigned to carry out the functions of the Local Government Division. Personal Data will be disclosed to the employees of the Local Government Division. Disclosure can also be made to third parties but only as authorized by law.

Your rights

You are entitled to know, free of charge, what type of information the Local Government Division holds and processes about you 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 Local Government Division, either on computer or in manual files. Requests for access to personal information by data subjects are to be made in writing and sent to the Director General of the Local Government Division. 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.

The Local Government Division aims to comply as quickly as possible with requests for access to personal information and will ensure that it is provided within a reasonable timeframe and in any case not later than one month from receipt of request, unless there is good reason for delay. When a request for access cannot be met within a reasonable time, the reason will be explained in writing to the data subject making the request. Should there be any data breaches, the data subject will be informed accordingly.

All data subjects have the right to request that their information is amended, erased or not used in the event the data results to be incorrect.

In case you are not satisfied with the outcome of your access request, you may refer a complaint to the Information and Data Protection Commissioner, whose contact details are provided below.

To obtain more information on the procedure and process on how to notify a personal data breach online, click here (<https://idpc.org.mt/report-a-breach/>).

To obtain information on the procedure and process to file a data protection complaint online, click here (<https://idpc.org.mt/raise-a-concern/>).

Retention of Documentation

The Policy regulating the retention of documentation is in Annex A to this document.

Data Protection Officer

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Data Controller

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The Information and Data Protection Commissioner

The Information and Data Protection Commissioner may be contacted at:
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High Street,
Sliema SLM 1549
Telephone: 23287100
Email: idpc.info@gov.mt

Annex A

POLICY REGULATING THE RETENTION OF DOCUMENTATION IN THE LOCAL GOVERNMENT DIVISION

SCOPE

1. This Policy is aimed at regulating the retention, maintenance and disposal of documentation, both personal and other, within the Local Government Division, as provided for in the Public Administration Act and its subsidiary legislation and directives issued in terms of the Public Administration Act, as well as the Public Service Management Code and its relevant manuals, procedures and guidelines, and in accordance with the principles of data protection legislation, and other legal provisions in Maltese Law.

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 Local Government Division 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.

OBJECTIVES

3. This policy aims to achieve the following objectives:
 - a. Regulate the retention of and disposal of the various types of documentation whether held in manual or automated filing systems within the Local Government Division, while adhering to the Data Protection principle that personal data should not be retained for a longer period than necessary;
 - b. Dispose of unnecessary documentation that is no longer relevant and is taking up useful storage space;
 - c. 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.

ADMINISTRATION

4. Documentation is held and recorded by the Local Government Division. This Policy is therefore applicable to all such documentation. It will be the responsibility of the Local Government Division and its Data Controller Mr. Natalino Attard, to ensure that all provisions of this Policy are adhered to.

DOCUMENTATION HELD WITHIN THE LOCAL GOVERNMENT DIVISION

5. As part of its operating requirements the Local Government Division, requests, keeps and maintains a wide range of documentation including personal data. The various types of documentation utilised by the Local Government Division may be categorised as follows:
 - a. Personal Data of the Local Government Division officials;
 - b. Attendance and absence records;
 - c. Discipline related Records;
 - d. Financial records including payslips, tax and national insurance contributions, procurement documentation, etc.;
 - e. Documents relating to EU Funding programmes;
 - f. Medical records;
 - g. All other records that are pertinent to the Division's different Units.

SECURITY OF DOCUMENTATION

6. 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.
7. In the case of personal data, the GDPR also stipulates that only those required to process personal data should have access to personal records.
8. 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

9. 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

10. 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 Local Government Division.

Category	Retention Period
Personal Information	
HR Documents	As per HR corporate procedures
Application forms for enlistment, calls, positions etc	As per HR corporate procedures
Application Forms for the filling of positions co-financed from EU Funds	Six (6) years from completion of the project
Applications for training opportunities	Two (2) years from date of application
Training Courses provided	Ten (10) years from end of course
Attendance and Absence Records	
Attendance Sheets	As per HR corporate procedures
Vacation Leave Application Forms	As per HR corporate procedures
Yearly Leave balances	As per HR corporate procedures
Disciplinary records	
Admonishments	As per HR corporate procedures
Disciplinary Charges	As per HR corporate procedures
Medical Records	
Sick Leave Certificates	As per HR corporate procedures
Sick Leave Records	As per HR corporate procedures
Medical History	As per HR corporate procedures
Medical Referrals	As per HR corporate procedures
EU Programmes	
Documentation relating to projects utilising EU Funding	Six (6) years after completion of project
EU Funding applications	Six (6) years after completion of project
Others	
Audit documentation	Six (6) years following the creation of such documentation
Information relating to the public held by the Customer Support Unit	Three (3) months from its acquisition thereof

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 Local Government Division. 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.