

POLICY REGULATING THE RETENTION OF DOCUMENTATION IN CORPORATE SERVICES DIRECTORATE, OFFICE OF THE PERMANENT SECRETARY – MJCL

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, MJCL, as provided for in the Public Administration Act, the Mediation Act, the Freedom of Information Act, and in accordance with the principles of data protection legislation, and other legal provisions in Maltese Law.
2. The Office of the Permanent Secretary, MJCL includes: the Office of the Permanent Secretary, Directorate Corporate Services, the Policy Development and Programme Implementation Directorate, the Directorate for Strategy Support, the Information Management Unit, and the Malta Mediation Centre.

BACKGROUND

3. 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, MJCL 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

4. 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 Office of the Permanent Secretary, MJCL, 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

5. Documentation is held and recorded by the Office of the Permanent Secretary, MJCL. This Policy is therefore applicable to all such documentation. It will be the responsibility of the relevant Office of the Permanent Secretary, MJCL and its Data Controller, to ensure that all provisions of this Policy are adhered to.

DOCUMENTATION HELD WITHIN THE CORPORATE SERVICES DIRECTORATE

6. As part of its operating requirements the Office of the Permanent Secretary, MJCL, requests, keeps and maintains a wide range of documentation including personal data. The various types of documentation utilised by Office of the Permanent Secretary, MJCL, may be categorised as follows:
 - a. Personal Data of the Office of the Permanent Secretary, MJCL members;
 - b. Attendance and absence records in the Corporate Services Directorate;
 - c. Discipline related Records in the Corporate Services Directorate;
 - d. Financial records including payslips, tax and national insurance contributions, procurement documentation, etc. in the Corporate Services Directorate;
 - e. Documents relating to EU Funding programmes; Policy Development and Programme Implementation Directorate applies the same retention policies being adopted by the Planning Priorities and Coordination Division. PDPI chose to adopt the same policies as PPCD, since most of the information held by PDPI is more or less the same as that held by PPCD with regards to EU funds applications. According to PPCD, whom PDPI had consulted before submitting their reply, retain such documentation for 30 years in case an audit on any application by the EU is requested since EU funds are involved. This is also listed in the Manual of procedures of the ESIF Funds 2014 – 2020, which we, as line Ministry must abide to.
 - f. Medical records in the Corporate Services Directorate;
 - g. Other Records: Personal Files, Contracts, Letters of Appointment.
 - h. The Information Management Unit processes everything through MITA's ERFs System (MITA are the processors in this regard), so the role of the IMU in the process is to log the request on behalf of Data Controllers and have a few emails about the requests (this only applies for where officers do not use the ERFs Systems themselves – if required IMU can enforce that everyone uses it, this will mean that IMU will not accept emails for request).
 - i. The Office of the Permanent Secretary holds documentation related to grievances and to Government Board composition.
 - j. Malta Mediation Centre has various categories of documentation and these include: Application to act as Mediator; Request for Mediation; Mediation Agreement; Request for Appointment of a Mediator; Notice of Appointment of Mediator; Oath of Confidentiality; Termination of Mediation.

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 Office of the Permanent Secretary, MJCL.

Category	Retention Period
HR related documentation	According to HR Retention Policy
Financial Documentation	According to Policy Regulating the Retention of Documentation in the Department of Industrial and Employment Relation (DIER)
EU Programmes	
Documentation relating to projects utilising EU Funding and application Forms for the filling of positions co-financed from EU Funds	According to the Manual of Procedures of the ESIF Funds 2014 - 2020
Office of the Permanent Secretary	
Documentation related to Grievances	5 years retention period
Documentation related to Government Board Composition	20 years after the Board is dissolved
Malta Mediation Centre documentation	As per retention periods stipulated in the Data Protection Policy
Strategy Support (FOI documentation)	As per retention periods stipulated in the FOI Data Protection Policy

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, MJCL. 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.