

Ministry for Health
Department Policy in Health
Health Care Funding Directorate/Entitlement Unit
Data Protection and Retention Policy

SCOPE

1. This Policy is aimed at regulating the processing of personal data whether held electronically or in manual form as well as regulating the retention, maintenance and disposal of documentation, both personal and other, within the Health Care Funding Directorate, in accordance with the General Data Protection Regulation, the Data Protection Act, Chapter 586 of the laws of Malta and as provided for in the relevant provisions of the Public Administration Act Chapter 497 of the Laws of Malta and the National Archives Act Chapter 477 of the Laws of Malta.

BACKGROUND

2. The General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act, Chapter 586 of the Laws of Malta regulates the processing of personal data whether held electronically or in manual form and puts forward the principle that personal and sensitive personal data should not be retained for periods that are longer than necessary. In this context, the Health Care Funding Directorate will be putting forward a data protection and data retention policy for all records collected and processed, with the purpose of ensuring compliance with the General Data Protection Regulation and the relevant domestic legislation and to ensure that no resources are utilised in the processing and archiving of data which is no longer of relevance.

The Health Care Funding Directorate is set to fully comply with the Data Protection Principles as set out in such data protection legislation.

OBJECTIVES

3. This policy aims to achieve the following objectives:
 - Regulate the processing of personal data whether held electronically or in manual form.
 - Regulate the retention of and disposal of the various types of records within the Health Care Funding Directorate while adhering to the Data Protection principle that personal data should not be retained for a longer period than necessary; as per Article 5(1)(e) of 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 in order to minimize the use of storage space, 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 Health Care Funding Directorate holds and processes about him/her and why, who has access to it, how it is held and kept up to date and for how long it is kept.

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 Health Care Funding 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 for Personal Data by Data Subjects](#) and sent to the Data Protection Officer of the Health Care Funding Directorate. The data subject identification details such as ID number, name and surname must be submitted with the request for access. In case we encounter identification difficulties, the data subject may be required to present an identification document.

ADMINISTRATION

5. Documentation is held and recorded by the Health Care Funding Directorate. This policy is therefore applicable to all such documentation. It will be the responsibility of the Director of Health Care Funding and his/her next level supervisor, the Chief Medical Officer at the Ministry for Health, to ensure that all provisions of this policy and all the relevant provisions of the GDPR and the relevant domestic legislation are adhered to.
6. All staff that create, maintain, process and store records mentioned hereunder are responsible to perceive and implement the instructions given in this policy.
7. The next level supervisor, following appropriate consultation and direction, is authorized to modify this policy as deemed appropriate from time to time to ensure compliance with relevant legislation.

DOCUMENTATION HELD WITHIN THE HEALTH CARE FUNDING DIRECTORATE

8. As part of its operating requirements the Health Care Funding Directorate requests, keeps and maintains a wide range of documentation including personal data. The type of data that is being utilised by the Health Care Funding Directorate may be listed as follows:
 - HR related documents
 - Minutes of Staff Meetings
 - Processing of applications and Issuing of European Health Insurance Cards (EHICs)
 - Request for provisional replacement certificates (PRC)
 - Benefits in kind – injury on duty (document)
 - Processing of applications and issuing of Certificate of Entitlement
 - Processing and issuing of Reciprocal Health Agreement (RHA) cards
 - Medical aids referral
 - Processing of applications in issuing S1 forms
 - Processing of applications in issuing S2 forms

- E125s EU/EFTA Claims (hard copies – debtors)
- E125s EU/EFTA Claims – Creditors
- E127s EU/EFTA Claims (hard copies – debtors and creditors)
- E125s & E127s (UK) monthly returns – debtors
- E125s EU/EFTA Claims – Verification document for payments
- Monthly returns received from the various Medical Health Entities (Debtors)
- E126/S067 forms – refunds of claims
- S068 forms – Approval of claim from Member States – IT system record
- E123 forms
- Documents related to the Electronic Exchange of Social Security Information (EESSI) project

SECURITY OF DOCUMENTATION

9. 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, ensure that only those that have the required security clearance have access to such documentation.
10. In the case of personal data, the GDPR also stipulates that only those required to process personal data should have access to personal records.
11. Personnel are provided with training and required support and are encouraged to work in terms of Data Protection principles.
12. The Health Care Funding Directorate shall notify the Data Protection Commissioner with any suspicion of breach of the GDPR.

MANUAL VS ELECTRONIC RECORDS

13. The same retention period will apply for both electronic (if applicable) and manual data.

RETENTION PERIOD

14. The GDPR provides that data shall be kept for no longer than is necessary. The Retention schedule hereunder outlines the retention requirements for the various categories of documentation within the Health Care Funding Directorate:

Key	Unit/Department	Category	Records Type	Description	Retention Period	Remarks	Action to be determined by the National Archivist (when Retention period expires)
1	Department for Policy in Health	Health Care Funding Directorate	Certificates of attendance to courses/Staff Training	Certificate of attendance by member of staff to course.	Six (6) years	For the purpose of comparative, trend, and performance analysis, also possible research. The matter can be directed by an update on OPM's policies.	Not required for permanent preservation by the National Archives.
2	Department for Policy in Health	Health Care Funding Directorate	Applications for external training	Application form submitted by member of staff.	One (1) year from conclusion of selection process	For the purpose of comparative, trend, and performance analysis, also possible research. The matter can be directed by an update on OPM's policies.	Not required for permanent preservation by the National Archives.
3	Department for Policy in Health	Health Care Funding Directorate	Annual leave record	Document showing record of Vacation Leave and Sick Leave availed of during the year.	Apply Retention Policy for Human Resources documents issued by Office of the Prime Minister.	For the purpose of comparative, trend, and performance analysis, also possible research. The matter can be directed by an update on OPM's policies.	Apply Retention Policy for Human Resources documents issued by Office of the Prime Minister.
4	Department for Policy in Health	Health Care Funding Directorate	Time sheets	Copies of attendance sheets with signatures of members of staff	Apply Retention Policy for Human Resources documents issued by Office of the Prime Minister.	For the purpose of comparative, trend, and performance analysis, also possible research. The matter can be directed by an update on OPM's policies.	Apply Retention Policy for Human Resources documents issued by Office of the Prime Minister.
5	Department for Policy in Health	Health Care Funding Directorate	Copies of Sick Leave certificates	Copies of official medical certificates.	Apply Retention Policy for Human Resources documents issued by Office of the Prime Minister.	For the purpose of comparative, trend, and performance analysis, also possible research. The matter can be directed by an update on OPM's policies.	Apply Retention Policy for Human Resources documents issued by Office of the Prime Minister.

6	Department for Policy in Health	Health Care Funding Directorate	Performance Appraisal	Performance Appraisal report issued for each member of staff (NB – print outs are not kept).	Apply Retention Policy for Human Resources documents issued by Office of the Prime Minister.	For the purpose of comparative, trend, and performance analysis, also possible research. The matter can be directed by an update on OPM's policies.	Apply Retention Policy for Human Resources documents issued by Office of the Prime Minister.
7	Department for Policy in Health	Health Care Funding Directorate	Minutes of Staff Meetings	Record of minutes of staff meetings.	Thirty (30) years	For the purpose of comparative, trend, and performance analysis, also possible research. The matter can be directed by an update on OPM's policies.	Records are to be transferred to the National Archives for permanent preservation.
8	Department for Policy in Health	Health Care Funding Directorate	Minutes of Management Meetings	Record of minutes of management meetings.	Thirty (30) years	For the purpose of comparative, trend, and performance analysis, also possible research. The matter can be directed by an update on OPM's policies.	Records are to be transferred to the National Archives for permanent preservation.
9	Department for Policy in Health	Health Care Funding Directorate	CVs pertaining to current members of staff	Document showing staff member's education, qualifications, and previous occupations.	Duration of employment	Profiling of employees and allocation of duties.	Not required for permanent preservation by the National Archives.
10	Department for Policy in Health	Health Care Funding Directorate	EHIC application forms (E111)	European Health Insurance Card (EHIC) applications containing applicant's details together with necessary documents, received by post/online	Five (5) years retention period starts from the filing of the application form.	For the purpose of comparative analysis, trend analysis, performance analysis, possible research. Can be directed by an update on OPM's policies on the matter. From 2016 to 2018 an average of 51,502 EHIC cards per annum were issued.	A random sample of five (5) forms from every year is to be transferred to the National Archives for permanent preservation.

11	Department for Policy in Health	Health Care Funding Directorate	Request for Provisional Replacement Certificates (PRC)	Document requesting PRC in lieu of EHIC, together with necessary documents.	Five (5) years	Costs, risks and liabilities associated with retaining the information.	Not required for permanent preservation by the National Archives.
12	Department for Policy in Health	Health Care Funding Directorate	Benefits in kind – Injury on duty (document)	Document with case details utilised for entitlement purposes in case of injury on duty. These documents belong to the general public.	Ten (10) years	Costs, risks and liabilities associated with retaining the information For 2019 there were four (4) created documents.	Not required for permanent preservation by the National Archives.
13	Department for Policy in Health	Health Care Funding Directorate	Provisional Entitlement Certificates	Certificates issued for one (1) year prior to the issuance of the RHA (Reciprocal Health Agreement) card until residence permit is obtained. This certificate is issued to UK passport holders who are ordinary residents of Malta and who are not covered for healthcare through EU legislation.	Ten (10) years	Costs, risks and liabilities associated with retaining the information. For 2019 there were hundred ninety nine (199) created documents.	Not required for permanent preservation by the National Archives.

14	Department for Policy in Health	Health Care Funding Directorate	Reciprocal Health Agreement (RHA) card	Card with holder's details issued for UK passport holders and holders of residence permits who are ordinary residents of Malta and who are not covered for healthcare through EU legislation.	Ten (10) years	Costs, risks and liabilities associated with retaining the information.	A random sample of five (5) forms from every year is to be transferred to the National Archives for permanent preservation.
15	Department for Policy in Health	Health Care Funding Directorate	Medical Aids referral	Doctor's referral for medical aids, signed by practitioner (referral may be for spectacles, dental or for hearing aids).	Five (5) years	Costs, risks and liabilities associated with retaining the information.	Not required for permanent preservation by the National Archives.
16	Department for Policy in Health	Health Care Funding Directorate	S1 portable document	Entitlement document for posted workers/pensioners living in another EU Member State whilst paying National Insurance in Malta or in receipt of a Malta state pension.	Ten (10) years, retention period begins after the entitlement no longer applies.	Costs, risks and liabilities associated with retaining the information. For 2019 there were six thousand nine hundred and ninety (6990) created documents.	A random sample of five (5) forms from every year is to be transferred to the National Archives for permanent preservation.
17	Department for Policy in Health	Health Care Funding Directorate	S2 (planned health care) portable document	Entitlement document for planned treatment for patients travelling abroad.	Ten (10) years	Costs, risks and liabilities associated with retaining the information.	A random sample of five (5) forms from every year is to be transferred to the National Archives for permanent preservation.

18	Department for Policy in Health	Health Care Funding Directorate	E125s EU/European Free Trade Association (EFTA) Claims (Hard copies - DEBTORS	Invoice sent to Member States claiming payment dues related to medical interventions/pharmaceuticals for EU/EEA/bilateral agreements MSs citizens.	Five (5) years or when claim is closed	Costs, risks and liabilities associated with retaining the information.	Not required for permanent preservation by the National Archives.
19	Department for Policy in Health	Health Care Funding Directorate	E127s EU/European Free Trade Association (EFTA) Claims (Hard Copies) - CREDITORS	For Maltese S1 persons living in other EU member states whereby a monthly payment is due in lieu of all medical expenses that may be incurred while residing abroad.	Ten (10) years after the claim by Malta is issued.	Costs, risks and liabilities associated with retaining the information.	Not required for permanent preservation by the National Archives.
20	Department for Policy in Health	Health Care Funding Directorate	E125s EU/European Free Trade Association (EFTA) Claims (Hard copies) - CREDITORS	Invoices received from MS claiming amounts due for Maltese citizens who have made use of public health services during a temporary stay in an EU/EEA Member State	Ten (10) years after the claim by Malta is issued.	Costs, risks and liabilities associated with retaining the information.	Not required for permanent preservation by the National Archives.

21	Department for Policy in Health	Health Care Funding Directorate	E125s EU/EFTA Claims (Verification/Validation Documentation generated by the Payments Section in connection the authorization of payment) – CREDITORS	(in the case of a payment to be made to another EU/EEA Member State) an internal document evidencing the verification controls carried out by the Directorate, prior to affecting payment to another Member State.	Ten (10) years retention period starts when the document is no longer in use	Costs, risks and liabilities associated with retaining the information.	Not required for permanent preservation by the National Archives.
22	Department for Policy in Health	Health Care Funding Directorate	Monthly Returns Received from the various Medical Health Entities Debtors	A breakdown MS Excel list (monthly return) of all invoices sent for that particular month sent by each medical entity.	Five (5) years retention period starts when the document is in no longer use.	Costs, risks and liabilities associated with retaining the information.	Not required for permanent preservation by the National Archives.
23	Department for Policy in Health	Health Care Funding Directorate	E126/S067 forms- Refunds of Claims (hard copies of form, copies of original receipts kept and claim form kept in file) (DAS records are retained) .	Refund Request Form of expenses paid by cash/credit card by Maltese/ EU/EEA nationals paying National Insurance in Malta and being treated abroad for immediate necessary care.	Ten (10) years retention period starts when the document is no longer in use.	Costs, risks and liabilities associated with retaining the information.	Not required for permanent preservation by the National Archives.

24	Department for Policy in Health	Health Care Funding Directorate	S068 forms- Approval of claim from foreign MS-IT System record.	Reply document to S067 document (approval of claim from foreign Member State)	Ten (10) years retention period starts when the document is no longer in use.	Costs, risks and liabilities associated with retaining the information.	Not required for permanent preservation by the National Archives.
25	Department for Policy in Health	Health Care Funding Directorate	E123 forms - hard copies.	Official document for medical exam in case of invalidity	Ten (10) years retention period starts when the document is no longer in use.	Costs, risks and liabilities associated with retaining the information	Not required for permanent preservation by the National Archives.
26	Department for Policy in Health	Health Care Funding Directorate	Documents related to the EESSI (Electronic Exchange of Social Security Information) project.	Documents related to payments, reports etc.	Five (5) years retention period starts when the document is no longer in use.	EU auditing purposes.	Not required for permanent preservation by the National Archives.

IMPLEMENTATION OF THE RETENTION PERIOD

15. The implementation of the said retention periods shall come into force as from 21st April 2020 to cover all data held at the Health Care Funding Directorate.
16. The first step will be to dispose of old documents dating back decades held within the premises according to procedure and timeframes listed in this policy. Every file destroyed shall be documented by the staff 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

17. This retention policy is intended towards achieving a good working balance between the retention of useful information and the disposal of data which is no longer required and is being unnecessarily archived. Data that needs to be destroyed will be disposed of in an efficient manner to ensure that such information will no longer be available within the Health Care Funding Directorate. 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 Health Care Funding Directorate may be contacted at:

Health Care Funding Directorate/Entitlement Unit,
Ground Floor,
Ex-Outpatients Building,
St’Luke’s Hospital, G’Mangia Hill, G’Mangia, Malta
E-mail: dp.hcf@gov.mt
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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
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