

Ministry for Health
Office of the Chief Medical Officer
Treatment Abroad Unit
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 Treatment Abroad Unit, as provided for in the terms of requirements emanating from legal provisions in such other acts as the Public Administration Act (Chap. 595) and directives emanating therefrom, and in accordance with the principles of data protection legislation, and the National Archives Act (Chap. 477).

BACKGROUND

2. The General Data Protection Regulation (GDPR) (EU) 2016/679 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 Treatment Abroad Unit will be putting forward a retention policy for all records collected and processed, 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:

- Regulate the retention of and disposal of the various types of records within the Treatment Abroad Unit while adhering to the Data Protection principle that personal data should not be retained for a longer period than necessary; as per Article 5 (e) of the GDPR.
- Dispose of unnecessary documentation that are 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 Treatment Abroad Unit holds and processes about him 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 Office 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 Treatment Abroad Unit, 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 to Access to Personal Data Form](#), and sent to the Customer Care Unit of the Mater Dei Hospital (MDH). 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 administration at the Treatment Abroad Unit. This policy is therefore applicable to all such documentation. It will be the responsibility of the Chief Medical Officer and any other deputy, supervisor or administrator who may be delegated to ensure that all provisions of this policy 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 Treatment Abroad Unit, following appropriate consultation and direction, is authorized to modify this policy as deemed appropriate from time to time to ensure compliance with state laws.

DOCUMENTATION HELD WITHIN THE TREATMENT ABROAD UNIT

8. As part of its operating requirements the Treatment Abroad Unit requests, keeps and maintains a wide range of documentation including personal data. The type of data that is being utilised by the Treatment Abroad Unit may be listed as follows:

- Patient's File

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, 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 who are found to be in breach of these security protocols, and thus in breach of the GDPR, will be subject to disciplinary action as per Article 33 Clause (5) of the GDPR.

MANUAL VS ELECTRONIC RECORDS

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

EXEMPTIONS

13. In cases where the retention of particular documents is essential such as where court cases are instituted, requests are still pending or in other serious cases of importance such as audits on the Treatment Abroad Unit, the retention period shall be suspended as deemed appropriate by the management team at the Treatment Abroad Unit.

RETENTION PERIOD

14. The Retention schedule hereunder outlines the retention requirements for the various categories of documentation within the Treatment Abroad Unit:

Key	Unit/Dept	Category	Records type	Description	Retention period	Remarks	Action to be determined by the National Archivist (when retention period has expired)
1	Office of the Chief Medical Officer-National Highly Specialised Programme	Treatment Abroad Unit	Patient records	Referral form for treatment Abroad, Consent Forms signed by patients, Communications with the Malta High Commission in London, Communications with Hospitals, and Medical Teams overseas and Medical Teams at Mater Dei Hospital, Letter of Authority (LOA) sent to Air Malta tickets, Communications with service providers such as ambulances, taxis and ambulances, Medical reports such as discharge summaries, clinical notes, test results, Patients demographics medical information, patient movement	Till ten (10) years have lapsed from death of patient	All forms are kept in patient's file. File is kept at Treatment Abroad Unit (TAU) while case is still active, then sent for Put Away at Registry Head Office Valletta. Some information is also stored electronically on server. Electronic records are kept indefinitely. It is also noted that this file is separate from the Medical Records file due to Hospital File is kept within Mater Dei premises.	Records of patients whose date of birth are on the 9th & 19th will be transferred to the National Archives for permanent preservation. The rest will not be required by the National Archives.

IMPLEMENTATION OF THE RETENTION PERIOD

15. The implementation of the said retention periods shall come into force as from 5th August 2019 cover all data held at the Treatment Abroad Unit. 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

16. 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 Treatment Abroad Unit. 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 Treatment Abroad Unit may be contacted at:

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The Information and Data Protection Commissioner

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