

Ministry for Health

Dar Kenn Ghal Sahhtek

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 Dar Kenn Ghal Sahhtek, 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, Dar Kenn Ghal Sahhtek 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 and disposal of the various types of records within Dar Kenn Ghal Sahhtek 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 Dar Kenn Ghal Sahhtek 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 Dar Kenn Ghal Sahhtek, 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 Dar Kenn Ghal Sahhtek. The data subject identification details such as ID number, name and surname have to 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 Dar Kenn Għal Saħħtek. This policy is therefore applicable to all such documentation. It will be the responsibility of the Commissioner for Mental Health 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. Dar Kenn għal Saħħtek, following appropriate consultation and direction, is authorized to modify this policy as deemed appropriate from time to time to ensure compliance with state laws.

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

DOCUMENTATION HELD WITHIN DAR KENN GĦAL SAĦĦTEK

- Patient File
- Personal File-Human Resources
- Accounts filing system

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 Dar Kenn Għal Saħħtek, the retention period shall be suspended as deemed appropriate by the management team at the said entity.

RETENTION PERIOD

14. The Retention schedule hereunder outlines the retention requirements for the various categories of documentation within Dar Kenn Ghal Sahhtek:

Key	Unit/Dept	Category	Record Type	Description	Retention period	Remarks	Action to be determined by the National Archivist (when Retention
1	Dar Kenn ghal Sahhtek	Patients file	1) Doctors'/Psychiatrists reports and reviews, 2) Weight record sheet, 3) Screening questionnaire, 4) Ticket of referral, 5) Questionnaires by therapists, 6) Body diagrams, 7) Blood test results, 8) Continuation sheets, 9) Treatment chart, 10) Challenge report, 11) Occupational therapists' report, 12) Physiotherapists' report, 13) BDI-II Questionnaire, 14) Occupational therapists' note, 15) GAD 7 Questionnaire, 16) Occ. Therapist sound therapy report, 17) Correspondence with other entities / govt. Dept, 18) Journals, 19) BIA test results, 20) Patient reporting form, 21) Photocopy of client's ID Card, 22) Patient's next of kin Details and contact numbers.	Notes taken by doctor/psychiatrists and therapists during treatment at DKghS	Ten (10) years after death of data subject		Records of patients with the day of birth falling on the 9th , 19th and the 29th are to be transferred to the National Archives for permanent preservation. The rest of the records are not required for permanent preservation by the National Archives.

			<p>1) Employees' personal files, 2) Application forms for enlistment, calls, positions, etc, 3) Application forms for the filling of positions co-financed from EU funds, 4) Applications for training opportunities, 5) Training courses provided, 6) Attendance sheets, 7) Vacation leave application form, 8) Yearly leave balances, 9) Admonishments, 10) Disciplinary charges, 11) Sick leave certificates, 12) Sick leave records, 13) Medical history, 14) Medical referrals</p>				<p>Apply existing HR retention policy issued by OPM in 2012</p>
2	Dar Kenn ghal Sahhtek	Personal file- Human Resources					<p>Apply existing HR retention policy issued by OPM in 2012</p>
3	Dar Kenn ghal Sahhtek	Accounts filing system	Invoices	Received invoices in connection with services or products supplied to Dar Kenn ghal Sahhtek	Ten (10) years		<p>Not required for permanent preservation by the National Archives</p>

IMPLEMENTATION OF THE RETENTION PERIOD

15. The implementation of the said retention periods shall come into force as from 17th May 2019 cover all data held at Dar Kenn Għal Saħħtek. The first step will be to dispose of old documents dating back (if applicable) 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. 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 Dar Kenn għal Saħħtek. 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 Dar Kenn Għal Saħħtek may be contacted at:

Address: Dar Kenn għal Saħħtek
Triq Dar Il-Kaptan,
Imtarfa

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Telephone: 21453690

The Information and Data Protection Commissioner

The Information and Data Protection Commissioner may be contacted at:
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