

## **Data Protection and Record Retention Policy**

### **The National Human Organ and Tissue Donation Register**

The Health Care Standards Directorate recognises the importance of effective file keeping records and data management to enable it to discharge its functions. This requires, amongst other things, a data and record retention policy.

To comply with the principles of the Data Protection Act, records containing personal data must be:

- a. stored appropriately having regard to the sensitivity and confidentiality of the material recorded;
- b. retrievable and easily traced;
- c. retained for only as long as necessary;
- d. disposed of appropriately to ensure that copyrights are not breached and to prevent them falling into the hands of unauthorised personnel.

For the purposes of the Data Protection Act, CAP. 440 of the Laws of Malta, the Health Care Standards Directorate is the data controller.

All the personal data collected will only be processed for the purpose of the National Human Organ and Tissue Donation Register for which the information has been collected and is processed in accordance with the Data Protection Act.

### **Application of the Data Protection Policy**

This policy applies equally to photographic, microform and electronic media that are used to store records as well as more traditional paper or card records. The period of retention only commences when the record is closed.

### **Storage of Data and Records**

- a. All data and records should be stored as securely as possible in order to avoid potential misuse or loss. All data and records will be stored in the most convenient and appropriate location having regard to the period of retention required and the frequency with which access will be made to the record.
- b. Data and records which are active should be stored in the most appropriate place for their purpose.
- c. Data and records which are no longer active, due to their age or subject, should be stored in the most appropriate place for their purpose, until it is disposed of.
- d. The degree of security required for file storage will reflect the sensitivity and confidential

nature of any material recorded.

- e. Any data file or record which contains personal data of any form can be considered as confidential in nature.

### **Retention Statement**

- a. Data and records shall not be kept for longer than is necessary. This principle finds statutory form in the Data Protection Act.
- b. Paper application forms are to be shredded as soon as the data is inputted into the system.
- c. All identifiable data kept in the National Human Organ and Tissue Donation Register shall be immediately deleted once the registered donor deregisters or following the death of the registered donor.
- d. The data kept for statistical purposes shall be rendered anonymous- hence no identifiable data will be retained.
- e. Identifiable data may be kept for a longer period only if the record contains information relevant to legal action which has been started, is in contemplation or there is a possibility of litigation. In such cases, the records and information that are likely to be affected will not be amended or disposed of until the threat of litigation has been removed or concluded.

### **Rights of the Data Subject**

As an individual you may exercise your right to access the data held about you by submitting your request in writing to the data controller to the address below:

The National Human Organ and Tissues Donation Register  
Department for Health Regulation  
Healthcare Standards Directorate  
Health Services Building,  
St Luke's Square,  
G'Mangia PTA 1010

Although all reasonable efforts will be made to keep your information updated, you are kindly requested to inform us of any change referring to the personal data held by the data controller. In any case if you consider that certain information about you is inaccurate, you may request rectification of such data. You also have the right to request the blocking or erasure of data which has been processed unlawfully.

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Revised and updated on 15/11/16 by the Data Protection Officer of the Health Care Standards Directorate.