

COVID-19 Rapid Antigen Point-of-Care Test Reporting Web Application

Privacy Policy

This Privacy Policy explains what data is processed when using the COVID-19 Rapid Antigen Point-of-Care Test and the data subject's rights under data protection law.

1. Provider of the COVID-19 Rapid Antigen Point-of-Care Test Reporting Web Application

The COVID-19 Rapid Antigen Point-of-Care Test Reporting Web Application (the "App") is being provided by the Superintendent of Public Health who is also the Data Controller. Under the data protection law, the Data Controller is responsible for the processing of the data. The Data Controller may be contacted at:

Address: Department for Health Regulation,
Office of the Superintendent of Public Health,
St. Luke's Hospital, Outpatients Block Level 1,
St. Luke's Square
Pietà PTA 1010

Telephone: +356 2595 3302 / +356 2595 3303

E-mail: sph.health@gov.mt

The Data Protection Officer can be contacted on the following e-mail address: dpo-osph@gov.mt

2. Legal basis

The processing of personal data is governed by data protection legislation, including the General Data Protection Regulation (EU) 2016/679 (GDPR) and Data Protection Act (Cap 586 in the Laws of Malta). This App is also based on [Legal Notice 49 of 2021](#).

The GDPR lays down rules regarding lawfulness, proportionality and necessity. The provisions stipulate that the processing of personal data is permitted when 'necessary' for certain specified purposes.

When EU public authorities provide a service based on a mandate assigned by and in line with requirements laid down by law, the most relevant legal basis for the processing, with regarding to personal and health data, is the necessity for the performance of a task in the public interest, i.e. Article 6(1)(e) GDPR. Furthermore, the basis for the processing under Article 9(2)(i) indicates that the processing of 'special categories of personal data', like health data, may take place without the consent of the data subject, provided such processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health, and on the basis of a law which 'provides for suitable and specific measures to safeguard the rights and freedoms of the data subject'.

3. Purposes

The data is used for the purpose of exposure notification. The Data Controller collects only that data which is strictly necessary in relation to the purposes for which the data will be processed.

Aggregated data may be used for statistical and scientific research purposes.

4. The Collection and Processing of Personal Data

The COVID-19 Rapid Antigen Point-of-Care Test (RAT) reporting web application is a new process which records and stores rapid COVID-19 test results and provides the Superintendent of Public Health with real time data on tests carried out using rapid test kits.

The data processed is the following:

- *Health care professionals providing the RAT:*
name, surname, ID number, registration number as listed in the respective register held by the relevant Council, contact number, e-mail address.
- *Patients who have undergone a RAT:*
name, surname, ID/Passport number, date of birth, gender, e-mail address, contact number, backup contact number, address, date, time, location, test type of this RAT.

5. Data Security

To protect data against unauthorised access, loss, or misuse, the Data Controller i.e. the Superintendent of Public Health, and the data processor i.e. MITA, take appropriate security measures of a technical nature (e.g. logging, access controls and restrictions, data backup, IT and network security solutions) and organisational nature (e.g. staff directives, confidentiality agreements, inspections).

6. Deletion of data

All personal information will be retained for a maximum of 2 years, after which it will be deleted.

7. Transferred of data

The data generated in the App is processed exclusively on servers in Malta. No data will be transferred to other countries.

8. Your rights under data protection law

The individual's rights pursuant to data protection laws are not restricted as far as the data subject's request does not limit the functions and powers of the Superintendent of Public Health to collect and process the data, which are based on a mandate assigned by, and in line with, the requirements laid by law.

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 on the COVID-19 Rapid Antigen Point-of-Care Test Application. Requests for access to personal information by data subjects are to be made in writing and posted to the Superintendent of Public Health, Department for Health Regulation. Your identification details such as ID number, name and surname and address have to be submitted with the request. In case we encounter identification difficulties, you may be required to present an identification document.

All data subjects have the right to request that their information is amended, erased or not used in the event the data results to be incorrect.

You also have the following data protection rights:

- the right to contact the data protection officer and raise your concerns (Article 38(4) of the GDPR); and
- the right to lodge a complaint with the Information and Data Protection Commissioner (IDPC) who can be contacted at:

Address: Level 2, Airways House,
High Street,
Sliema SLM 1549

Telephone: 23287100

Email: idpc.info@gov.mt

9. Amendments to this Privacy Policy

The Superintendent of Public Health may amend this Privacy Policy at any time without prior notice.

Last amended: 12 February 2021