

DATA RETENTION POLICY

Malta College of Family Doctors

Contents:

1. Definitions
2. Introduction
3. Scope
4. The Personal Data Collected
5. Retention Periods
6. The Right to be Forgotten

LAST UPDATED: MARCH 2022

1. Definitions

Competent Authority	The Office of the Information and Data Protection Commissioner in Malta or any other authority responsible for the protection of Personal Data, as the circumstances may so warrant.
Controller	The natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the Processing of Personal Data, in this case being the Malta College of Family Doctors.
Data Breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise Processed.
Data Subject	The individual to whom Personal Data appertains.
Malta College of Family Doctors	A Voluntary Organisation, with registration number VO 0973 , Registered as such on 15 th June 2014, an autonomous academic institution whose principal object is to encourage, foster, set and maintain the highest possible standards in the speciality of family medicine in Malta and to sustain and improve the professional qualifications of members of the medical profession in Malta who are engaged in family medicine and for that purpose to take or join with others in taking any steps consistent with the nature of that object or which may assist towards the same. For the avoidance of doubt, words such as 'us', 'we', 'our' and 'Voluntary Organisation' are all referring to Malta College of Family Doctors.
DPA	The Data Protection Act (Chapter 586 of the Laws of Malta), and any laws and regulations as may be issued thereunder from time to time.
GDPR	The General Data Protection Regulation (EU) 2016/679.
Personal Data	Any information on an identifiable natural person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person, which Personal Data is controlled by the Controller.
Processing	Any operation or set of operations which is performed on Personal Data whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
Processor	A natural or legal person, public authority, agency or other body which processes Personal Data on behalf of the Controller.
Special Categories of Data	Personal Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic Data

	data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.
--	---

2. Introduction

With the enactment of the GDPR, new laws and regulations have come into force for the enhancement of the protection of data pertaining to individuals. Particularly with respect to the retention of Personal Data, the GDPR requires that any Personal Data collected is adequate, relevant, and limited to what is necessary for the purposes for which it is to be processed by the Controller. The Controller is therefore obliged to ensure that the period for which Personal Data is stored is limited to a strict minimum and is in no case longer than what is strictly necessary. This is widely known as the 'storage limitation' principle.

Compliance with the 'storage limitation' principle requires the Controller to erase or, if the Controller has reasons for which it does not wish to completely erase the Personal Data, to at least anonymise Personal Data when this is no longer needed for the purpose for which it was originally collected. This will reduce the risk that any such Personal Data as originally collected by the Controller becomes irrelevant, excessive, inaccurate, or outdated, and will, in turn, significantly reduce the possibility of a Data Breach on the part of the Controller. From a more practical perspective, it is inefficient to hold more Personal Data than what is actually required as this may also give rise to unnecessary costs for the storage and security thereof.

In terms of the GDPR, it is essential for Controllers to have a Data Retention Policy in place which clearly outlines the sets of Personal Data and the period for which such data sets are to be kept. That said, the GDPR does not set specific time limits for the different types of Personal Data as may be collected, but instead leaves that determination up to the Controller to make on the basis of its specific business purposes.

Malta College of Family Doctors is fully committed to ensuring proper and continuing compliance with the GDPR. Any breach of this policy will be taken seriously and may result in disciplinary action being taken.

3. Scope

The general principle as put forth by the GDPR is that Personal Data, including Special Categories of Data, shall not be retained for periods that are longer than necessary. In order to ensure full adherence to this principle, time limits shall be established by the Controller for the erasure of Personal Data, or at least for a periodic review thereof.

In this context, Malta College of Family Doctors shall be implementing the present Data Retention Policy in relation to all the Personal Data it holds, irrespective whether such data is kept in a paper or digital format, with the scope of ensuring that the right balance is maintained between the retention of necessary and meaningful information on the one hand, and the principles and requirements under the GDPR with respect to data retention as outlined further above in this policy on the other. In particular, this Data Retention Policy shall be intended to:

- a. regulate the retention of the various types of Personal Data collected and held by Malta College of Family Doctors in its capacity as Controller, whilst adhering to the ‘storage limitation’ principle;
- b. establish time limits indicating when the relevant data sets are to be erased or reviewed, in line with the GDPR and other applicable legal requirements to which Malta College of Family Doctors is subject;
- c. ensure the secure disposal of any Personal Data which is no longer necessary; and
- d. safeguard the Data Subjects’ right to be forgotten.

4. The Personal Data Collected

As part of its operating requirements, Malta College of Family Doctors collects and retains various sets of Personal Data. These may be categorised in the following manner:

i. When an individual is a member of the Malta College of Family Doctors;

The Malta College of Family Doctors has several members and a record including details namely, name, surname, address, medical registration number, email address, mobile number, method of membership fee payment, amount of membership fee paid, years of membership fee paid up, is kept in soft copy.

Members’ information is also important for record-keeping purposes to know the number of members and also to be able to confirm membership when there are applications for roles such as positioner of examiner or trainee in a training programme and the membership with Malta College of Family Doctors is a criterion.

ii. When a person applies to sit for the the Summative Examination for Specialists in Family Medicine;

The application form available in hard copies and the data in it is collected for examination purposes.

iii. When a Doctor who sat for the Summative Examination for Specialists in Family Medicine is a Trainee with Malta College of Family Doctors; and When a foreign individual would be interested in conducting a 2 to 3 week study visit of family medicine component of the primary health care system in Malta;

Data in this case would be collected for screening purposes to process the applications accordingly.

For further information, please refer to our, ‘General Privacy Policy’.

Any Personal Data collected by Malta College of Family Doctors whether or not contemplated by any of the above scenarios, shall always be limited to what is necessary in the relevant context, and this in line with the ‘storage limitation’ principle.

5. Retention Periods

Malta College of Family Doctors will never retain Personal Data indefinitely. Instead, we have attributed specific timeframes for data retention which are to be adhered to by all staff. The Personal Data we collect is retained as follows:

Categories	Timeframes for Retention	Rationale for Retention
------------	--------------------------	-------------------------

<p>When an individual is a member of the Malta College of Family Doctors</p>	<p>In the event of a membership, data collected and processed is retained for the duration of the membership.</p>	<p>This is in line with our legitimate interests to be able to confirm the payment of membership fees, the number of members and to confirm membership in applications where membership is a sine qua non.</p> <p>It is also retained on the basis of the consent of the data subject.</p>
<p>When a person applies to sit for the the Summative Examination for Specialists in Family Medicine;</p>	<p>In the case of successful applicants, who pass the exam, data is retained for future training purposes as well as for statistical purposes. The same applies to non successful applicants whereby data may be retained by the voluntary organisation upon the express consent of the applicant for training purposes. This data will be kept for a period of up to five (5) years.</p>	<p>This is in line with our legitimate interests to ensure that we remain organized and maintain a high standard in examinations as well as to be able to investigate problematic areas for applicants and for statistical reasons.</p>
<p>When a Doctor who sat for the Summative Examination for Specialists in Family Medicine is a Trainee with Malta College of Family Doctors; and When a foreign individual would be interested in conducting a 2 to 3 week study visit of family medicine component of the primary health care system in Malta;</p>	<p>This data is retained for a period of up to five (5) years for educational and statistical purposes.</p>	<p>This is in line with our legitimate interests to ensure that we remain organized and maintain a high standard in the training we offer.</p>

Subject to the hereunder paragraph, Malta College of Family Doctors shall make sure that any Personal Data that needs to be destroyed upon the expiry of the above-noted timeframes will be disposed of in a secure and efficient manner to ensure that such information will no longer be available.

Further to the above, it is important to note that there may be times where we may need to retain Personal Data for periods which may be longer than those stipulated above; such a scenario will, however, only arise in limited circumstances, such as when abiding by a court order, as a result of court proceedings, for the proper administration of justice, in complying with a legal request or a legal requirement, to report actual or suspected fraud or criminal activity, to protect the Data Subject's vital interests and, or to fulfil the Data Subject's requests. Malta College of Family Doctors will, however, always seek to minimise any such instances. In the limited scenarios where Malta College of Family Doctors will need to retain any Personal Data for timeframes that are longer than those outlined above, a report to this effect will always be made by management and stored on file for future reference, citing the justification and grounds for retention. As soon as there is no longer any need for the data set that has been retained for such prolonged period, Malta College of Family Doctors shall destroy and dispose of such Personal Data in a secure and efficient manner to ensure that such information will no longer be available.

In some circumstances, we may anonymise Personal Data (so that it can no longer be associated with the Data Subject) for research or statistical purposes, in which case we may use this information indefinitely without further notice to the Data Subject. It is to be noted that anonymous or statistical data do not fall within the parameters of this policy, since these would not constitute Personal Data.

6. The Right to be Forgotten

Data Subjects shall retain the right to request the Controller to have his / her Personal Data erased without undue delay. This is known as the 'Right to be Forgotten' in terms of the GDPR and may be exercised by Data Subjects in the following circumstances:

- a. where the Personal Data is no longer necessary in relation to the purposes for which it has been collected or otherwise processed by the Controller in the first place;
- b. where a Data Subject has withdrawn his / her consent to the Processing of some or all of his / her Personal Data, when Processing thereof is based on the ground of consent and no other legal ground for Processing exists;
- c. where a Data Subject objects to the Processing of his / her Personal Data, and no overriding legal ground for processing exists; or
- d. where the Processing of the Data Subject's Personal Data does not otherwise comply with the law.

The Right to be Forgotten is, however, not an absolute right and, therefore, the Controller shall not be obliged to adhere to a Data Subject request for erasure of his/her Personal Data where the Processing of the Personal Data in question is necessary:

- i. for exercising the right of freedom of expression and information;
- ii. for compliance with a legal obligation;
- iii. for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller;
- iv. on the grounds of public interest in the area of public health;

- v. for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with the GDPR; or
- vi. for the establishment, exercise or defence of legal claims.