

General Privacy Policy

Updated: March 2022

LET'S TALK PRIVACY.

The Malta College of Family Doctors is committed to protecting your Personal Data in accordance with the European Union's General Data Protection Regulation [EU] 2016/679 (the "GDPR") and the Data Protection Act (Chapter 586 of the Laws of Malta) (the "Act") (together, the GDPR and the Act shall be referred to as the "Data Protection Laws").

We are aware of the discomfort brought about by having to read endless pages of complicated text. For this reason, our privacy policy – which can be accessed directly below – has been drafted in a manner that is simple and easy-to-read.

This Privacy Policy was updated in January 2022. We may update it from time to time. If we believe that any changes will significantly affect you, we will let you know before they are made.

WELCOME TO OUR PRIVACY POLICY

This Privacy Policy applies to the operations of Malta College of Family Doctors, a Voluntary Organisation VO 0973 , Registered as a Voluntary Organisation on 15th June 2014, responsible for the translation of the philosophy, vision, academic and professional development of doctors in Primary Care in Malta.

It is important that you read this Privacy Policy together with any other privacy or fair processing notice/s we may provide when we collect your Personal Data so that you are fully aware of the manners in which we use and safeguard your Personal Data.

1. Who we are

Throughout this Privacy Policy, the terms, the 'Voluntary Organisation, 'we', 'us' and 'our' refer to the Malta College of Family Doctors. As explained further below, the Malta College of Family Doctors collects and handles Personal Data in the course of its activities. While the Personal Data we collect relates primarily to our employees, members and doctors in training, we may also collect Personal Data pertaining to other individuals, as explained further below in this Privacy Policy.

In the context of this Privacy Policy, the Controller – as defined in terms of the GDPR – is Malta College of Family Doctors.

[PLEASE NOTE: The GDPR distinguishes between two main players which utilise Personal Data, namely Controllers and Processors. A Controller is a party who holds your Personal Data and has the decision-making power in relation to how and for what purpose your Personal Data is being Processed. A Processor is a third party who is Processing Personal Data on behalf of a Controller, e.g. an IT services provider who provides data storage services to an accountancy firm would probably be that accountancy firm's Processor.]

OUR CONTACT DETAILS

Full name of Controller:	Malta College of Family Doctors
Postal address (the "Premises"):	127, Professional Bodies, Sliema Road, Gzira GZR 1633, Malta
Email address of Data Protection Manager:	contact@mcfcd.org.mt
Telephone number:	+356 2133 1266

2. What is the GDPR?

The GDPR is aimed at strengthening the protection of the Personal Data of individuals. You are the owner of your Personal Data and this law strives to enhance the rights that you have in relation to your Personal Data. This Privacy Policy details the manner in which we handle your Personal Data in accordance with the Data Protection Laws.

3. Personal Data, Special Categories of Data and Processing

Personal Data is information that relates to an individual and is able to identify that person as a unique being. This would include information such as names and surnames, photographs, contact details, identity card and

passport details and other similar information. Purely statistical or anonymised data is not Personal Data since it cannot uniquely identify an individual.

Special Categories of Data includes Personal Data which is intrinsically more sensitive in nature. This would consist of data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, the processing of genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation.

Unless you are an employee, a job applicant wishing to work with us, or an attendee at one of our events, we will not, as a rule, collect Special Categories of Data about you. If you are not an employee, a job applicant or an event attendee, and should it become necessary, in unforeseen circumstances – such as a medical emergency, or in the case of any directives or rules issued by the government – for us to process any such kinds of Data in order for us to successfully run our operation, we guarantee that any such processing shall comply with all the relevant principles, requirements and security measures mandated by the GDPR and the Act in relation to the processing of such Data.

Processing essentially means the use of your Personal Data. Activities such as our collection of your Personal Data, its storage, disclosure or alteration are all deemed to constitute 'Processing' of your Personal Data.

4. Whose Personal Data we collect

***[PLEASE NOTE:** If you are an employee, job applicant, individual self-employed services provider or an individual attending one of our events, we will process your Personal Data as required in terms of this Policy and the Data Retention Policy as may be applicable, copies of which Policies are freely available at our Premises and/or website.*

We collect Personal Data in relation to the below individuals:

- i. **Members of Malta College of Family Doctors** – any individual who is a member of the Malta College of Family Doctors;
- ii. **Employees** – any individual employed with the Voluntary Organisation
- iii. **Applicants** – any applicant for the the Summative Examination for Specialists in Family Medicine;
- iv. **Trainee Doctors** – any Doctor who sat for the Summative Examination for Specialists in Family Medicine;
- v. **Foreign Trainees and/or Doctors** – any foreign individual who would be interested in conducting a 2 to 3 week study visit of family medicine component of the primary health care system in Malta;

***[PLEASE NOTE:** If you provide us with Personal Data about someone else, it is your responsibility to ensure that you are entitled to disclose that Personal Data to us. You must ascertain that these persons comprehend how their details will be used, and that they have allowed you to disclose that information to us, as well as allowed us, and our outsourced service providers, to process it.]*

5. Data we collect about you

When Processing Personal Data pertaining to you as constituting a Data Subject identified in categories in section 4 v-vi directly above, we may, depending on the case at hand, collect, use, store and transfer different kinds of Personal Data about you which we have grouped together as follows:

Identification Data, includes name, surname, title, identity card and/or passport details, and any data which expresses the physical, commercial, cultural or social identity of the Data Subjects (including CCTV video surveillance footage).

Contact Data, includes home address, email address and telephone and/or mobile number.

Transactional Data, includes payment data and bank details.

For further information regarding the types of Personal Data we collect and why, please read through sections 6, 7 and 8 of this Privacy Policy, below.

6. How do we collect your data?

We use different methods to collect your Personal Data. Any Personal Data collected is a result of, and relates to, your relationship with us:

- i. **Membership data** – Collected via submission of an application form in hard copy or in soft copy;
- ii. **Applicants for exam** – this is collected through the hard copy application;
- iii. **Trainee Doctors** – this may include videos recorded on camera owned by a trainee doctor if consultations are done with real patients or recorded via a camera leased by MCFD if they are simulated consultations with actors.

In all cases, any Personal Data pertaining to third parties that we may deem necessary to Process will be collected in a manner that is aligned with the terms of this Privacy Policy, and will likely consist of Identification Data and Contact Data. We may request additional and proportionate information if and when we deem such to be necessary.

Where we need to collect Personal Data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you. In this situation, we may have to cancel the contract you have entered into with us or refuse to enter into any such contract with you, but we will notify you in advance if this is the case.

7. How we use your Personal Data

We will only process your Personal Data on the basis of legally permissible grounds. Generally, and in terms of this Privacy Policy, we will mainly process your Personal Data for the following reasons:

- the data subject has given consent to the processing of the data subject's personal data for one or more specific purposes;
- When we need to comply with a legal or regulatory obligation; and, or
- Where it is necessary for our legitimate interest, and your interests and fundamental rights do not override those interests.

For more detail, please read the section directly below entitled, 'GROUNDS FOR PROCESSING'.

GROUNDS FOR PROCESSING

The table below provides a description of the ways we generally process your Personal Data, and which of the legal bases under the GDPR we rely on to do so. We may process your Personal Data on the basis of more than one lawful ground depending on the specific purpose for which we are using your Personal Data.

Data Subject	Data	Lawful bases for processing in terms of the General Data Protection Regulation
Members of Malta College of Family Doctors	Identification Data Contact Data	<p>(a) Protection of our legitimate interests (or those of a third party), such that we may require this information for administrative and logistical purposes in the general course of our activities. We may also require this information to be able to respond to legal claims and criminal investigations.</p> <p>(b) the data subject has given consent to the processing of the data subject's personal data for one or more specific purposes</p>
Applicants Trainee Doctors Foreign Trainees and Doctors	Identification Data Contact Data Transaction Data	<p>This is a generic category of Data Subjects, as explained in section 4 vi further above. The identification of the specific legal ground would therefore be dependent on the case at hand.</p> <p>However, the more common scenarios of data Processing in this case are buttressed by the following legal grounds:</p> <p>(a) adherence to our legal obligations;</p> <p>(b) protection of our legitimate interests (or those of a third party), such that we may require this information for administrative and logistical purposes in the general course of our business. We may also require this information to be able to respond to legal claims and criminal investigations;</p>

		(c) for reasons of security and substantial public interest, on the basis of Union or Member State law, which shall be proportionate to the aim pursued.
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In some cases, your Personal Data may also be processed by one of our entrusted third-party processors in terms of current Data Protection Laws, which entity will assist us in fulfilling our service standard. For more information on third party processors, please refer to section 11 of this Privacy Policy.

8. CCTV

There is CCTV video surveillance cameras in various areas around and in the Premises of the Malta Federation of Professional Associations. CCTV footage is owned by the Federation and not by the Voluntary Organisation. CCTV Notices are affixed accordingly to inform you of this form of surveillance as you approach and walk into the area which is subject to said surveillance. Please note that some of the cameras also monitor the area exactly outside the Premises as well as the adjacent carpark. These cameras are used solely for security purposes. Our cameras do not record sound. For further information on our CCTV system, please refer to the CCTV Notices that are affixed in various places at our Premises. Furthermore, any enquiries in relation to CCTV footage should be directed to the Malta Federation of Professional Associations.

9. Data Security

As your Personal Data is stored both in physical and digital form, we have implemented appropriate security measures to each data form as to be able to prevent your Personal Data from being accidentally lost, altered or disclosed in an unauthorised manner. These include:

- Appropriate firewalls and security software, inclusive of anti-malware and anti-virus software;
- Data segregation mechanisms;
- Complex passwords;
- Protected WiFi;
- Encryption;
- Burglar alarm;
- Fire alarm;
- UPS; and

In addition, we limit access to your Personal Data to those employees, and other third parties who have a business need to know. These persons will only process your Personal Data on our instructions and are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected Personal Data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

10. Data Retention

We retain your Personal Data only as long as we have a valid legal reason to do so, which includes satisfying any legal, accounting and, or reporting requirements.

We will never retain your Personal Data indefinitely. Instead, we have attributed specific timeframes for data retention which are to be adhered to by all staff. To determine the appropriate retention period for Personal Data, we generally consider the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorised use or disclosure of your Personal Data, the purposes for which we Process your Personal Data and whether we can achieve those purposes through other means, and the applicable legal requirements. We would also consider whether there are any laws that may be invoked against us by you and, or third parties and if so, what the prescriptive periods for such actions are. These are usually, but not exclusively, two or five years. In such case, we shall keep any relevant Personal Data that we may need to defend ourselves against any claims, challenges or other such actions by you and, or third parties for such time as is necessary.

In some circumstances we may anonymise your Personal Data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

Kindly contact us for further information regarding our data retention practices.

11. Disclosure

Generally we have day-to-day dealings with third parties which may be individuals or legal persons, usually entities related to health and companies. Therefore, we may, in the course of our business, have to share your Personal Data with said third parties, or Processors, set out below, for the purposes set out in the section directly above entitled, 'GROUNDS FOR PROCESSING'.

IT support services and security	Services providers who help us in ensuring that our IT systems are up-to-scratch and that your Personal Data remains secure.
IT backup and cloud services	Services providers who assist us in relation to backups for business continuity purposes so that your Personal Data is not lost.
Administration	Services providers who provide software and administrative assistance in order to enable us to better organise our internal administrative processes.
CCTV installation and maintenance	Services providers who help us in ensuring that your data remains secure.
Third party consultants and professional advisors	Services providers who assist us in various matters, including accountants and insurers.
Payment services providers	Services providers that facilitate payment transactions.
Regulators, courts and other authorities	Entities that may require the disclosure of processing activities in certain circumstances.

We will in usual circumstances not disclose Personal Data to others without your consent. There may however be times where we may need to do so, such as when abiding by a court order, for the proper administration of justice, in complying with a legal request or a legal requirement, to report actual or suspected fraud, money laundering or other criminal activity, to protect your vital interests, and, or to fulfil your requests.

We require all third parties with whom we share Personal Data to respect the security of such Personal Data and to treat it in accordance with the law. We do not allow our Processors to use your Personal Data for their own purposes and only permit them to process your Personal Data for specified purposes and in accordance with our instructions.

12. International Transfers

Generally, we do not transfer your Personal Data to persons or entities outside the jurisdiction of Malta. However, should this become necessary:

- for the performance of contractual or pre-contractual obligations between you and us;
- for the purpose of IT software support / security;
- for adherence with our legal and, or regulatory obligations;
- for the establishment, exercise or defense of legal claims; or
- for any other reason where any such transfer would be permitted in terms of law,

we shall endeavor to only transfer Personal Data to countries in the European Economic Area (the “EEA”) or to third countries outside the EEA which ensure an adequate standard of protection for such Data in terms of the GDPR. Should a transfer to countries which are outside the EEA be required, we shall ensure that appropriate safeguards in line with Data Protection Laws are implemented for the protection of your Personal Data.

13. Your Rights

As a data subject, you have certain data protection rights at law:

- 1) **ACCESS:** you have the right to access your Personal Data and request a copy thereof.
- 2) **RECTIFICATION:** you have the right to rectify any incorrect Personal Data that we may hold about you.
- 3) **ERASURE:** you have the right to be forgotten, which enables you to ask us to delete your Personal Data where there is no good reason for us continuing to process it. On this point, note that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request. We may not be able to provide you with some of our services if we do not hold your Personal Data.
- 4) **RESTRICTIONS ON PROCESSING:** you have the right to request the restriction of our processing. This can be done in the following cases: (a) if you want us to establish the data’s accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- 5) **PORTABILITY:** you have the right to data portability. Your data may be requested in a machine-readable format and you may also ask that your data be transferred directly to another person or service provider.
- 6) **OBJECTIONS TO PROCESSING:** you may object to the processing of your data where we are relying on legitimate interests (or those of a third party) and there is something about your particular

situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

- 7) **AUTOMATED DECISION MAKING AND PROFILING:** we do not utilise automated decision making and profiling.
- 8) **WITHDRAWAL OF CONSENT:** if you have provided consent for the processing of your data you have the right (in certain circumstances) to withdraw that consent at any time which will not affect the lawfulness of the processing before your consent was withdrawn.

If you wish to exercise any of the rights set out above, please contact us. We will try to respond to all legitimate requests within one month and may require that you send over specific information to help us confirm your identity and ensure your right to access your Personal Data (or to exercise any of your other rights as outlined directly above). This is a security measure.

You will not have to pay to access your Personal Data (or to exercise any of the other rights mentioned above). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may, in such circumstances, refrain from complying with your request.

14. Changes to our Privacy Policy

Due to the fact that technology and the relevant legislation regarding data protection and data privacy changes at a rapid pace, Malta College of Family Doctors may make amendments to this Privacy Policy. If the changes are substantial, we will inform you before such changes are made.

15. Complaints

Should you feel wronged by our data protection practices, you may file a complaint with the data protection supervisory authority of your country of residence. In Malta, this would be the Office for the Information and Data Protection Commissioner, the contact details of which are as follows:

OFFICE OF THE INFORMATION AND DATA PROTECTION COMMISSIONER [MALTA]
Email: commissioner.dataprotection@gov.mt
Phone: +356 2328 7100

However, we strive to be receptive to your concerns and would appreciate it if you would contact us in the first instance should you believe that we have breached any privacy rules.

16. Enquiries

Should you desire to:

- Exercise any of your rights as listed under section 13; or
- Make a complaint in line with section 15,

you may contact us on the below contact details. We may refuse such requests or charge a reasonable fee where these requests are manifestly repetitive or excessive.

Any request must be made in writing and must also include your name, address, email address and the right/s which you would like to exercise or the reason for your complaint, as the case may be. We may also ask for identification documentation, which is essential in order for us to be able to verify your identity.

Postal address:

Malta College of Family Doctors, 127,
Professional Bodies, Sliema Road, Gzira GZR
1633

Email address:

secretary@mcfid.org.mt

Telephone number:

+356 2133 1266