

Retention and Access Policy within the National Literacy Agency

1. General scope

This Policy is aimed at regulating the retention, maintenance and disposal of documentation, both personal and other, within the National Literacy Agency, as provided for in the General Data Protection Regulation (EU) 2016/679 (GDPR), the Data Protection Act (Cap 440) and the Education Act (S.L.440.09 – 2015), and in accordance with the principles of data protection legislation, and other legal provisions in Maltese Law.

This Policy applies to all personal data held and processed by the National Literacy Agency. As per GDPR, it is the responsibility of the Data Controller, the Chief Executive Officer, to ensure that all provisions of this Policy are adhered to.

2. Background Information

The GDPR puts forward the principle that personal data and sensitive personal data should not be retained for periods that are longer than necessary. In this context, this retention policy covers all data and documentation the National Literacy Agency collects and processes, 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. The same retention period will apply for both electronic and manual data.

3. Objectives

This policy aims to achieve the following objectives:

- a) Regulate the retention of and disposal of the various types of documentation whether held in manual, electronic or automated filing systems within the Agency, while adhering to the Data Protection principle that personal data should not be retained for a longer period than necessary.
- b) Dispose of unnecessary documentation that is no longer relevant and is taking up useful storage space.
- c) Promote the digitisation of documentation as may be reasonably possible to minimise the use of storage space required to store documentation, as well as to promote a sustainable use of paper and printing consumables.

4. Security of Documentation

- a) Documentation should be 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 should be fully adhered to, to ensure that only those who have the required security clearance have access to such documentation.
- b) In the case of personal data, the GDPR also stipulates that only those required to process personal data should have access to personal records.
- c) 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.

Human Resources (HR)

1. Policy Statement

- a) All employee and contractor records are the property of the National Literacy Agency and shall be retained by the Human Resources department with access by authorised individuals in the performance of their duties.
- b) It shall be deemed a serious offence to breach confidential information to unauthorised individuals and similarly the removal or destruction of information not in line with the Retention Policy or data contained in employee files.

2. Principles

- a) The Agency must retain certain information on its employees and contractors as is required by law to administer the terms and conditions of employment/contractual obligations effectively.
- b) The individual employee or contractor must feel confident their personal information is retained in a secure fashion and only accessed by officials who need this information to perform their authorised job duties.
- c) The individual has the right to know what is retained by the National Literacy Agency in its records should they wish to see their file and its contents.
- d) This policy is intended to address security and access of personal information.

3. Application and Scope

- a) All information pertaining to employees and contractors of/for service, which is of a personal nature including resumes/CVs, contracts, recruitment, motivation letters, and any correspondence related thereto which may include disciplinary correspondence, and any documents required by Maltese Law are covered by this policy.
- b) Performance data shall normally be retained in the HR file per policy until expiry or termination of the employment/contractual relationship.

4. Responsibilities

Human Resources

- a) Receives and maintains any information on commencement or during the life of the employment relationship of each employee or contractor.
- b) Accesses information only as required and by those individuals who require this information for their authorised duties.
- c) Ensures the secure retention of all data and information of a personal nature.

Manager/Senior

- a) Forwards copies of any employment related correspondence with or to their employees or contractors to HR for filing.
- b) Retains only working copies of employee related information required to perform their managerial duties.
- c) Are entitled to review employee files of those employees or contractors under their direct line supervisory authority where it is deemed necessary to perform their assigned duties.

Employees/Contractors

- a) Forwards any information required or requested by HR to administer the terms and conditions of employment or service.
- b) May request that information is placed in their file relevant to their employment/contractual circumstances.

5. Retention Format

- a) Employee files are retained with the following components:

Master	Personal records sheet, contract of employment, qualifications, academic certificates, good conduct police certificate, declaration of the code of conduct, recommendations, performance contracts and remarks, vacation and sick leave record sheet, special leave record sheet, attendance in internal and external training, copy of driving license, copy of identity card, copy of NI card, FS4's, job description, electronic equipment contract, maternity Leave.
General	Jobsplus forms, application for position with internal calls, discipline, grievances, termination, reports, other miscellaneous reports.
Performance	Appraisals, reviews and related information.
Health	Medical certificates and related information.
Training	Details of training courses and conferences attended.

6. Access

- a) Employees/contractors may access their own file upon contacting the Data Protection Officer and the Data Controller, and request to do so in writing, providing identification details, such as their name surname and I.D. Card number. A document may be asked to be presented, should there be problems in identifying the data subject. Review of the personal data asked for shall take place in the presence of the DPO, the Data Controller, and/or an official of the Agency from HR, and information will be removed or destroyed only in accordance with data protection legislation and established retention policy.
- b) Managers may access the file of their direct line employees and contractors for review purposes, disciplinary proceedings and entries only.
- c) Copies of personal data may be provided to the data subject upon a subject access request, however copies of such data will not be provided unless expressly required by data protection legislation and other legal obligations to which the National Literacy Agency is subject,
- d) Information about an employee is not to be disclosed to any third party without the consent of the employee concerned, unless required or permitted by law.

7. Processing

- a) All employee's/contractor's data will be kept on record solely for internal processing by the National Literacy Agency.
- b) Internal processing includes any operation or series of operations the Agency may carry out on personal data as specified by the GDPR. This can include:
 - collection
 - recording organisation
 - structuring
 - storage
 - retrieval
 - consultation
 - use
 - disclosure
 - dissemination

8. Data Disposal

- a) Records are not retained by the National Literacy Agency beyond their retention periods, unless valid reasons for their continued retention are provided. Disposal of records pursuant to this policy should occur regardless of the medium on which records appear or their location.
- b) Generally, records may be disposed of if:
 - they have outlived their retention period, and
 - continued preservation is not required.

9. Employment document retention timeframes

Category	Location	Retention Period	Justification for Retention Period
Recruitment & Career Progression			
Application form for the filling of posts in the Public Service	HR Department	Application form for the filling of posts in the Public Service 1) In the case of appointed persons: a) IRU – Ten (10) years from age of retirement; b) Line ministries and departments – Ten (10) years from date of termination of employment 2) All others, one (1) year after the validity period of the relevant call for applications (unless, in the interim, a complaint connected with the post)	Provision of references and requests for confirmation of employment.
Application forms for the filling of positions co-financed from EU funds	HR Department	1) In the case of appointed persons: a) IRU – Ten (10) years from age of retirement; b) Line ministries and departments – Ten (10) years from date of termination of employment 2) All others, to be retained for the period stipulated in the regulations governing the relative EU programme/s	Provision of references and requests for confirmation of employment.
Applications for External Training	HR Department	Two (2) years from conclusion of selection process	Provision of references and requests for confirmation of employment.
Declaration on Employment/Appointment	HR Department	a) IRU – Ten (10) years from age of retirement; b) Line ministries and departments – Ten (10) years from date of termination of employment	Provision of references and requests for confirmation of employment.
Confirmation of Appointments (PSMC 1.2.8.4)	HR Department	a) IRU – Ten (10) years from age of retirement; b) Line ministries and departments – Ten (10) years from date of termination of employment	Provision of references and requests for confirmation of employment.
Personal Record Sheet	HR Department	a) IRU – Ten (10) years from age of retirement; b) Line ministries and departments – Ten (10) years	Provision of references and requests for confirmation of

		from date of termination of employment	employment.
Service and Leave Record Form	HR Department	For the same period as that kept for the relevant job application forms	Provision of references and requests for confirmation of employment.
Annual Performance Reports (including PMPs)	HR Department	Ten (10) years	Good practice
Progression Reports	HR Department	a) IRU – Ten (10) years from age of retirement; b) Line ministries and departments – Ten (10) years from date of termination of employment	Good practice
General Employee Records			
Approval to perform private work	HR Department	a) IRU – Ten (10) years from age of retirement; b) Line ministries and departments – Ten (10) years from date of termination of employment	Good practice
Direct deposit of salary form	Payroll, Finance	Current	Good practice
Pension Form	HR Department	a) IRU – Ten (10) years from age of retirement; b) Line ministries and departments – Ten (10) years from date of termination of employment	Good practice
Discipline			
Admonishments	HR Department	Destroyed by supervisor after six months; no record retained	Good practice
Written warnings (PSC Regulation 19)	HR Department	Attached to the Personal Record Sheet (PRS) and an appropriate note made in pencil on the PRS; after one (1) year, all references to such warning should be deleted	Good practice
Minor Disciplinary Cases Serious Disciplinary Cases	HR Department	a) after conclusion of case: if found guilty, documents retained for ten (10) years from termination of employment and record shown permanently in Personal Record Sheet - if found not guilty, documents retained for two (2) months from conclusion of case and no record kept thereafter b) if case is inconclusive and the employee has terminated employment, documents are retained until the employee	Good practice

		concerned reaches retirement age.	
Absence Management			
Attendance sheets	HR Department	Four (4) years	Good practice
Vacation leave application forms	HR Department	Four (4) years	Good practice
Vacation leave records	HR Department	Four (4) years	Good practice
Health and Medical records			
Sick leave certificates	HR Department	One (1) year from issue of certificate	Good practice
Health and medical records	HR Department	One (1) year from issue of certificate	Good practice

10. Programmes and services

- a) To operate and run its programmes/initiatives, the National Literacy Agency gathers and processes personal data. After completion of the activity or initiative all personal data, photos and/or video recordings will be deleted completely within a maximum period of 5 years.

Category	Location	Retention Period	Justification for Retention Period
Collection and use of participant's data such as name and surname, I.D. card number, contact telephone numbers, address and email address etc.	Respective programme office	5 years	This period will allow for the proper follow up of a data subject's inclusion in that programme.
Participant's photograph/s to be used in printed publications that the Agency produces for promotional purposes.	Respective programme office	5 years	In line with above, and in consideration of the Agency's ongoing promotional campaigns
Participant's image and/or video recordings to be used on the Agency's website and social media pages, namely Facebook and Instagram.	Respective programme office and on Agency's website and social media pages	5 years	In line with above, and in consideration of the Agency's ongoing promotional campaigns

Further to the above, the following retention periods will be followed:

Category	Location	Retention Period	Justification for Retention Period
Nwar - completion of the programme or withdrawal from the programme	Respective programme office	2 years and deleted within a period of 3 months.	Good practice
Aqra Miegħi and Seħer l-Istejjer - data sheet of potential contractors	Respective programme office	3 years and deleted within a	Good practice

		period of 3 months.	
Reading Recovery training course	Respective programme office	6 years and deleted within a period of 3 months.	Training is made available through public funds; this period will allow for the necessary reporting as per legal obligations.
Literacy resource centre - membership form	Respective programme office	For the duration of membership. In case of withdrawal, all personal data will be deleted within a period of 6 months, on the proviso that all books and/or resources have been returned.	Good practice
Training courses			
Records documenting the handling of enquiries from prospective course participants.	Respective programme office	Maximum of 3 years	Good practice
Records documenting the handling of enquiries from prospective course participants: unsuccessful applications.	Respective programme office	Maximum of 3 years	Good practice
Details of registration and academic performance.	Respective programme office	Perpetual	Provision of references and confirmation of registration/final certificate etc.
Course participant records, including documents related to application, academic results, withdrawal etc.	Respective programme office	10 years for personal and academic references	Provides the Agency with a reasonable length of time to provide references, replacement of certificates etc.
Course participants' lists	Course coordinator and respective trainer/s	For the duration of the course	Good practice
	Clerical officer/programme secretary	Current course year and 4 subsequent years	
Records documenting course participants' attendance, and submission of work.	Course coordinator and respective trainer/s	For the duration of the course	Good practice
	Clerical officer/programme secretary	Current course year and 4 subsequent years	
Documents referring to coursework marks/grade and assessment.	Course coordinator and respective	For the duration of the course	Good practice

	trainer/s		
	Clerical officer/programme secretary	Current course year and 4 subsequent years	
Records documenting placement	Clerical officer/Programme secretary	Current course year and 4 subsequent years	Good practice
Marks and grades awarded	Course coordinator and clerical officer/programme secretary	Perpetual	Formal record which forms part of archive
Course work	Course coordinator and respective trainer/s	For the duration of the course	Good practice
	Clerical officer/programme secretary	Current course year and 4 subsequent years	

11. Related Documents

- a) General Data Protection Regulation (EU) 2016/679 (GDPR)
- b) Chapter 477 NAA - NATIONAL ARCHIVES ACT
- c) Chapter 440 DPA - DATA PROTECTION ACT
- d) Chapter 496 FOIA - FREEDOM OF INFORMATION ACT