# DATA PROTECTION AND RETENTION POLICY

For the provision of part-time Further Education Courses

1.2 The General Data Protection Regulation (EU) 2016/679) (GDPR), the Data Protection Act (Cap 586) of the Laws of Malta and Subsidiary Legislation, regulate the processing of personal data whether held electronically or in manual form. The DLE shall comply with the Data Protection Principles as hereunder indicated. Article 5 of the GDPR states that personal data shall be:

- *"processed lawfully, fairly and in a transparent manner in relation to individuals;*
- *collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;*
- *adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;*
- *accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;*
- *kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and*
- *processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures."*

## 1. Data Protection Principles

1.1 The Directorate for, Lifelong Learning and Employability is a licensed provider of part-time adult education courses in various fields and categories. Information about these courses and this Policy can be obtained from the Lifelong Learning website,

https://lifelonglearning.gov.mt/, the DLE online course prospectus, Servizz.Gov, and Local Councils.

## 2. Lawful Purposes for Collecting and Processing of data

2.1 The DLE shall be the Controller of personal data for the purposes of its provision of part-time adult education courses. The DLE collects personal data of course applicants, its students, educators, and staff, including recordings of course lessons[1], limitedly for the delivery of its courses and where applicable, for research, statistical and archiving purposes in conjunction with the objectives of Lifelong Learning, in accordance with National Laws and Regulations. All data collected by the Controller shall be done on one of the following lawful bases:

- consent of the data subject
- contract
- legal obligation,
- vital interests,
- public task, or legitimate interests

## 3. The Legal Bases

3.1 For the purpose of establishing the legal basis on the identity and powers of the Data Controller, reference is made to Subsidiary Legislation 586.07, (2),(1) wherein the definition of "data controller" *inter alia* includes education authorities and educational institutions. In the same S.L the definition of "education authorities" includes Directorates, constituted in terms of Part ll of the Education Act Cap.605 of the Laws of Malta. Regulation (4) (1) of S.L.586.07 states that: "education authorities may process personal data in relation to students",

## 4. Recipients of data

4.1 Personal data is accessed by the DLE employees and authorised persons who are assigned to conduct the data processing functions of the DLE. Personal Data is subsequently processed lawfully, fairly and in a transparent manner through the MySchool Management Information System (MIS) and/or by any other electronic or manual means. Personal data is subsequently stored in a safe environment by the DLE.

4.2 Personal data may be disclosed to Government departments and public authorities, for public administration, human resource management and statistics, in accordance with the legal provisions the DLE is obliged to abide with. Personal data can also be

[1] Students are urged but not obliged to keep webcams on during recording of lessons for identification purposes and to prevent fraud during participation in class assignments an/or tasks.

disclosed to third parties not being the foregoing on the express written consent of the Data Subject or as otherwise required at law.

## 5. Your rights (the Data Subject)

*(a) All data subjects have the right of access to any personal information kept about them by the Controller either electronically or in manual form.*

*(b) Rights of the Data Subject might be restricted according to provisions in certain laws and regulations.*

*(c) The personal data collected shall be used solely for the purposes requested herein.*

*(d) The data subject is entitled to know, free of charge, what type of information the Controller holds and processes about you and why, who has access to it, how it is held and kept up to date, for how long it is kept, and what the Controller is doing to comply with data protection legislation. All data subjects have the right to request that their personal information is not used or is amended if it results to be incorrect. Data subjects may also request that their personal data be erased. The right of erasure may be limited to the extent that the DLE is obliged to abide by any law or regulation that requires personal data to be kept for a certain period or indefinitely.*

*(e) Should the data subject wish to exercise his right to withdraw his consent for his personal data to be processed by the Controller, he shall communicate his intention in writing to the Controller. In the event that the data subject is granted the right of withdrawal of his consent, this shall not affect the lawfulness of processing based on consent given before its withdrawal.*

*(f) Should the Data Subject feel that his data protection rights have been breached by the Controller, Processor, or any of his delegates, he has a right to lodge a complaint with the Supervisory Authority, that is, The Information and Data Protection Commissioner: https://idpc.org.mt/en/Pages/dp/principles.aspx.*

*(g) Should the DLE become aware of any personal data breach/es, it shall inform the Supervisory Authority such within 72 house of having become aware, and the data subject concerned shall be informed without undue delay*

## 6. Research

6.1 Research projects conducted by the DLE may involve collecting and processing of personal data for specific purposes, such as for conducting surveys. In such events appropriate safeguards shall be adopted by the DLE so that personal data shall be excluded from publishing of research reports. Furthermore, where possible, research data shall be collected in such a way as to exclude personal information, for example by enabling survey respondents to optionally submit all or some of their responses anonymously or pseudonymously.

## 7. Archiving, Scientific and Statistical Purposes

7.1 For the preservation of the rights and freedoms of the data subject, personal data processed by the DLE for archiving, scientific and statistical purposes in the public interest shall be subject to appropriate safeguards in accordance with the GDPR Regulations and the Data Protection Act Cap. 586 of the laws of Malta. Such safeguards shall ensure that technical and organisational measures are in place so that the principle of data minimisation shall prevail in all such circumstances.

## 8. Data Retention Policy

| Category of Document | Retention Period | Justification |
|---|---|---|
| Educators' employment contract | 3 years from termination of contract | Data required for re-appointment; Research and Statistics |
| Staff | 2 years from termination of employment | Data required to facilitate re-employment requirements; Research and Statistics |
| • Students' Personal data;<br>• media consent forms;<br>• Photo images for testimonials | 5 years from termination of course | Manage student admissions; Verify student attendance and identity; Data required for Research, Statistics and for archiving as required at law. Data is also required to issue certificates and as a service to the student to provide copies of lost award certificates |
| • Recordings of Online course sessions<br>• Level check papers | Up to the end of Academic Year<br>1 year from the date of the test | To help students for revision purposes and to catch up on missed lessons:<br>To address disputed level check results |

*Post retention periods Personal Data shall be anonymised or entirely deleted in an efficient manner ensuring that data is no longer available within the DLE.*

## 9. Procedure for Data Subject's access to personal data

9.1 The GDPR Regulations demand a formal procedure for dealing with personal data access requests by the data subject, which the DLE follows. Should the data subject wish to know what personal information is held by the DLE, he may submit a request in writing to the Data Controller (DLE), including identification details, namely, name and surname, identity card or passport number and personal address. Where certain identification difficulties are encountered, during the internal processing of the request for access and before personal data is made available**,** the data subject may be required to present an original identification document**.** Identification documents are always to be presented when physically collecting data, and when collecting data, as authorised in writing, on behalf of the data subject. Unless otherwise exempted at law, requests for access to personal data concerning a minor shall only be accepted on material proof of parenthood or legal guardianship of the minor being represented.

## 10. Compliance with request by Data Subject for access to personal data.

10.1 The (DLE) shall comply as expeditiously as possible with requests by data subjects for access to their own personal information, ensuring that it is provided within a reasonable time, (one month latest), unless there is good reason for delay. When a request for access cannot be met within such a reasonable time, the reason/s for the delay shall be explained in writing to the data subject making the request.

**Contacts:**

**The Data Controller**: Directorate for Lifelong Learning and Employability (DLE), Ministry for Education and Sport.
Great Siege Road, Floriana, VLT 2000
Telephone: 25982442/3
Email: servizz@gov.mt

**The Data Protection Officer MES:** dpo.mes@gov.mt
or by telephone: 25981233

**The Information and Data Protection Commissioner IDPC**:
Level 2, Airways House,
High Street,
Sliema, SLM 1549
Telephone: 23287100; Email: idpc.info@idpc.org.mt