

## **POLICY REGULATING THE RETENTION OF DOCUMENTATION IN THE AGRICULTURE AND RURAL PAYMENTS AGENCY (ARPA)**

### **SCOPE**

1. This Policy is aimed at regulating the retention, maintenance and disposal of documentation, both personal and other, within the Agriculture and Rural Payments Agency (ARPA), as provided for in the General Data Protection Regulation (EU) 2016/679 (GDPR), Data Protection Act (Cap 586), and procedures currently in force in government departments as governed by the Public Service Commission (PSC) Regulations and the Public Service Management Code (PSMC), as well as the Data Protection Policy of the Agriculture and Rural Payments Agency (ARPA), and in accordance with the principles of data protection legislation, and other legal provisions in Maltese Law.

### **BACKGROUND**

2. 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, the Agriculture and Rural Payments Agency (ARPA) will be putting forward a retention policy for all data and documentation that it 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.

### **OBJECTIVES**

3. 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 or automated filing systems within the Agriculture and Rural Payments Agency (ARPA), 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 in order to minimize the use of storage space required to store documentation, as well as to promote a sustainable use of paper and printing consumables.

## ADMINISTRATION

4. Documentation is held and recorded by Officials who have the clearance level to access the relevant documentation depending on their role within the Agency. This Policy is therefore applicable to all such documentation. It will be the responsibility of the relevant Unit and its Data Controller who is the Director General Paying Agency to ensure that all provisions of this Policy are adhered to.

## DOCUMENTATION HELD WITHIN THE AGRICULTURE AND RURAL PAYMENTS AGENCY (ARPA)

5. As part of its operating requirements the Agriculture and Rural Payments Agency (ARPA) requests, keeps and maintains a wide range of documentation including personal data. The various types of documentation utilised by Agriculture and Rural Payments Agency (ARPA) may be categorised as follows:
  - a. Personal Information
  - b. Recruitment and carrier progression
  - c. Attendances and absence records
  - d. Medical records
  - e. Financial documentation
  - f. Beneficiary records

## SECURITY OF DOCUMENTATION

6. Documentation is 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 are fully adhered to, to ensure that only those that have the required security clearance have access to such documentation.
7. In the case of personal data, the GDPR also stipulates that only those required to process personal data should have access to personal records.
8. 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.

## MANUAL VS ELECTRONIC RECORDS

9. In terms of manual and electronic data, the applicable retention periods are stipulated in the following section.

## RETENTION PERIOD

10. Retention of different categories of documents is governed by different requirements and different legislation and regulations.

The following schedule outlines the retention requirements for the various categories of documentation within the Agriculture and Rural Payments Agency (ARPA).

| <b>Category</b>                                                               | <b>Retention Period</b>                  | <b>Justification</b>                                                                                                                                         |
|-------------------------------------------------------------------------------|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>HR and Administration</u></b>                                           |                                          |                                                                                                                                                              |
| <b>Personal Information</b>                                                   |                                          |                                                                                                                                                              |
| <i>Applications for training opportunities</i>                                | <i>10 years from date of application</i> | <i>Retention period will follow PSD regulations - (<u>Data Protection Public Administration HR Corporate Procedures</u>) – Annex B, Personal Information</i> |
| <i>Internal Training Courses provided</i>                                     | <i>10 years from end of course</i>       | <i>Retention period will follow PSD regulations - (<u>Data Protection Public Administration HR Corporate Procedures</u>) – Annex B, Personal Information</i> |
| <i>Accumulation of VL – not final version for those requiring PS Approval</i> | <i>2 years from date of application</i>  | <i>Retention period will follow PSD regulations - (<u>Data Protection Public Administration HR Corporate Procedures</u>) – Annex A, Absence Management</i>   |
| <i>Temporary Absence Forms</i>                                                | <i>2 years from date of application</i>  | <i>Retention period will follow PSD regulations - (<u>Data Protection Public Administration HR Corporate Procedures</u>) – Annex A, Absence Management</i>   |
| <i>TOIL Forms</i>                                                             | <i>2 years from date of application</i>  | <i>Retention period will follow PSD regulations - (<u>Data Protection Public Administration HR Corporate Procedures</u>) – Annex A, Absence Management</i>   |
| <i>Work Life Balance Applications – not final version</i>                     | <i>2 years from date of application</i>  | <i>Retention period will follow PSD regulations - (<u>Data Protection Public Administration HR Corporate Procedures</u>) – Annex A, Absence Management</i>   |
| <i>Special Leave</i>                                                          | <i>2 years from end of special leave</i> | <i>Retention period will follow PSD regulations - (<u>Data Protection Public Administration HR</u></i>                                                       |

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|                                                   |                                                | <i>Corporate Procedures) – Annex A, Absence Management</i>                                                                                                        |
| <i>Injury Report</i>                              | <i>10 years from date of application</i>       | <i>Retention period will follow PSD regulations - (Data Protection Public Administration HR Corporate Procedures) – Annex A, Health &amp; Medical Records</i>     |
| <i>Declaration of Impartiality- new recruits</i>  | <i>10 years from termination of employment</i> | <i>Retention period will follow PSD regulations - (Data Protection Public Administration HR Corporate Procedures) – Annex A, Recruit &amp; Career Progression</i> |
| <i>Declaration of Supplies</i>                    | <i>10 years from termination of employment</i> | <i>Retention period will follow PSD regulations - (Data Protection Public Administration HR Corporate Procedures) – Annex A, Recruit &amp; Career Progression</i> |
| <i>Application for Qualification Allowances</i>   | <i>10 years from termination of employment</i> | <i>Retention period will follow PSD regulations - (Data Protection Public Administration HR Corporate Procedures) – Annex B, Personal Information</i>             |
|                                                   |                                                |                                                                                                                                                                   |
| <b>Recruitment &amp; Career Progression</b>       |                                                |                                                                                                                                                                   |
|                                                   |                                                |                                                                                                                                                                   |
| <i>Performance appraisals &amp; bonus reports</i> | <i>10 years from termination of employment</i> | <i>Retention period will follow PSD regulations - (Data Protection Public Administration HR Corporate Procedures) – Annex B, Personal Information</i>             |
|                                                   |                                                |                                                                                                                                                                   |
| <b>Attendance and Absence Records</b>             |                                                |                                                                                                                                                                   |
|                                                   |                                                |                                                                                                                                                                   |
| <i>Attendance Sheets</i>                          | <i>2 years following end of calendar year</i>  | <i>Retention period will follow PSD regulations - (Data Protection Public Administration HR Corporate Procedures) – Annex A, Absence Management</i>               |
| <i>Vacation Leave Application Forms</i>           | <i>2 years following end of calendar year</i>  | <i>Retention period will follow PSD regulations - (Data Protection Public Administration HR Corporate Procedures) – Annex A, Absence Management</i>               |
| <i>Yearly Leave balances</i>                      | <i>2 years following end of calendar year</i>  | <i>Retention period will follow PSD regulations - (Data Protection Public Administration HR</i>                                                                   |

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|                                                    |                                                                                                                                                                                                                                          | <i>Corporate Procedures) – Annex A, Absence Management</i>                                                                                                                                                                                                                                                                                                                                            |
| <i>Disciplinary records of concluded cases</i>     | <i>Up to 10 years if guilty; up to 2 months if not guilty admonishments destroyed after 6 months- warnings destroyed after 1 year</i>                                                                                                    | <i>Retention period will follow the Manual on Disciplinary Procedures in the Malta Public Service) also Refer to Manual on Disciplinary Procedures in the Malta Public Services - Chapter 11, Annex B: Retention of Disciplinary Records.. One also needs to Refer to Manual on Disciplinary Procedures in the Malta Public Services - Chapter 4, General Powers of Supervision and Admonishment.</i> |
| <i>Disciplinary records of cases not concluded</i> | <i>Up to 10 years if guilty; up to 2 months if not guilty. If the case is still ongoing documents shall be retained until the officer reaches retirement age. Admonishments destroyed after 6 months warnings destroyed after 1 year</i> | <i>Retention period will follow the Manual on Disciplinary Procedures in the Malta Public Service) also - Refer to Manual on Disciplinary Procedures in the Malta Public Services - Chapter 11, Annex B: Retention of Disciplinary Records. Also Refer to Manual on Disciplinary Procedures in the Malta Public Services - Chapter 4, General Powers of Supervision and Admonishment.</i>             |
| <b>Medical Records</b>                             |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                       |
| <i>Copy of Sick Leave Certificates</i>             | <i>1 year following end of calendar year</i>                                                                                                                                                                                             | <i>Retention period will follow PSD regulations - (Data Protection Public Administration HR Corporate Procedures) – Annex A, Health &amp; Medical Records</i>                                                                                                                                                                                                                                         |
| <b>Financial Documentation</b>                     |                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                       |
| <i>Procurement Records</i>                         | <i>10 years following end of calendar year</i>                                                                                                                                                                                           | <i>Retention period will follow PSD regulations - (Data Protection Public Administration HR Corporate Procedures)also Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from</i>                                                                                                                                                                                   |

|                                                           |                                                                                                        |                                                                                                                                                                                                                                                                 |
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|                                                           |                                                                                                        | <i>the Government's accounting system'</i>                                                                                                                                                                                                                      |
| <i>Accounting Records</i>                                 | <i>10 years following end of calendar year</i>                                                         | <i>Retention period will follow PSD regulations - (<u>Data Protection Public Administration HR Corporate Procedures</u>)also Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i>  |
| <i>Yearly Financial Statements</i>                        | <i>10 years following end of calendar year</i>                                                         | <i>Retention period will follow PSD regulations - (<u>Data Protection Public Administration HR Corporate Procedures</u>) also Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Generic Emails</i>                                     | <i>20 years from expiry of N+X rule of applicable programming period or expiry of National scheme.</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i>                                                                                                                            |
| <i>Miscellaneous Files</i>                                | <i>10 years from closing of file</i>                                                                   | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i>                                                                                                                            |
|                                                           |                                                                                                        |                                                                                                                                                                                                                                                                 |
| <b><u>Beneficiary Records</u></b>                         |                                                                                                        |                                                                                                                                                                                                                                                                 |
|                                                           |                                                                                                        |                                                                                                                                                                                                                                                                 |
| <i>Beneficiaries files (All measures)</i>                 | <i>10 years from expiry of N+X rule of applicable programming period or expiry of National scheme</i>  | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i>                                                                                                                            |
| <i>Shared folder (Personal data within shared folder)</i> | <i>20 years from expiry of N+X rule of applicable programming period or expiry of National scheme.</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i>                                                                                                                            |
| <i>Personal data held in IT system</i>                    | <i>20 years from expiry of N+X rule of applicable programming period or</i>                            | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from</i>                                                                                                                                                                |

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|                                                                                                                   | <i>expiry of National scheme.</i>                                                                     | <i>the Government's accounting system'</i>                                                                                           |
| <i>Minutes of Meetings</i>                                                                                        | <i>10 years from expiry of N+X rule of applicable programming period or expiry of National scheme</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Inspection Files Cases</i>                                                                                     | <i>10 years from expiry of N+X rule of applicable programming period or expiry of National scheme</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Beneficiary Bank Details (Bank Payment Forms)</i>                                                              | <i>10 years from expiry of validity of Bank Payment Form</i>                                          | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Notarial Declarations re heirs to deceased beneficiaries retained in official files</i>                        | <i>10 years from receipt of declaration</i>                                                           | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Bank guarantees (Original, or copies of guarantees that have been cancelled)</i>                               | <i>10 years from expiry of N+X rule of applicable programming period or expiry of National scheme</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>All files related to payments of financial assistance – both EU and National – paper files and soft copies</i> | <i>10 years from expiry of N+X rule of applicable programming period or expiry of National scheme</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Personal details of signatories of the ARPA bank accounts kept in official files</i>                           | <i>10 years from date of signature</i>                                                                | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Details of beneficiaries reported in BOV Utility Reports</i>                                                   | <i>10 years from expiry of N+X rule of applicable programming period or expiry of National scheme</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Records of Court cases</i>                                                                                     | <i>10 years from expiry of N+X rule of applicable programming period or expiry of National scheme</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Industrial Tribunal Files</i>                                                                                  | <i>10 years from expiry of N+X rule of applicable programming period or</i>                           | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from</i>                                     |

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|                                                                                                                                                                | <i>expiry of National scheme</i>                                                                      | <i>the Government's accounting system'</i>                                                                                           |
| <i>Personal data relating to the processing of beneficiary payments</i>                                                                                        | <i>10 years from expiry of N+X rule of applicable programming period or expiry of National scheme</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Personal data pertaining to the registration and transfer of parcels with ARPA</i>                                                                          | <i>10 years from expiry of N+X rule of applicable programming period or expiry of National scheme</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Objection and Force Majeure Boards files</i>                                                                                                                | <i>10 years from expiry of N+X rule of applicable programming period or expiry of National scheme</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Files and documentation relating to beneficiary sanctions and recoveries</i>                                                                                | <i>10 years from expiry of N+X rule of applicable programming period or expiry of National scheme</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Letters sent to farmers / beneficiaries</i>                                                                                                                 | <i>10 years from expiry of N+X rule of applicable programming period or expiry of National scheme</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Audit File</i>                                                                                                                                              | <i>10 years following closure of audit</i>                                                            | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Quality check records</i>                                                                                                                                   | <i>10 years from expiry of N+X rule of applicable programming period or expiry of National scheme</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>License Files, containing original applications lodged, copy of bank guarantee, copy of invoice and exhausted license as cleared by Customs Department.</i> | <i>10 years following expiry of license</i>                                                           | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
| <i>Cancelled license documents</i>                                                                                                                             | <i>10 years following cancellation of license</i>                                                     | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |





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| <i>Beneficiary Contestation Files</i> | <i>10 years following closure of case</i> | <i>Refer to MFIN circular dated 29/09/2020 on 'Retention Policy for documents generated from the Government's accounting system'</i> |
|---------------------------------------|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|

## CONCLUSION

This retention policy aims to achieve a good working balance between the retention of useful and meaningful information in line with the provisions of the relevant legislation and the disposal of data which is no longer required and is being archived unnecessarily. Data that needs to be destroyed after the noted timeframes will be disposed of in an efficient manner to ensure that such information will no longer be available within the Agriculture and Rural Payments Agency (ARPA). Data Protection Controllers, Heads, and DPOs are aware of the noted retention periods and will instruct all relevant personnel to follow the indicated procedures accordingly.

It is to be noted that anonymised or statistical data do not fall within the parameters of this Retention Policy, since they do not constitute identifying personal data.

