

POLICY REGULATING THE RETENTION OF DOCUMENTATION IN THE ANIMAL HEALTH AND WELFARE DEPARTMENT (AHWD)

SCOPE

1. This Policy is aimed at regulating the retention, maintenance and disposal of documentation, both personal and other, within the ***Animal Health and Welfare Department, that is, Office of the DG, AHWD Administration and Operations, AHWD Technical and Policy Co-ordination Unit (TPCU), National Veterinary Laboratory (NVL), Veterinary Regulation Directorate (VRD), Animal Welfare Directorate (AWD), as provided for in the Veterinary Services Act (Chapter 437), Animal Welfare Act (Chapter 439) and the Dogs Act Cap 313 together with their subsidiary legislations, as provided for in the Data Protection Act Cap 586***, 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 ***Animal Health and Welfare Department (AHWD)*** 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 ***AHWD***, 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: *Animal Health and Welfare Department (AHWD)*

Documentation is held and recorded by all ***Animal Health and Welfare Department (AHWD)***. This Policy is therefore applicable to all such documentation. It will be the responsibility of the relevant ***Animal Health and Welfare Department (AHWD), that is, Office of the DG, AHWD Administration and Operations, TPCU, NVL, VRD and AWD***, and its Data Controller ***DG AHWD*** to ensure that all provisions of this Policy are adhered to.

DOCUMENTATION HELD WITHIN: **Animal Health and Welfare Department (AHWD)**

As part of its operating requirements the **AHWD** requests, keeps and maintains a wide range of documentation including personal data. The various types of documentation utilised by **AHWD** includes but not limited to

- a. Recruitment and Career Progression
- b. General Employee Records
- c. Discipline (admonishments)
- d. Absence Management
- e. Health and Medical Records
- f. Other: Copies of HR related documents/records, inspection records, adoption records, documents related to the provision of laboratory services and regulatory records and procurement records

SECURITY OF DOCUMENTATION

4. 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.
5. In the case of personal data, the GDPR also stipulates that only those required to process personal data should have access to personal records.
6. 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

7. In terms of retention periods, it needs to be pointed out that the same retention period will apply for both electronic and manual data.

EXEMPTIONS

8. N/A

RETENTION PERIOD

9. 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 **AHWD**

Animal Health and Welfare Department (AHWD)		
Category	Retention Period	Justification
Annual performance reports incl. PMPs (copies)	10 years from termination of employment	In line with HR Corporate Procedures, P&SD OPM
Minutes of meetings	30 years	
Travel request forms GA27 (copies)	2 years from conclusion of travel duty	To allow for the necessary follow up icw payments and reimbursement procedures
Copies of Appointment Letters	Until age 75	In line with HR Corporate Procedures, P&SD OPM
Copies of Confirmation of Appointment	Until age 75	In line with HR Corporate Procedures, P&SD OPM
Copies of Annual Performance Reports (including Performance Appraisals)	10 years from termination of employment	In line with HR Corporate Procedures, P&SD OPM
Copies of HR related documents/records	10 years from termination of employment	In line with HR Corporate Procedures, P&SD OPM
Admonishments	Destroyed by supervisor after six months; no record retained	In line with HR Corporate Procedures, P&SD OPM
Request for the appointment of a medical board (GP49)	Until age 75	In line with HR Corporate Procedures, P&SD OPM
Report by a medical board	Until age 75	In line with HR Corporate Procedures, P&SD OPM
Copies of SL Certificates	1 year from issue of certificate	In line with HR Corporate Procedures, P&SD OPM
Copies of Request to Perform Private Work Forms	Until age 75	In line with HR Corporate Procedures, P&SD OPM
Copies of HR related documents/records	10 years from termination of employment	In line with HR Corporate Procedures, P&SD OPM
Copies of Attendance Sheets	2 years	In line with HR Corporate Procedures, P&SD OPM
Copies of Vacation Leave / Time-off in Lieu and Overtime Application Forms	2 years	In line with HR Corporate Procedures, P&SD OPM
Accumulation of leave application forms	2 years	
Vacation Leave Planners	2 years	

Time off in lieu Planners	2 years	
Request of leave in excess of 5 days/40 hours for the months of November and December	1 year	
Request for time off forms	1 year	
Temporary absence – individual record sheet	2 years	
Notification Forms	2 years	
Employee Duties Record Sheet	10 years	
Allowances (any type of allowance including but not limited to shift allowance, PH allowance, night shift, PH allowances, stand by allowances etc)	2 years	
Student placement applications	2 years from date of application	
Students' attendance sheets	2 years	
Data protection form completed by students assigned placement within AHWD	2 years	
Internal and external training records	Until age 75	
CVs of national officials involved in EU projects	5 years	
CVs of Public Officers involved in procurement for Evaluation Committee purposes	5 years from the award of the tender.	
Procurement: CVs of Experts submitted by proposed bidders	5 years from the award of the tender.	
Invoices of suppliers (EU and third country)	5 years	
<ul style="list-style-type: none"> • Call & Email register • Requests for information 	2 years	
Visitors' book	1 year	
Generic emails	2 years	
Data Tracking System Records	1 year	
CCTV	7 days	

SECURITY OF DOCUMENTATION: **Veterinary Regulation Directorate (VRD)**

4. 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.
5. In the case of personal data, the GDPR also stipulates that only those required to process personal data should have access to personal records.
6. 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

7. In terms of retention periods, it needs to be pointed out that, whereas certain manual records are destroyed after the specified period indicated hereunder in point 8, the electronic records in the National Livestock Database will be maintained for an indefinite period. This is for one main reason:

There are the daily backups of the NLD which are stored in a secure location at MITA, and which contain all historical data of all premises registered and controlled by the Veterinary Regulation Directorate. This means that if any electronic data needs to be erased, it will still show up in all the daily backups stored retrospectively.

EXEMPTIONS

8. All data held by the Veterinary Regulation Directorate related to all those premises that are regulated and controlled as per various legal requirements and obligations, should be held for an indefinite period, even when the premises is no longer operational. This is because the historical data pertaining to all premises regulated by VRD is important for the study and planning of controls based on past epidemiological situations that occurred in the Maltese islands over the years. This means that in the future, just as it is done today, administrators will need to have access to data to understand what the situation at a certain point in time was and to understand what the causes of such happenings were.

RETENTION PERIOD

9. 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 **VRD**

Animal Health Unit	
Category	Retention Period
File records for those premises and keepers holding animals and which according to different legislations need to be registered and/or licensed by VRD for any necessary controls.	Indefinite for premises and 25 years for keepers in view of this being personal data. In case of persistent requests from stakeholders or court cases which are not yet concluded, such time could be renewed, and personal data retained for 1 year after conclusion of case or request.
The National Livestock Database where information on animals and their keepers/owners are kept.	Indefinite for premises and 25 years for keepers in view of this being personal data. In case of persistent requests from stakeholders or court cases which are not yet concluded, such time could be renewed, and personal data retained for 1 year after conclusion of case or request.
The Microchipping Section within the AHU keeps transfer of pets' records, records by owners related to deceased pets, and court cases related documents for pet owners which may include any transfer/death records	25 years after microchipping or 5 years after pet has been notified dead for electronic data.
Safety of the Food Chain Unit	
Category	Retention Period
<u>Application Forms</u> (Application for Approval of an establishment as per article 1 of Regulation (EC) No: 853/2004 and 854/2004).	3 years from the date the establishment ceases operating. (The document is to be kept in the dedicated file as long as the establishment continues operating)

Warning letters and suspension of approval documents	<p>3 years from the date the establishment ceases operating. In case warning letters determine legal actions against the Operator, the retention period as per Enforcement Unit applies. (The documents are to be kept in the dedicated file as long as the establishment continues operating.)</p>
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Traditional Dairy Section	
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<ul style="list-style-type: none"> • Animal Welfare Checklist, Milking Hygiene Checklist, Production Hygiene Checklists, HACCP pre-requisites Checklist • Official Inspection Report • Declaration Forms • Application for Approval • Certificate of Approval 	<p>3 years from the date the establishment ceases operating.</p> <p>The documents are to be kept in the dedicated file as long as the establishment continues operating.</p>
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Suspension, warning and clarification letters	<p>3 years from the date the establishment ceases operating. In case warning letters determine legal actions against the Operator, the retention period as per Enforcement Unit applies.</p> <p>The documents are to be kept in the dedicated file as long as the establishment continues operating.</p>
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Feeding stuffs and Animal Nutrition Section	
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<ul style="list-style-type: none"> • Personal Information (names, addresses, telephones, I.D. card, email address) • Application forms for registration and approval of a feed related activity • Feed Business Operators' (FeBO) Files (contains all documents related to the particular feed- related activity (ies) that the FeBO carries out) 	<p>3 years from the date the establishment ceases operating.</p> <p>The documents are to be kept in the dedicated file as long as the establishment continues operating.</p>
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Animal Welfare Unit	
File records of premises/keepers related to farms, zoos, pet shops or dangerous animals, other sanctuaries or boarding kennels etc that falls under the responsibility of Animal Welfare Unit.	10 years from the establishment is inactive
Trade Unit	
List of payments received by customers	10 years or as long as VRD payment files remain applicable
Applicant details for importation and movement of goods and animals.	Indefinite for premises and 25 years for keepers in view of this being personal data. In case of persistent requests from stakeholders or court cases which are not yet concluded, such time could be renewed, and personal data retained for 1 year after conclusion of case or request.
Inspection forms	1 year for non-compliance cases
	3 years. In case warning letters determine legal actions against the Operator, the retention period as per Enforcement Unit applies. It is kept for any court related issues.
Common Veterinary Entry Documents at BIPs	5 years
Forms for submission of samples to Laboratories	5 years
Veterinary Medicines Unit	
Applications related with the authorisation of veterinary medicinal products and premises where these are stored or supplied	25 years as long as the product remains on the market word-wide and is not discontinued. As an authority the life cycle of the product should be kept and nobody knows how long the product would remain on the market, length of expiry date, if there are any product defects or product recalls that need to be done. There are also certain files containing data on disputes that have occurred in the past and are not technically closed.

Inspection reports	<p>Period of retention 25 years or for as long as the establishment remains operational</p> <p>These should be kept since if any deficiencies/corrective actions/or infringements are found or taken a whole history could be extrapolated. As part of audit process inspection are kept and updating of inspection processes and report need to be evidence based.</p> <p>Corrective actions are based also on historical evidence. An infringement that on a first instance is classified as a minor one could be escalated to a higher one if it found that it was not tackled satisfactory. In our line of work this is a continuous process and reference to past findings going back years is a must.</p> <p>GMP Inspection reports may be shared with other Member States and even countries that have a Mutual Recognition Agreement with the EU. We have a confidentiality commitment that allows us to share this data. All reports should be kept in a secure place and be provided whenever requested.</p>
Files related with the internal workings of the Veterinary Medicines Section	<p>25 years or until the entity remains operational</p> <p>For traceability reasons, ease of reference and continuation of work this information is to be kept. It is also necessary that past documents related with the working of the section are kept for audit or benchmarking exercises, particularly those related with authorisation of medicines where it is not uncommon that queries arise years after a product was authorised.</p> <p>It is also not unusual that certain mistakes are traced back years after they are made.</p>
Data on veterinary medicinal products prescription and sales	10 years
Request forms for veterinary prescription booklets	5 years
Prescription copies (blue copies)	5 years
Complaint/report/comments forms or files	10 years
Data related with vetted postal parcels	10 years

Operations	
VRD Veterinary Officials Emergency Forms	Hard and e data to be destroyed once the employee is no longer on VRD Records
Enforcement Section	
Documents which originate from investigations and/or related to Court cases – electronic and hard copy files	20 years
Warning letters	3 years. In case warning letters determine legal actions against the Operator, the retention period mentioned above applies.

SECURITY OF DOCUMENTATION: **Animal Welfare Directorate (AWD)**

4. 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.
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6. 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

7. In terms of retention periods, it needs to be pointed out that the same retention period will apply for both electronic and manual data.

EXEMPTIONS

8. N/A

RETENTION PERIOD

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CATEGORY	RETENTION
OPERATIONS	
Data Tracking System Records	1 year
Adoption Form	10 years*
Inspection Reports	10 years*
24-hour Notice Form [attached to Inspection report]	10 years*
Recording of phone calls on Emergency Line 1717	4 weeks or until the case is investigated whichever is the earlier unless otherwise required in cases of legal proceedings *1

*** 10-year retention period is required in view that legal action might be taken in some cases.**

***1 Data available will be deleted from the database after expiry of retention period.
Hard copies of same will be shredded after expiry of retention period.**

SECURITY OF DOCUMENTATION: National Veterinary Laboratory (NVL)

4. 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.
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MANUAL VS ELECTRONIC RECORDS

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EXEMPTIONS

8. Test reports may be kept for a longer period than the established retention period due to epidemiological and historical importance of certain diseases.

RETENTION PERIOD

9. 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 National Veterinary Laboratory.

Category	Retention Period
Personal Information	
Employees details	10 years from termination of employment or retirement age
Job descriptions	10 years
Personnel training	10 years
Laboratory Results	10 years

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 **AHWD**. 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.