

L-UFFIĊĊJU TAL-PRIM MINISTRU



OFFICE OF THE PRIME MINISTER

MALTA

Id-Divizjoni għall-Ippjanar u l-Koordinazzjoni tal-Prijoritajiet

Planning and Priorities Co-ordination Division

MA Circular 03/2010

30th March 2010

**To: Structural Funds and Cohesion Fund 2007-13 Stakeholders
Structural Funds Database 2007-13 users**

Data Protection Compliance

The Planning and Priorities Co-ordination Division has been the subject of a data protection audit which included the Structural Funds Database 2007-13. As a result of the audit and its recommendations the various stakeholders within the Cohesion Policy structures are being reminded to adhere to the Data Protection Act 2001 of the Laws of Malta, other subsidiary legislation and the Privacy Policy of the respective organisations. In this regard the PPCD is highlighting the points hereunder which are not exhaustive but are intended as minimum requirement.

When processing information of a personal nature, organisations should keep in mind the following nine data protection principles. Personal data¹ must be:

- a) fairly and lawfully processed;
- b) processed in accordance with good practice;
- c) collected for specific, explicitly stated and legitimate purposes;
- d) processed strictly for the purpose it was collected;
- e) adequate and relevant in relation to the purpose of processing;
- f) sufficient for the purpose of processing;
- g) correct and up to date;

¹ Personal data, sensitive personal data, data subject, filing system, and controller are defined in Article 2 of the Data Protection Act 2001.

- h) able to be corrected, blocked or erased if found incomplete and incorrect; and
- i) kept no longer than necessary.

In view of the various stakeholders involved in implementing and monitoring projects, the organisations should **take appropriate steps to inform data subjects at collection stage** that their data might also be shared with and processed by the Planning and Priorities Co-ordination Division and other Third Parties (including other stakeholders in the system involved in implementation, monitoring and control as stipulated in the Manual of Procedures for Structural Funds), having regard to the purposes for which data is collected. This is applicable to personal data kept on any manual and / or electronic filing system, including but not limited to the Structural Funds Database 2007-13. Should there be any instances where the data subjects have not yet been informed that the data is being shared with and processed by other stakeholders, kindly notify these individuals by not later than one month from the date of this circular.

Documents kept for sound financial and project management should not retain unnecessary sensitive personal data. For example, payslips should not have information related to trade union affiliation or medical history. Sensitive personal data should always be obscured from documents before they are filed away.

Kindly also note that data subjects have access rights to any personal data about them which is being processed and therefore your controller should be kept informed of any personal data which is being requested from individuals. The Data Protection Commissioner should also be duly notified by the respective organisation in line with the above-mentioned legislation.

Regards,



Marlene Bonnici

Director General