



16th December 2019

MA Circular 03/2019

To: Project Leaders / Contact Persons
ESIF Stakeholders
All Structural Funds Database users

Re: Data Protection Compliance

The General Data Protection Regulation (EU) 2016/679 and the new Data Protection Act (Cap 586)¹ have been in force since May 2018. Further to MA Circular 03/2010, this letter circular is being disseminated to highlight the points hereunder which are not exhaustive but are intended as a minimum requirement.

When processing information of a personal nature, organisations should keep in mind the following data protection principles:

1. *Lawfulness, fairness and transparency* - Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject;
2. *Purpose limitation* - Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
3. *Data minimisation* - Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. *Accuracy* - Personal data shall be accurate and, where necessary, kept up to date;
5. *Storage limitation* - Personal data shall be 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;
6. *Integrity and confidentiality* - Personal data shall be 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; and
7. *Accountability* - The controller shall be responsible for and be able to demonstrate compliance with the GDPR.

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 2014-2020. Should there be any instances where the data subjects have not yet been informed that the data is being shared with and processed

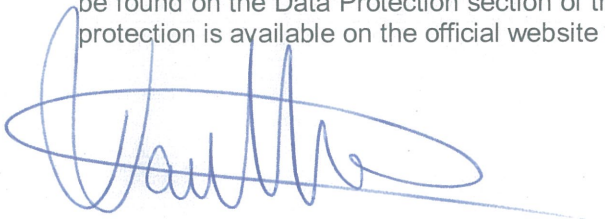
¹ The Data Protection Act (Cap 586) and its subsidiary legislation can be accessed from at the [Justice Services website http://www.justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono&gotoID=586](http://www.justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono&gotoID=586) .

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 (special categories of personal data according to the GDPR). For example, documentation should not have information related to trade union affiliation or medical history. Sensitive personal data should always be redacted 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 data controller should be kept informed of any personal data which is being requested from individuals.

Information on data protection in the Public Service as well as documents referred to in this Manual can be found on the Data Protection section of the Public Service Intranet². Additional information on data protection is available on the official website of the Information and Data Protection Commissioner³.



Jonathan Vassallo
Head - Managing Authority

² <https://intra.gov.mt/en/DataProtection/Pages/Data-Protection-Guidelines.aspx>

³ <http://www.idpc.gov.mt/>