

## **Data Protection Policy**

The General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act (Cap 586), including the regulations made thereunder, regulate the processing of personal data whether held electronically or in manual form if it forms part of a filing system. The Ministry's Whistleblowing Reporting Officer (WRO) is set to fully comply with the applicable provisions of the data protection legislation.

### **Legal Basis and Purposes of Processing**

The legal basis and the purposes of processing with regard to the processing operations conducted by the WRO are the following:

<b>Processing Operation</b>	<b>Legal Basis for processing</b>	<b>Purposes of Processing</b>
Processing of Whistleblower reports	Personal data is processed in accordance with a legal obligation – Protection of the Whistleblower Act CAP 527.	To make provision for procedures in terms of which employees in both the private sector and the public administration may disclose information regarding improper practices by their employers or other employees in the employ of their employers and to protect employees who make said disclosures from detrimental action.

### **Recipients of Personal Data**

Personal information is accessed by the employees who are assigned to carry out the functions of the WRO as per the Protection of the Whistleblower Act CAP 527. No further disclosure will take place unless authorised by law or through written consent provided by the reporting person (whistleblower).

### **Transfer of Personal Data outside the European Union (EU)**

Personal data may only be transferred outside the EU in compliance with the conditions for such transfers laid down in the GDPR, as per article 46 (2) (c).

The processor is Ideata Analytic Software Private Limited which is situated in a third country.

### **Your rights**

Your rights as data subjects in connection with the processing of your personal data are:

- The right to receive a copy of your personal data undergoing processing, including information in relation to the processing activities.
- The right to request us to rectify personal data you think is inaccurate. You also have the right to ask us to complete personal data you think is incomplete.
- The right to request the erasure of your personal data in certain circumstances.
- The right to request the restriction of your personal data in certain circumstances.
- The right to portability of your personal data in relation to information that you have given us.
- The right to object to the processing of your personal data if we are able to process your information because the process forms part of our public tasks or is in our legitimate interests.

- The right to not be subject to a decision based solely on automated processing including profiling.
- The right to withdraw your consent at any time, where applicable.

Requests to exercise your rights are free of charge and should be made in writing to the WRO. Your identification details such as ID number, name and surname must be submitted with the request for the purpose of verifying your identity. In case the WRO has reasonable doubts concerning your identity, you may be requested to provide additional information necessary to confirm it.

The WRO aims to comply as quickly as possible with the request and is obliged to respond without undue delay and at the latest within one (1) month from receipt of request.

The right exercised by the data subject may be limited or restricted, where necessary, pursuant to the applicable law.

#### *Data Subject Access Request*

The WRO will not share your personal data with third parties to ensure the confidentiality of your report in terms of the Protection of the Whistleblower Act (CAP 527). All personal details will be retained and kept securely by the officer and are accessible to you via the Whistleblower Reporting System. For any further action, in relation to your data protection rights during this process, please refer to the WRO.

#### **Retention Policy**

The WRO is required to keep records of every report received, in compliance with the confidentiality requirements provided for in the Act.

Personal data shall not be stored for longer than a year (1) from the conclusion of the case.

Data that needs to be destroyed after the noted timeframes will be disposed of in an efficient manner ensuring that such information is no longer available.

#### **The Data Controller and Data Protection Officer**

For any data protection concerns that cannot be addressed by your WRO, kindly contact the respective Data Controller and Data Protection Officer as indicated [here](#).

#### **The Information and Data Protection Commissioner**

You have the right to lodge a complaint with the supervisory authority, which could be reached at the following contact details:

The Information and Data Protection Commissioner

Airways House,

Triq il-Kbira

Tas-Sliema SLM 1549

Telephone: +356 2328 7100

Email: [idpc.info@idpc.org.mt](mailto:idpc.info@idpc.org.mt)

Website: <https://idpc.org.mt>