

POLICY REGULATING THE RETENTION OF DOCUMENTATION IN THE SUPPORT SERVICES DEPARTMENT (COURTS OF JUSTICE (MALTA))

SCOPE

1. This Policy is aimed at regulating the retention, maintenance and disposal of documentation, both personal and other, within the **Support Services Department (Courts of Justice (Malta))**, as provided for in the **Public Administration Act and the PSMC** 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 **Support Services Department (Courts of Justice (Malta))** 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 **Support Services Department (Courts of Justice (Malta))** 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 Support Services Department (Courts of Justice (Malta)). This Policy is therefore applicable to all such documentation. It will be the responsibility of the relevant **Support Services Department** and its Data Controller, **Director General Courts of Justice (Malta)**, to ensure that all provisions of this Policy are adhered to.

DOCUMENTATION HELD WITHIN THE SUPPORT SERVICES DEPARTMENT (COURTS OF JUSTICE (MALTA))

5. As part of its operating requirements the **Support Services Department (Courts of Justice (Malta))**, requests, keeps and maintains a wide range of documentation including personal data. The various types of documentation utilised by **Support Services Department (Courts of Justice (Malta))** may be categorised as follows:
- a. Personal Data with regards to processing of Salaries in respect of Members of the Judiciary and all the staff at Courts of Justice Department.
 - b. Financial records including payslips, tax and national insurance contributions.
 - c. Personal Data with regards to Appointed Court Experts and Members on Boards.
 - d. Documentation regarding Suppliers and procurement of supplies including quotations, Invoices ,local Purchase Orders, Payment Vouchers and the relative receipts.
 - e. Documentation regarding relative payments are then batched and filed at Accounts Section.
 - f. Documents relating to Schedule of Withdrawals (Cedoli) and the relative payments to third parties.
 - g. Other Records include the Daily Remittance of all the Cashiers at Courts of Justice Departments; the weekly remittance, Credit and Debit Advices and Telegraphic Transfers.
 - h. Petty Cash records and transactions.
 - i. Travel documents relating to GA27 and Post-Travel Submissions to Treasury Department.
 - j. VAT Defaulters reports sent to MFIN on a quarterly basis.
 - k. Records of monies deposited by Third Parties in Below the Line Accounts.
 - l. Attendance Records and financial transactions of employees on Contractual Services.
 - m. Records of Outstanding Debtors or debtors paying by Instalments.
 - n. Other records include lists of Bad Debts which were written Off or Legal Action taken to recoup such outstanding payments.
 - o. Human Resources Documents

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

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 *Support Services Departments at Courts of Justice (Malta)*

Category	Retention Period
(a) Salary/Payrolls include the ID Card Numbers and Bank Account Numbers..	10 Years
(b) Tax and National Insurance Records	10 Years
(c) ID Numbers; Vat Numbers and Bank Account Numbers of Either Court Experts or Members on Various Boards. These are included in Sub-Vouchers which records are retained for audit purposes.	10 Years
(d) & (e) Payment Vouchers include ID Numbers/Personal Addresses of Third Parties. Such Vouchers are retained for audit purposes.	10 Years
(f) & (k) Copies of Cedoli and payment vouchers	10 Years
(g) Daily/weekly remittances of all cashiers at Courts of Justice Department	10 Years
(h) Copies of petty cash transactions/allocations	10 Years
(i) Copies of GA27/ Post-travel submission with the relative receipts attached	10 Years
(j) Copies VAT receipts and ordinary receipts	10 Years
(l) copies of atti records and schedules in relative file of contractuals	10 Years
(m) Agreements made with third parties to re-coup amounts due to Government	10 Years
(n) Lists of W/off approvals copied to NAO to Government filed in DSS file of W/off	10 Years

	** The reason for keeping such information for 10 Years is for audit purposes.
(o) HR Documents	HR retention policy (issued by OPM 2012)
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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 **Support Services Department (Courts of Justice (Malta))**. 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.