

Purpose:

The purpose for holding personal data and a general description of the categories of people and organizations are listed in the Data Protection public register. This information may be inspected or may be requested from the respective Data Controller or the Office of the Data Protection Commissioner.

In order to meet the requirements of the principles the Organisation will:

- Observe the conditions regarding the fair and lawful collection and use of personal data.
- Meet the Organisation's obligations to specify the purposes for which personal data is used.
- Collect and process appropriate personal data only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.
- Ensure explicit consent is used when sensitive data is collected and processed.
- Ensure the quality of personal data used.
- Apply strict checks to determine the length of time personal data is held.
- Ensure that the rights of individuals about whom the personal data is held can be fully exercised under the Act.
- Take appropriate security measures to safeguard personal data.
- Ensure appropriate safeguards with regards to data being transferred or in transit.
- Ensure that contractual agreements are fully honoured when acting as a processor on behalf of the clients.

Objectives

The objective of this document is to explain the manner of how Malta Information Technology Agency (MITA) will manage personal data in light of the Data Protection legislation. The Organisation will endeavour to fully endorse and adhere to the nine principles of the Data Protection as set out in the Data Protection Act 2001.

The principles state that personal data must be:

1. Processed fairly and lawfully.
2. Always processed in accordance with good practice.
3. Only collected for specific, explicitly stated and legitimate purposes.
4. Only processed for reasons compatible with the reason it was collected.
5. Adequate and relevant to the processing purpose.
6. Not more than is required for the processing purpose.
7. Correct and if necessary up to date.
8. Not kept for longer than it is needed for the processing purpose.
9. Completed, corrected, blocked or erased, if the data is found to be incomplete or incorrect with regard to its processing purpose.

Scope:

The aim of this policy is to outline briefly the organization's commitment towards meeting its obligations under the Data Protection Act, 2001 and to make apparent to all its employees, clients and suppliers the approach employed when processing personal data.

Policy Statements:

As an organisation, MITA considers and treats protection of individuals' privacy to be of utmost importance, thus endeavours to provide a personalised service that meets the individuals' requirements in a way that safeguards their privacy.

In essence of its core processes, MITA requires to collect and make use of information about people with whom it conducts business and therefore has to ensure that its policies and practices in relation to the collection, use, retention, transfer and access of personal data comply with the Data Protection Act.

MITA strives to reassure its employees, suppliers and clients are confident that information entrusted within its responsibility is treated in the spirit of the Data Protection regulations.

Data Subject Rights

Personal data processed within MITA shall be processed in accordance with the rights of Data Subject as specified under the Act.

The data subject has the right:

- Of access to personal data
- To know the purpose for which personal data is being processed
- To know the sources of the data
- To know where and how information is disclosed to
- To prevent processing likely to cause damage or distress
- To take action to rectify, block, erase or destroy inaccurate data.

Method of Application

Request for personal information must be made in writing. Applicant must supply sufficient information to establish identity and to allow the Data Controller to locate the information requested.

Responding to Request

MITA is responsible to supply requested data in response to a subject access request within 'reasonable time' of received request. Information supplied will reflect the data held at the time the request was received.

Any request for information in respect to data belonging to third parties will be forwarded to the owners of the data for their rectification.

Disclosure of Personal Information

Disclosure of personal information must be compatible with the purpose for which the data have been originally processed. Personal information can only be lawfully disclosed to individuals and organisations when notified, or when used if:

- Informed consent is obtained from Data Subject
- Information has been made public
- The person to whom the disclosure is to be made is subject of an exemption under the Act, or
- Is authorised by another legislation.

Security

The organization strives to apply the appropriate technical and organizational security measures to protect any damage that might result from unauthorized or unlawful processing or accidental loss or destruction to personal data.

In order to comply with the DPA, where processing is carried out by a Data Processor or on behalf of a Data Controller the organization endeavours to:

- Provide sufficient guarantees in respect of the technical and organizational security measures governing the processing to be carried out,
- Take reasonable steps to ensure compliance with those measures,
- Ensure the processing is carried out under a written contract, under which the Data Processor is to act only on instructions from the (ISCD) Head of Department.
- The contract requires the Data Processor to comply with obligations equivalent to those imposed on the ISCD Head of Department / Data Controller.

The objective of information security is to manage the preservation of confidentiality, integrity and availability of information and other assets as part of the delivery of MITA services. Information security is achieved by implementing a suitable set of controls that include: policies, procedures, organizational structures, and training and software functions which all form part of MITA standard procedures.

Development of Information Systems

The Data Controller will ensure that Data Protection and security implications are considered at an early stage of the development, thus at the same time as identifying user requirements of an information system.

System will include guidance to ensure that only relevant information is processed. Forms used for collecting information about the individual will be structured in such a way that when completed they will provide the right amount of information.

The need of a Privacy Policy Statement

The organisation's Privacy Policy statement is a high level write-up, which outlines an important underlying declaration to be employed and stated in all cases where personal data is processed in manual and computerised systems. Therefore this statement shall be used by MITA employees in cases where personal or sensitive data is requested on behalf of the organization.

MITA Privacy Policy statement shall always refer to, and be interpreted in conjunction with MITA Data Protection Policy document. A Data Protection Policy Statement is found in Appendix A.

Review of Policy

MITA will constantly keep the Data Protection Policy under review taking into account:

- Changes in legislation;
- Advice from the Data Protection Commissioner;
- Changes in technology;
- Policies, practices and procedures in partner organizations;
- Experience in practice;
- Relevant guidance from other representative bodies.

Definitions:

Data	Data Information that is being processed.
Data Controller	The person who alone or jointly determines the purposes for which and the manner in which any personal data is to be processed.
Data Processor	Any person who processes the data on behalf of the data controller.
Data Protection Commissioner	The Commissioner is an independent authority appointed by the Prime Minister responsible to ensure DPA compliance and adherence throughout the country.
Data Subject	Individuals who are the subject of personal data. Organisations, such as companies and other corporate and unincorporated bodies of persons cannot, therefore, be data subjects.
Personal Data	Refers to any information relating to a person who can be identified, either directly or indirectly, in particular by reference to an identification number or to one or more factors specific to their physical, physiological, mental, economic, cultural or social identity.
Personal Data Filing System	It can be either computer held or paper based, and are any structured sets of personal data accessible according to specific criteria, whether centralised, decentralised or dispersed on a geographical or functional basis.
Sensitive Personal Data	Refers to data that reveals race or ethnic origin, political opinions, religious or philosophical beliefs, membership of a trade union, health or sex life.
Subject Access	Access to the personal data of which an individual is the data subject, including purposes for processing the respective data.
Third Party	Third party, in relation to personal data, means any person other than the data subject, the data controller, or any data processor or other person authorized to process data for the data controller or processor.

Responsibility:

MITA Due to the nature of its business, MITA has a dual function and carries out two distinct responsibilities:

1. That of processing personal data for its own internal purposes

Where MITA is responsible to process personal data according to predefined internal standard policies and procedures as outlined by MITA. and other applicable legal legislations.

The responsibilities of Data Protection adherence, rests with the Chief Information Officer who will designate the Data Controller's function for the purposes of ensuring compliance with the Data Protection Act 2001.

2. That of acting as a processor on behalf of its clients

MITA is bound to process personal data according to approved contractual agreements, as required and stated by the client's Data Controller. A

predefined set of data protection measures and liability clauses shall be included in the respective contracts.

The responsibility for personal data processing according to the Data Protection Act pertains to the Data Controller, who is also responsible for the Notification process of such data. MITA as a processor does not determine the purposes for which data is processed although they may to a certain extent determine the manner in which the data is processed as defined in an approved contract. In effect, this means that the Data Controller will be liable for any breach of the Act, which occurs while its data is in the hands of the data processor.

MITA have ISO quality standard policies and procedures outlining various processes, whilst indicating levels of compliance, which may be viewed on request by the respective Data Controllers.

MITA Data Controller

MITA Data Controller is responsible for:

- Notification of processing of the Organisation's internal purposes to the Data Commissioner.
- Compliance with the Data Protection Principles and securing individuals rights under the act.
- Maintaining up to date knowledge of DPA legislation.
- Promoting awareness through training and policy development, advice and guidance, ensuring that operation policies relating to DPA are available to all employees.
- Undertake systematic auditing and monitoring of information and systems, including risk assessed audit plan.
- Ensure that information and systems comply in accordance with the DP principles and that appropriate security arrangement exists to protect data.
- Investigation and resolution of complaints made in relation to personal data.

Employee

The organisation's employees are aware of the requirements of the Data Protection Act, 2001 when they collect or handle data about an individual. They are not at any time to disclose data except where there is the data subject consent, or a legal requirement. Data sent to third parties is always protected with a written contract. All collection and processing is done in good faith.

Breach Of Policy:

Compliance with MITA policies and procedures shall be monitored regularly. Periodical internal audits will be conducted to ensure compliance with Organisation policies. Violation of this policy, will result in breaching the Data Protection legal requirements and therefore disciplinary actions taken will be in accordance with the Data Protection law, and subject to the consequences arising from the damage caused.

References:

Maltese Data Protection Act no XXVI, 2001

Modification History:

Version	Date	Comments
Draft 0.1	24/11/2003	Draft version for internal review.
Version 1.0	06/02/2004	First version for release.
Version 1.1	21/05/2008	Review of Policy with minor changes.
Version 2.0	26/05/2008	Second version for release.
Version 3.0	01/01/2009	Updated version reflecting transition to MITA.
Version 4.0	21/05/2010	Revised to reflect new MITA Structure and Logos.
Version 5.0	01/02/2014	Changes in ISO Logos and Nomenclature in parallel with the structural changes in the Agency.
Version 6.0	26/01/2016	Document amended as per new Dept/Team nomenclatures - logo updated.

Effective Date:	21/05/2010
------------------------	------------

Applicability:	All Employees
-----------------------	---------------

Issuing Authority	
Signature and Date:	
Name:	Rodney Naudi
Position:	Head of ISCD

Approval Authority	
Signature and Date:	
Name:	Rodney Naudi
Position:	Head of ISCD

Appendix A – Data Protection Privacy Policy Statement

The Data Protection Act, 2001 regulates the processing of personal data whether held electronically or in manual form. MITA has a legal duty to respect and protect any personal information; thus personal data and moreover Sensitive Data we collect from you and which has been entrusted to us will be treated by such duty.

MITA strives to observe the law in all collection and processing of personal and sensitive data and will meet any data subject access request in compliance with the law. We will use data in ways relevant to carrying out our legitimate purposes, which is not prejudicial to the interests of individuals.

We take all safeguards necessary to prevent unauthorised access and we do not pass on your details collected from you, to any third party unless you give us your consent to do so.

For more detailed policy, you reserve the right to access the MITA Data Protection Policy Document found on [IMS](#).