

Direttorat tal-Kultura fi ħdan Il-Ministeru Għall-Wirt Nazzjonali, L-Arti u L-Gvern Lokali***Regolamenti u Proċeduri Amministrattivi dwar il-Protezzjoni tad-Data Personali***

Ir-Regolament Ġenerali dwar il-Protezzjoni tad-Data (UE) 2016/679, (GDPR) u l-Att dwar il-Protezzjoni u l-Privatezza tad-Data Kap. 586 tal-liġijiet ta' Malta u leġislazzjoni sussidjarja relatata, jirregolaw il-ġbir u l-ipproċessar tad-data personali, dik mizmuma elettronikament, u/jew manwalment. Id-Direttorat tal-Kultura huwa l-Kontrollur tad-Data personali li tkun meħtieġa li tingabar għall-fini tal-funzjonament u l-attivitajiet tad-Direttorat tal-Kultura. Id-Direttorat tal-Kultura sejjer jimxi skont id-disposizzjonijiet tal-Protezzjoni tad-Data Personali kif stabbilit fl-imsemmija leġislazzjoni, kif ukoll kull leġislazzjoni sussegwenti kif ikun il-każ.

L-Għanijiet għall-ġbir tad-data:

a) Id-Direttorat tal-Kultura, jiġbor u jipproċessa data personali tal-impjegati tiegħu, data personali li tirriżulta minn riċerka, proġetti, esebizzjonijiet, kompetizzjonijiet u attivitajiet relatati, sabiex ikun jista' jaqdi l-funzjonijiet u l-obbligi legali mogħtija taħt l-awtorità tagħha mir-Regolament (UE) 2016/679 u mill-Att dwar il-Protezzjoni u l-Privatezza tad-Data Kap. 586 tal-liġijiet ta' Malta u leġislazzjoni sussidjarja relatata, fejn applikabbli.

b) Kull data personali miġbura għall-iskopijiet imsemmija hawn fuq, sejra tkun kancellata malli jiskadu l-perjodi taż-żamma msemmija hawn taħt.

Riċevituri tad-data:

L-informazzjoni personali hija aċċessata mill-uffiċjali awtorizzati tad-Direttorat tal-Kultura. Id-data personali tista' tiġi wkoll aċċessata minn, jew hija disponibbli għall-Awtoritajiet u għall-Istituzzjonijiet Governattivi jekk dan ikun meħtieġ jew xort'oħra permissibbli fil-liġi. Id-data personali tista' tingħata anke lil terzi, li mhumiex imsemmija hawn fuq, permezz ta' kunsens mogħti b'mod esplicitu mis-sugġett tad-data jew jekk dan huwa permess bil-liġi.

Id-Drittijiet Tiegħek:

Dawn id-drittijiet tas-sugġett tad-data jistgħu jiġu ristretti, skont kif provdut fil-Leġislazzjoni Nazzjonali u r-Regolament dwar il-Protezzjoni tad-Data, fejn applikabbli.

Is-sugġetti tad-data għandhom dritt jitolbu li d-data personali tagħhom tiġi emendata, jekk tirriżulta li mhix korretta, jew biex jiksbu restrizzjoni tal-użu tagħha. Is-sugġetti tad-data, f' kwalunkwe żmien

jistgħu jirtiraw il-kunsens mogħti u jitolbu li d-data personali tagħhom tiġi mħassra. Tali talbiet huma trattati skont il-każ. L-azzjoni biex tiġi ristretta jew imħassra d-data personali għandha tittieħed immedjatament hliet jekk id-data personali relattiva hija meħtieġa li tinzamm u tiġi pprocessata mill-Kontrollur tad-data minhabba obbligi legali li l-Kontrollur tad-Data għandu. Fl-eventwalità fejn l-irtirar tal-kunsens u t-tħassir tad-data personali jiġi awtorizzat, dan m'għandux jaffettwa l-legalità tal-ipprocessar li diġà sar bil-kunsens li kien ingħata qabel ma' dan jiġi rtirat.

Int (is-Suġġett tad-Data) għandek dritt tkun taf, bla hlas, x'tip ta' informazzjoni il-Kontrollur tad-Data qed iżomm u jipprocessa dwarek, ir-raġuni għala qed iżomm l-informazzjoni, min għandu aċċess għaliha, kif qed tinzamm u kif qed tinzamm aġġornata, għal kemm żmien qed tinzamm u x'qed jagħmel il-Kontrollur tad-Data biex ikun konformi mal-legislazzjoni dwar il-Protezzjoni u l-Privatezza tad-Data.

Il-GDPR tistabbilixxi proċedura formali li għandha tintuża f'każ li jsiru talbiet għal aċċess ta' informazzjoni mis-suġġetti tad-data. Kull suġġett tad-data għandu d-dritt li jaċċessa kull informazzjoni personali li l-Kontrollur tad-data iżomm dwaru, kemm dik miżmuma elettronikament, kif ukoll dik miżmuma manwalment. It-talbiet għal aċċess ta' informazzjoni personali mingħand is-suġġetti tad-data għandhom isiru bil-miktub u jintbagħtu lill-**Uffiċjal tal-Protezzjoni tad-Data,(DPO) Direttorat tal-Kultura**, fl-indirizz imsemmi hawn taħt. Fit-talba għal dan l-aċċess, għandhom jiġu sottomessi d-dettalji ta' identifikazzjoni, bħan-numru tal-karta tal-identità, l-isem, u l-kunjom, u l-indirizz postali. Tali talba tista' tiġi, sottomessa personalment. F'każ ta' xi diffikultà dwar l-identifikazzjoni tas-suġġett tad-data, wieħed jista' jintalab jipprezenta d-dokument ta' identifikazzjoni matul il-proċess intern għat-talba għal aċċess, kif ukoll qabel id-data personali tkun provduta. Dokumenti ta' identifikazzjoni għandhom dejjem ikunu pprezentati meta tingabar id-data fizikament, u meta, kif espressament jkun awtorizzat, id-data tingabar minn terz f'isem is-suġġett tad-data. F'dan il-każ id-dokument ta' identifikazzjoni tas-suġġett tad-data għandu jiġi ppresentat ukoll. Sakemm ma tkunx eżentata mil-liġi, talbiet għal aċċess ta' data personali dwar minorenni għandhom jiġu aċċettati biss jekk tiġi pprezentata prova tal-identità mill-ġenitur jew tal-kustodja legali tal-minuri riprezentat.

Il-Kontrollur tad-Data huwa obbligat li jipprocessa t-talbiet għal aċċess għal informazzjoni personali fl-iqsar żmien possibbli kif ukoll li jiżgura li l-informazzjoni tingħata fi żmien raġonevoli u fi kwalunkwe każ jara li dan isir sa mhux aktar tard minn xahar minn meta saret it-talba. Meta t-talba għal aċċess ma tkunx tista' tiġi pprocessata fi żmien stipulat, sakemm ma jkunx hemm raġuni valida għal aktar dewmien, għandha tintbagħat ittra lis-suġġett tad-data bir-raġuni tad-dewmien. Is-suġġetti tad-data kollha għandhom id-dritt li jitolbu li d-data personali tagħhom tiġi kkorreguta jew emendata jekk jirrizulta li m'hiex korretta. F'każ fejn ikun hemm xi ksur tal-privatezza tad-data, is-suġġett tad-data għandu jiġi infurmat u l-każ għandu jiġi rrapportat lill-uffiċċju tal-IDPC fi żmien 72 siegħa minn meta jiġi magħruf il-ksur.

F'każ li m'intix sodisfatti bit-twegiba li ngħatajt għat-talba tiegħek għal aċċess, korrezzjoni, restrizzjoni jew tħassir tal-informazzjoni personali tiegħek, jew issir taf li sar xi ksur tad-data personali tiegħek, tista' tirreferi l-ilment tiegħek lill-Kummissarju għall-Infurmazzjoni u l-Protezzjoni tad-Data (IDPC). Id-dettalji ta' kuntatt tiegħu jidhru hawn taħt.

Proċedura dwar iż-żamma tad-Data:

Id-data personali mhux se tinżamm aktar milli hemm bżonn, flief jekk dan huwa permiss jew rikjest mid-disposizzjonijiet tal-GDPR, tal-Att dwar il-Protezzjoni u l-Privatezza tad-Data Kap. 586, u legiżlazzjoni sussidjarja, u/jew kif provdut f'kull ligi oħra prevalenti f'dak iż-żmien.

It-tabella ta' hawn taħt tiddekrivi ż-żmien taż-żamma tal-kategoriji varji tad-data li l-Kontrollur tad-Data, għandu fi hdanu.

Kategorija ta' Dokument	Perjodu ta' Żamma	Ġustifikazzjoni
Kuntratti ta'impieg mad-Direttorat tal-Kultura	8 snin mill ahhar jum ta' mpieg mad Direttorat tal-Kultura	Biex din l-informazzjoni tiġi analizzata matul is-snin, bl-għan li tinkiseb statistika informattiva dwar l-immaniggjar tar-risorsi umani; f'każ li impjegat jerga jibda jaħedm mad-Direttorat tal-Kultura; biex jissodisfa talbiet minn impjegati tad Direttorat tal-Kultura għal data personali dwar l-impieg tagħhom; biex jgħin l-Istaff Amministrattiv fi hdan id-Direttorat tal-Kultura fit-tehid tad-deċizzjonijiet, regolamenti u proċeduri amministrattivi
Data Personali ta suġġetti tad-data li tirriżulta minn riċerka, proġetti, esebizzjonijiet, kompetizzjonijiet u attivitajiet relatati	3 snin mill-akkwist tad-data personali	Data personali dwar statistika u riċerka. Data rikjesta għall-awditjar. Talbiet għad data minn istituzzjonijie governattivi

Wara li jiskadi ż-żmien stipulat imsemmi hawn fuq, id-data personali kollha tiġi mħassra, biex hekk ikun żgurat li s-suġġett tad-data ma jibqax identifikabbli.

Kontrollur tad-Data – Direttorat tal-Kultura

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Il-Kummissarju għall-Infommazzjoni u l-Protezzjoni tad-Data (IDPC)

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Tas-Sliema, SLM 1549

Tel: 23287100

Imejl: idpc.info@idpc.org.mt

The Directorate Culture within the Ministry for the National Heritage, the Arts and Local Government

Data Protection Policy

The General Data Protection Regulation (EU) 2016/697 (GDPR) and the Data Protection Act Cap. 586 of the laws of Malta and subsidiary legislation thereto, regulate the collection and processing of personal data held both electronically and, or in manual form. The Directorate Culture shall be the Data Controller of personal data that shall be collected for the purposes of its function and activities thereto. The Directorate Culture shall comply with the Data Protection provisions as set out in the afore mentioned and any subsequent legislation as the case may be.

Reasons for Collecting Data:

a) The Directorate Culture collects and processes personal data of its employees, and personal data resulting from research, projects, exhibitions, competitions and related activities, to carry out its functions and legal obligations vested in its authority by, the Data Protection Regulation GDPR-(EU) 2016/679 and the Data Protection Act Cap. 586 of the Laws of Malta and Subsidiary Legislation thereto.

b) All personal data collected for the above mentioned purposes shall be deleted upon the lapse of the retention periods mentioned hereunder.

Recipients of Data:

Personal Data is accessed by authorised personnel of the Culture Directorate. Personal data can be made available to Government Authorities and Institutions in the course of their functions, if this is required or is otherwise permissible at law. Disclosure of personal information can also be made to third parties, not being the foregoing, by an expressly given consent by the data subject or is permitted at law.

Your Rights:

These rights of the data subject may be restricted, as provided in National Legislation and the Data Protection Regulation, where applicable.

All data subjects have the right to request that their personal data is amended if it results to be incorrect, or to obtain restriction of its use. Data subjects may also withdraw any consent given, at any time, and request that their personal data is erased. Such requests shall be treated on a case by case basis, and shall be immediately complied with unless the relative personal data is required to be kept and processed by the Controller in satisfaction of legal obligations the Controller is obliged to abide with. In the event where withdrawal of consent and the deletion of personal data is authorised this shall not affect the lawfulness of processing that is based on consent before its withdrawal.

You (the Data Subject) are entitled to know, free of charge, what type of information the Data Controller holds and processes about you and why, who has access to it, how it is held and kept up to date, for how long it is retained, and what the Data Controller is doing to comply with data protection legislation.

The GDPR establishes a formal procedure for dealing with data subjects' access requests. All data subjects have the right of access to any personal information kept about them by the Data Controller, either in electronic form or in manual files. Requests for access to personal information by data subjects are to be made in writing and addressed to, **The Data Protection Officer (DPO), Directorate Culture**, at the address hereunder indicated. Your identification details such as identity card number, name and surname and residential address have to be submitted with the request for access. The request for access can also be submitted by hand at the same address mentioned above. In case where certain difficulties are encountered, you may be required to present an identification document during the internal processing of the request for access and before personal data is made available. Identification documents are always to be presented when physically collecting data, and when collecting data, as expressly authorised, on behalf of the data subject, the data subject's identification document is to be presented concurrently. Unless otherwise exempted at law, requests for access to personal data concerning a minor shall only be accepted on material proof of parenthood or legal guardianship of the minor being represented.

The Data Controller shall comply as quickly as possible with requests for access to personal information and will ensure that it is provided within a reasonable timeframe, and in any case by not later than one month from receipt of request. Unless there is good reason for delay, when a request for access cannot be met within a reasonable time, the reason will be explained in writing to the data subject making the request. All data subjects have the right to request that their personal data is corrected or amended if it results to be incorrect. Should there be any data breaches, the data subject shall be informed accordingly, and the incident shall be reported to the office of the IDPC within 72 hours of its being discovered.

In case you are not satisfied with the outcome of your access, correction, restriction or deletion requests, or become aware of any breach of personal data in your respect, you

may lodge a complaint with the Information and Data Protection Commissioner, (IDPC) whose contact details are provided below.

Retention Policy:

Personal data shall not be retained beyond its intended requirement unless such retention is permitted or otherwise required by the provisions of the GDPR, the Data Protection Act Cap.586, and subsidiary legislation, and/or as provided in any other law prevailing at the time.

The schedule hereunder specifies the retention requirements of the various categories of data to be retained by Data Controller .

Category of Document	Retention Period	Justification
Contracts of employees of the Directorate Culture	8 years from the last day of employment with the Directorate Culture	To analyse such information across years for human resource management; statistics, re-employment of the person with the Directorate Culture; to satisfy data requests by employees of the Directorate for their employment data records; to assist the administrative staff of the Directorate Culture concerning decisions, regulations and administrative procedures
Personal data from external subjects in conjunction with, personal data resulting from research, projects, exhibitions, competitions and related activities	3 years from acquisition of the personal data	Personal data concerning statistics and research; personal data for audit purposes; requests of data from Government Entities

Upon the lapse of the above mentioned timeframes, all personal data shall be deleted thereby ensuring that the data subject would no longer be identifiable.

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The Data Protection Officer: may be contacted on culture@gov.mt or by telephone:
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The Information and Data Protection Commissioner may be contacted at:

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