

POLICY REGULATING THE RETENTION OF DOCUMENTATION IN THE ARMED FORCES OF MALTA

SCOPE

1. This Policy is aimed at regulating the retention, maintenance and disposal of documentation, both personal and other, within the Armed Forces of Malta, as provided for in the Malta Armed Forces Act, other AFM Standing Orders and Policy Documents, and in consonance with the principles of the Data Protection Act (Cap 440) and the National Archives Act (Cap 477) and other legal provisions in Maltese Law

BACKGROUND

2. The Data Protection Act puts forward the principle that personal data and sensitive personal data should not be retained for periods that are longer than necessary. In this ambit, the AFM will be putting forward a retention policy for all data and documentation that it collects and processes, with the purpose of ensuring compliance to this Act and from a practical perspective to ensure that no resources are utilised in the processing and archiving of data and information which is no longer of relevance. The process needs also to comply with the National Archives Act.

OBJECTIVES

3. This policy aims to achieve the following objectives:
- a. Regulate the retention of and disposal of the various types of documentation within the Armed Forces of Malta, while adhering to the Data Protection Act's 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 the required documentation, as well as to promote a sustainable use of paper and printing consumables.

ADMINISTRATION

4. Documentation is held and recorded by all Branches, Sections and Units of the Armed Forces of Malta. This Policy is therefore applicable to all of the above. It will be the responsibility of the relevant Branch Head, Section Head and Commanding Officers to ensure that all provisions of this Policy are adhered to. In the case of any issues with personal data, the final decision rests with the AFM's Data Protection Officer for endorsement, who may confer with the Data Protection Commissioner and National Archivist if this is deemed necessary.

DOCUMENTATION HELD WITHIN AFM

5. As part of its operating requirements, the Armed Forces of Malta requests, holds and maintains a wide range of documentation. The various types of documentation utilised by AFM may be categorised as follows:

- a. Personal Data of AFM members (both serving and non), and civilian personnel;
- b. Attendance and absence records;
- c. Discipline related Records;
- d. Financial records including payslips, tax and national insurance contributions, procurement documentation etc;
- e. Documents relating to EU Funding programmes;
- f. Operational documentation including documentation relating to overseas missions, EU and NATO secure documents;
- g. Equipment Documentation including maintenance records;
- h. Armaments Documentation including maintenance records;
- i. Legal and policy formulation records;
- j. Medical records;
- k. Other Records.
- l. Audio-visual material
- m. Correspondence
- n. Management records (eg. Minutes meetings)

SECURITY OF DOCUMENTATION

6. It is important to ensure that documentation is maintained in an accessible but secure location with the adequate access provided to officials that have the clearance level to access the relevant documentation. In the case of the more sensitive documentation with higher clearance levels, access control protocols need to be fully adhered to, to ensure that only those that have the required security clearance have the right and means to access the documentation.

7. In the case of personal data, the Data Protection Act also stipulates that only those with the requirement to process this information should be allowed access to personal records.

8. Personnel who are found to be in breach of these security protocols, and the Data Protection Act will be subject to disciplinary action as per provisions in the Malta Armed Forces Act.

MANUAL VS ELECTRONIC RECORDS

9. As part of its environmental considerations the AFM is promoting a decrease in the use of hard copies of non essential documentation or in cases where a soft copy saved on the servers can substitute the need for hard copies. The minimisation of hard copies also contributes to reduction in the required storage space for archiving documentation. Branches, Sections and Units are being requested to undertake measures to minimise as

much as possible the need for hard copies of documentation whilst at the same time ensuring that this does not affect in a negative manner their routine operations. One also needs to consider that adequate backups of data are undertaken to ensure that there is no loss of information or personal data in the case of a technical failure. In terms of retention periods, it needs to be pointed out that the same retention period will apply for both electronic and manual data.

EXEMPTIONS

10. In view of the nature of tasks and roles that the AFM undertakes, i.e. in the areas of Security and Defence, the Data Protection Act¹ allows for particular exemptions in the retaining of data pertaining to operational matters. In this light, retention periods will be imposed as necessary, since the retaining of such information will be beneficial in the planning of operations, or in view of using such information as a source of reference. In the instance where personal data is present in documentation that will be retained permanently, this documentation needs to be reviewed on a case by case basis and a justification is to be provided if such data in question warrants permanent retention.

11. In addition, the Data Protection Act² also provides for the employee records in an organisation's HR System for historical and statistical purposes. The basic details that may be retained for such purposes are outlined in Annex A of this Retention Policy. The retention of this data for historical and statistical purposes is in line with the provisions indicated in the Retention Policy for HR Documents (April 2012) issued by the Data Protection Unit, within the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties. In view of the particular characteristics of the AFM some additional details are being added to adapt to AFM requirements.

RETENTION PERIOD

12. Retention of different categories of documents is governed by different requirements and different legislation and regulations. In the interest of better practice, it is also prudent to discard hard copies after a period of time, and store information in digital format if the information is deemed to be of future relevance in accordance with the defined retention periods. The following table outlines the retention requirements for the various categories of documentation within the AFM.

Ser No (a)	Category (b)	Retention Period (c)
1	Personal Information	
	Employee Personal File	<p>Apart from the details required for historical and statistical purposes, all personal data shall be retained up to date ten (10) years from:</p> <ul style="list-style-type: none"> a. End of Reserve Liability^{3 & 4}. b. End of active service, either regular or reserve^{3 & 4}. c. Retirement in the case of civilians. <p>whichever of such dates is later and unless other</p>

¹ Article 5(b) of the Data Protection Act [CAP 440]

² Article 8 of the Data Protection Act [CAP 440]

³ In accordance with S.L 220.03 Article 16, 27(3) and 28(3).

⁴ In accordance with S.L 220.07 Article 10(1)

Ser No (a)	Category (b)	Retention Period (c)
		<p>specific provisions require that such data be retained for longer periods or permanently.</p> <p>In the case of personal files of officers in the ranks of Brigadier, Colonel, and Lieutenant Colonel, the personal files will be transferred after the above period to the National Archives as these files are deemed to be of historical value.</p> <p>In the case of the personal files of all other personnel, before a disposal takes place there needs to be discussions with the National Archivist to determine if any sampling procedure stipulated in the HR Retention Policy of 2012 is needed.</p>
	Application forms for enlistment, calls, positions etc	<p>Two (2) years following the validity period of the call, unless a complaint has been filed on the process in which case the relevant data needs to be retained until this complaint is addressed.</p> <p>The application forms of enlisted personnel are included in the individual's personal files.</p>
	Application Forms for the filling of positions co-financed from EU Funds	Records to be retained according to the period stipulated in the relevant EU programme
	Applications for training opportunities	Personal File
	Training Courses provided	Personal File
	Annual Confidential Reports	Personal File
2	Attendance and Absence Records	
	Attendance Sheets	Three (3) years
	Vacation Leave Application Forms	Three (3) years
	Yearly Leave balances	<p>Up to:</p> <ul style="list-style-type: none"> a. End of Reserve Liability. b. End of active service, either regular or reserve. c. Retirement in the case of civilians. <p>whichever of such dates is later.</p>
3	Disciplinary Records	
	Admonishments	Six (6) months after issuing
	Disciplinary Charges	Personal File
	Court Martial decisions	Any Court martial decisions are included in personal file
	Disciplinary Discharge	Personal File
4	Legal and Policy related Records	
	Legal Records (including Court Martials)	Permanent
	Policy formulation and Strategic documents	Permanent
5	Administrative Records	

Ser No (a)	Category (b)	Retention Period (c)
	Correspondence Files	Permanent
	Administrative Files	Permanent if deemed necessary or disposed of if subject is not required further by the AFM
	Administrative files relating to Personnel, including Grievances issues	Same as Employee Personal Files
	Parliamentary Questions	Permanent

6	Communication Records	
	General Orders	Permanent
	Part 1 Orders	Permanent
	Notices	Permanent
	Circulars	Permanent
7	Public Affairs Records	
	Press Releases	Permanent
	Photos	Permanent
	Video Footage	Permanent
	Other Publicity material	Permanent
8	Medical Records⁵	
	Recruitment Medical Records	One (1) year following enlistment call. The records of those enlisted in the AFM are included in their personal Record File
	Sick Leave Certificates	Three (3) years following issue
	Sick Leave Records	Up to: a. End of Reserve Liability. b. End of active service, either regular or reserve. c. Retirement in the case of civilians. whichever of such dates is later.
	Medical History	Up to: a. End of Reserve Liability. b. End of active service, either regular or reserve. c. Retirement in the case of civilians. whichever of such dates is later.
	Medical Referrals	Up to: a. End of Reserve Liability. b. End of active service, either regular or reserve.

⁵ All Medical Records are to be kept within the Medical Section. Notification of sick leave is communicated to the Human Resources Management Branch / Records Office for records purposes.

Ser No (a)	Category (b)	Retention Period (c)
		c. Retirement in the case of civilians. whichever of such dates is later.
9	Financial Documentation	
	Tax and National Insurance Records	Up to: a. End of Reserve Liability. b. End of active service, either regular or reserve. c. Retirement in the case of civilians. whichever of such dates is later.
	Procurement Records	Ten (10) years
	Accounting Records	Ten (10) years
	Inventory and Stock Records	Permanent
	Yearly Financial Statements	Permanent
10	EU Programmes	
	Documentation relating to projects utilising EU Funding	Records to be retained according to the period stipulated in the relevant EU Programme or Five (5) years from closure if such retention period is not defined
	EU Funding applications	Records to be retained according to the period stipulated in the relevant EU Programme or Five (5) years from closure if such retention period is not defined
11	Operational Documentation	
	Any documentation pertaining to operational matters, including policies, plans, legal documentation and information pertaining to EU and NATO related missions	Permanent
12	Equipment (Including Military Hardware)	
	Procurement of Equipment / Parts	Until Disposal of Equipment
	Vehicle Service Records	Until Disposal of Vehicles
	Equipment Maintenance Records	Until Disposal of Equipment
13	Weapons and Armaments (including Ammunition)	
	Procurement Records	Until Disposal of Weapons and Armaments
	Maintenance Records	Until Disposal of Weapons and Armaments
	Storage Records	Until Disposal of Weapons and Armaments

13. For the purpose of this policy the word “permanent” is understood to mean that the records marked in this manner will then be forwarded to the National Archivist once the AFM will not require records of any such documentation and once there is agreement between both the AFM and the National Archives that these are to be retained for historical purposes. These records and their access will be conditioned under the National Archives Act .

DISPOSAL

14. Prior to disposing of any documentation, the AFM will contact the National Archives to establish if any documentation in whole or in part will need to be retained for historical or statistical purposes.

15. When any documentation requires disposal, as dictated by the retention periods outlined in the table above, these will be disposed of, either via shredding or any other secure manner that results in the documentation being permanently destroyed. Electronic documents/records shall be deleted and purged.

16. Permanent disposal of records is the responsibility of the AFM Data Protection Officer. The latter shall co-ordinate periodically with all Branches, Sections and Units to ensure that any material is disposed of according to the retention periods stipulated in this policy and the necessary documentation of the process carried is kept.

POLICY REVIEW

17. This policy will be reviewed at least every five (5) years to ensure that all the process and documentation categories are still valid and relevant in view of any changes to AFM's documentation requirements or any changes in national or European Legislation.

CONCLUSION

18. 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 should be disposed of in an efficient manner to ensure that such information will no longer be available within the AFM. Branch/Section Heads and CO's are expected to be aware of the noted retention periods and instruct all relevant personnel to follow the indicated procedures accordingly.

Extract from *Retention Policy for HR Documents (April 2012)*, Data Protection Unit including amendments required to adapt to AFM requirements

The following records may be retained permanently for historical or statistical purposes

Employee Historic Record to be retained in HR System

1. Identity Card number.
2. National Insurance number.
3. Army Number.
4. Name and Surname.
5. Date of Birth.
6. Rank.
7. Dates of Rank Progression.
8. First Position, salary scale, salary point, the actual salary (if the grade or position is not tied to a salary scale), any allowances (if applicable), date of first appointment, and ministry/department where assigned.
9. Other Positions held, indicating salary scale, salary point, the actual salary (if the grade or position is not tied to a salary scale), any allowances (if applicable), date of appointment, and ministry/department where assigned.
10. Date of Termination.
11. Termination Reason.

(Resignation; resignation in the course of disciplinary procedures; retirement; boarded out; dismissal; definite contract expiry; death while in service; took up permanent employment with Public Sector)