

**POLICY REGULATING THE RETENTION OF DOCUMENTATION**  
**IN THE INCOME SUPPORT AND INVESTIGATIONS DIRECTORATE –**  
**BENEFITS COMPLIANCE UNIT**

**SCOPE**

1. This Policy is aimed at regulating the retention, maintenance and disposal of documentation, both personal and other, within the Benefits Compliance Unit as provided for in the Social Security Act (CAP.318), and in consonance 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 Benefits Compliance Unit 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 Benefits Compliance Unit, 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 the required documentation, as well as to promote a sustainable use of paper and printing consumables.

**ADMINISTRATION**

4. Documentation is held and recorded by the Desk Officers of the Benefits Compliance Unit. This Policy is therefore applicable to all such documentation. It will be the responsibility of the Desk Officers Unit and its Data Controller, the Director (Income Support and Investigations), 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 Income Support and Investigations Directorate's Data Protection Controller and the Benefits Compliance Data Protection Officer for endorsement.

#### DOCUMENTATION HELD WITHIN THE BENEFITS COMPLIANCE UNIT

5. As part of its operating requirements the Benefits Compliance Unit, requests, keeps and maintains documentation which may include personal data. The various types of documentation utilised by the Benefits Compliance Unit may be categorised as follows:
  - a. Personal Data of staff at the Benefits Compliance Unit
  - b. Data related to persons who are investigated with a view to establish compliance with the provisions of the Social Security Act.

#### 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 can 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.

#### EXEMPTIONS

10. Social Security Act (CAP.318)  
Data Protection Act (CAP.586 – LN 177 of 2018)

#### RETENTION PERIOD

11. Retention of different categories of documents is governed by different requirements and different legislation and regulations.

The retention requirements for the various categories of documentation within the Benefits Compliance Unit are as follows:

- Reported new cases of alleged non-compliance with the provisions of the Social Security Act (CAP.318) where:
  - a) the person reported is not currently in receipt of social benefits,
  - b) has never been or has been in receipt of social benefits but is currently not in receipt, or
  - c) the information supplied is not sufficient to conduct an investigation.

The report/s will be retained for a maximum period of 1 year from the date of the last report received. In such cases no file will be opened. If no further reports are received or if claimant is still not in receipt of any social benefits, the report will be identified in the exercise which is conducted by the Benefits Compliance Unit every six months, and will then be destroyed.

- Reported cases of alleged non-compliance with the provisions of the Social Security Act (CAP.318) that are investigated and have been found to be compliant with the provisions of the Social Security Act will be retained for a maximum period of 3 years from the date of the last Investigation Report. After the expiry of the said period, the Benefits Compliance file will be identified in the yearly exercise which is conducted by the Benefits Compliance Unit and will then be destroyed.
- Reported cases of alleged non-compliance with the provisions of the Social Security Act (CAP.318) that are investigated and found to be non-compliant as reported, will be retained for a period of at least 5 years from the investigation date or until such time as claimant has settled any pending overpayments resulting from such investigation, whichever period is the longest. After the expiry of said period the Benefits Compliance file will be identified in the yearly exercise which is conducted by the Benefits Compliance Unit and will then be destroyed.
- If other cases that do not fall in any of the above classifications are identified, these will be included in a revised Retention Policy that will be issued to meet such new circumstances.

## 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 Benefits Compliance Unit. 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.