



## RESIDENCY MALTA A G E N C Y

### Data Protection Policy

The General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act (Cap 586), including the regulations made thereunder, regulate the processing of personal data whether held electronically or in manual form if it forms part of a filing system. The *Residency Malta Agency* is set to fully comply with the applicable provisions of the data protection legislation.

### Legal Basis and Purposes of Processing

The legal basis and the purposes of processing with regard to the processing operations conducted by Residency Malta Agency are the following:

| Processing Operation  | Legal Basis for processing  | Purposes of Processing  |
|---|---|---|
| Human Resources<br><br>Categories of personal data processed are:<br>Name, Surname, Address, Sick Leave, Pay Leave, Qualifications, Appraisals, Certificates, Personal HR Records, Training Records, Internal Directory.<br><br>Contract of Employment as a legal obligation – processing is necessary for the employment contract to function. | Processed as per the Data Protection Public Administration HR Corporate Procedures  | Processing is necessary for the performance of a contract to which the data subject is a party. |
| Due Diligence<br><br>Personal data processed falls under these categories:<br>Name, Surname, Passport, Health, ID, Foreign Address, Bank a/c details, Age, Date of Birth, Gender, Place of Country, Country of Birth, Nationality Status, Tax Identification no, Occupation, Income and Wealth.   | a. S.L.595.40 – Residency Malta Agency (Establishment) Order<br>b. S.L. 217.26 – Malta Permanent Residence<br>c. Programme S.L. 217.18 – Malta Residence and Visa Programme Regulations | Processing as per Legal Obligation.   |
| Client Relations and Compliance<br><br>Personal data processed falls under these categories:  | a. S.L.595.40 – Residency Malta Agency (Establishment) Order<br>b. S.L. 217.26 – Malta Permanent Residence Programme  | Processing as per Legal Obligation.   |



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|---|--|-------------------------------------|
| Name, Surname, Passport, Health, ID, Foreign Address, Bank a/c details, Age, Date of Birth, Gender, Place of Country, Country of Birth, Nationality Status, Tax Identification no, Occupation, Income, Wealth, and Police Conduct Certificates. | c. S.L. 217.18 – Malta Residence and Visa Programme Regulations  |                                     |
| Financial Data.<br><br>Personal data processed relates to applicants' bank statements, assets, investments, loans, payslips, certificates of deposits and property evaluation   | a. S.L.595.40 – Residency Malta Agency (Establishment) Order<br>b. S.L. 217.26 – Malta Permanent Residence Programme c. S.L. 217.18 – Malta Residence and Visa Programme Regulations | Processing as per Legal Obligation. |

### Personal Data and Special Categories of Personal Data

The categories of personal data and the special categories of personal data that will be processed are as follows:

| Categories of Personal Data   | Special Categories of Personal Data   | Source/s   |
|---|---|--|
| a. HR and employment details.<br>b. Financial data<br>c. Personal contact details | a. Employees - Trade union membership; Sick leave certificates.<br><br>b. Applicants - Health data; biometric data for the purpose of uniquely identifying a natural person (only once an applicant is approved). | a. Provided by the employees.<br>b. Provided by the applicants |



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### Recipients of Personal Data

#### MRVP/MPRP/Nomad/Start Up Programmes

Personal Data will be disclosed to third parties including banks, government bodies and authorities as required by law or as otherwise required in pursuance of the application submitted under the respective programmes.

Obtaining from public sources, government agencies and/or private agencies/entities information, credit reports, criminal records, and/or any other kind of records deemed necessary, about the Main Applicant and/or of his/her family and/or his/her dependants; and Complying with any other legal obligation to which the Agency may be subject.

Disclosure can also be made to third parties but only as authorized by law. In the case of data being shared with other data controllers a legal basis in a primary or secondary legislation must be identified.

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#### HR

Payroll function, qualifications records, courses attended, sick leave certificates and other related documents.

### Transfer of Personal Data outside the European Union (EU)

Personal data may only be transferred outside the EU in compliance with the conditions for such transfers laid down in the GDPR as per article 46(2)(a) of the GDPR.

The Agency does not transfer the personal data of its data subjects outside of the European Economic Area unless an adequate level of protection is ensured. In case there is no adequacy decision, public authorities may still transfer personal data outside of the EU if there is a legally binding and enforceable instrument between public authorities or bodies (as per article 46(2)(a) of the GDPR). Data subjects will be informed where transfers to a third country are in place.

The third countries which personal data will be transferred to are: *UK*.

### Your rights

Your rights as data subjects in connection with the processing of your personal data are:

- The right to receive a copy of your personal data undergoing processing, including information in relation to the processing activities.
- The right to request us to rectify personal data you think is inaccurate. You also have the right to ask us to complete personal data you think is incomplete.
- The right to request the erasure of your personal data in certain circumstances.
- The right to request the restriction of your personal data in certain circumstances.
- The right to portability of your personal data in relation to information that you have given us.
- The right to object to the processing of your personal data if we are able to process your information because the process forms part of our public tasks or is in our legitimate interests.



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- The right to not be subject to a decision based solely on automated processing including profiling.
- The right to withdraw your consent at any time, where applicable.

Requests to exercise your rights are free of charge and should preferably be made in writing and sent to the Data Protection Officer of the *Residency Malta Agency*. Your identification details such as ID number, name and surname must be submitted with the request for the purpose of verifying your identity. In case the controller has reasonable doubts concerning your identity, you may be requested to provide additional information necessary to confirm it.

The Residency Malta Agency aims to comply as quickly as possible with the request and is obliged to respond without undue delay and at the latest within one (1) month from receipt of request.

The right exercised by the data subject may be limited or restricted, where necessary, pursuant to the applicable law.

### **The Data Protection Officer**

The Data Protection Officer may be contacted on:

Address: Zentrum Business Centre, Level 2, Mdina Road, Qormi, QRM 9010.

Telephone: +356 22034000

Email: [dpo.residencymalta@gov.mt](mailto:dpo.residencymalta@gov.mt)

### **The Data Controller**

The *Residency Malta Agency* may be contacted at:

Address: Residency Malta Agency

Zentrum Business Centre, Level 2, Mdina Road, Qormi, QRM 9010.

Telephone: +356 22034000

Email: [dpo.residencymalta@gov.mt](mailto:dpo.residencymalta@gov.mt)

### **The Information and Data Protection Commissioner**

You have the right to lodge a complaint with the supervisory authority, which could be reached at the following contact details:

The Information and Data Protection Commissioner

Airways House,

Triq il-Kbira

Tas-Sliema SLM 1549

Telephone: +356 2328 7100

Email: [idpc.info@idpc.org.mt](mailto:idpc.info@idpc.org.mt)

Website: [www.idpc.org.mt](http://www.idpc.org.mt)