

GBS Malta

Data Protection Policy

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1. Introduction

- 1.1 GBS Malta is committed to ensuring the privacy and protection of personal data under its control, in accordance with EU law and the EU data protection policy. Data protection is a fundamental right under EU Law. This right is enshrined in Article 8 of the EU Charter of Fundamental Rights ([EU Charter of Fundamental Rights](#)). EU data protection legislation is comprised of the General Data Protection Directive (GDPR), the Law Enforcement Directive (LED) and the Data Protection Legislation for EU Institutions, bodies, offices and agencies (EUDPR) (https://commission.europa.eu/law/law-topic/data-protection_en). This policy outlines how GBS Malta ensures compliance with EU data protection law and requirements and how GBS Malta collects, uses, stores, and protects personal data, as well as the rights of data subjects.
- 1.2 To comply with the law information about individuals must be used and collected fairly, stored safely and securely, and not disclosed to any third party unlawfully. Mandatory training will be provided to staff to assist them in meeting their obligations under this policy. As a matter of good practice, other agencies and individuals working with GBS Malta and who may have access to personal data will be expected to have read and comply with this policy. It is expected that partners and services that deal with external agencies will take responsibility for ensuring that such agencies agree to abide by this policy.

2. Purpose

2.1 The purpose of this policy is to:

- (i) Ensure compliance with EU data protection legislation as identified in section 1.1 above.
- (ii) Protect the rights and privacy of individuals whose personal data is held by GBS Malta.
- (iii) Ensure that personal data is processed lawfully, fairly, and transparently.
- (iv) Prevent unauthorised access, loss, or damage to personal data.

3. Scope

3.1 GBS Malta's Data Protection Policy applies to all staff, students, and third parties who have access to or process personal data on behalf of the College. This policy covers all personal data, regardless of the format or how it is stored.

4. Key Definitions

4.1 The following definitions are applied to this Data Protection Policy

- (i) *Personal Data*: Any information relating to an identified or identifiable individual.
- (ii) *Data Subject*: A living individual whose personal data is processed by GBS Malta.
- (iii) *Processing*: Any operation performed on personal data, including collection, storage, and sharing.
- (iv) *Data Controller*: The entity that determines the purposes and means of processing personal data.
- (v) *Data Processor*: Any person or organisation that processes personal data on behalf of the controller.
- (vi) *Special Category Data*: Data that reveals racial or ethnic origin, political opinions, religious beliefs, health information, etc.

5. Legal Basis for Processing

5.1 GBS Malta will only process personal data where there is a legal basis for doing so. The legal grounds for processing may include:

- The data subject has given consent.
- Processing is necessary for the performance of a contract.
- Processing is required for compliance with a legal obligation.
- Processing is necessary to protect the vital interests of a data subject or another individual.
- Processing is necessary for the performance of a task carried out in the public interest or the exercise of official authority.

6. Data Collection and Use

6.1 GBS Malta collects personal data for various purposes, including:

- Enrolment and student administration.
- Staff recruitment and employment management.
- Academic research and teaching purposes.
- Monitoring and improving GBS Malta's services.
- Compliance with legal and regulatory obligations.

7. Data Retention

7.1 Personal data will only be retained for as long as is necessary to fulfil the purposes for which it was collected or as required by law. Once the data is no longer needed, it will be securely deleted or anonymised.

8. Data Security

8.1 GBS Malta takes appropriate technical and organisational measures to ensure the security of personal data. These measures include:

- Encryption of sensitive data.
- Secure storage and restricted access to personal data.
- Regular security audits and staff training.
- Incident response procedures in case of data breaches.

9. Data Sharing and Transfers

9.1 Personal data may be shared with third parties, such as external service providers or partner institutions, where there is a legitimate need to do so. GBS Malta will ensure that any third parties with access to personal data are contractually obligated to comply with data protection laws.

9.2 Transfers of personal data outside of Malt/the EU will only take place if appropriate safeguards are in place, such as standard contractual clauses or an adequacy decision.

10. Data Subject Rights

10.1 Data subjects have the following rights under EU GDPR:

- *Right of Access:* To access their personal data held by GBS Malta.
- *Right to Rectification:* To have inaccurate or incomplete data corrected.
- *Right to Erasure:* To request the deletion of personal data under certain circumstances.
- *Right to Restrict Processing:* To request that processing is limited in certain situations.
- *Right to Data Portability:* To receive their data in a structured, machine-readable format.
- *Right to Object:* To object to processing based on legitimate interests or direct marketing.
- *Rights in Relation to Automated Decision Making:* To not be subject to decisions based solely on automated processing.

10.2 Requests to exercise these rights should be submitted to the Data Protection Officer (DPO).

11. Data Breaches

11.1 In the event of a personal data breach, GBS Malta will follow established procedures to contain and mitigate the breach, assess the risks, and notify affected individuals and the Malta National Data Protection Authority (<https://idpc.org.mt>) within 72 hours if required.

11.2 Refer to GBS Malta's Data Breach Policy and Procedure for investigating and determining outcomes.

12. Responsibilities

12.1 *Staff and Students*: All members of GBS Malta must ensure that they comply with this policy and handle personal data responsibly.

12.2 *Data Protection Officer (DPO)*¹: GBS Malta has appointed a DPO responsible for overseeing data protection compliance, advising on data protection obligations, and acting as a point of contact with the ICO.

12.3 *Senior Management*²: Responsible for ensuring adequate resources and support for data protection compliance.

13. Training and Awareness

13.1 GBS Malta will provide regular training and updates on data protection for staff and students. This training will cover their responsibilities under this policy and relevant legislation.

14. Monitoring and Review

14.1 This policy will be reviewed regularly, at least annually, to ensure ongoing compliance with data protection legislation and best practices.

15. Contact Information

For any questions or concerns regarding this policy or data protection at GBS Malta, please contact the Data Protection Officer (Mr. Allen Lofaro) or the Director of Quality (Professor Donald Pennington).

16. GBS Malta Data Protection Documents

- Data Protection Policy
- Data Breach Policy and Investigation Procedure
- Data Breach Investigation Form
- Data Breach Register
- Data Breach Reporting Form

Director of Quality
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GBSMalta's Data Protection Officer is Mr. Allen Lofaro, Director of Operations.

² *Senior management at GBS Malta refers to: Director of Operations, Associate Dean and the Director of Quality.*