

Rural Affairs Department
within the Ministry of Agriculture, Fisheries & Animal Rights

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 Rural Affairs Department 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 the Rural Affairs Department are the following:

Processing Operation	Legal Basis for processing	Purposes of Processing
(Declaration) of Agriculture land registration	S.L. 639.13	Agricultural land regulations are rules governing the use and protection of land for farming, including requirements to register land, cultivate crops, and maintain its productive condition, while also restricting non-agricultural uses and activities that degrade the soil
Nitrates Directive	S.L 549.66	Aim of the Nitrates Directive is to protect waters from pollution caused by nitrates from agricultural sources by reducing existing pollution and preventing new pollution
Fertile Movement Preservation of fertile soil	S.L 236.03	To prevent soil degradation and preserve fertile soil for long-term food security, environmental health, and human well-being.
Land archives		Witness in court in civil disputes re land cultivation.
Categorisation	S.L. 639.10	The Categorisation of Farmers requires processing of data for the creation of categories of agricultural holdings to categorise farmers according to their economic activity.
FADN/FSDN	Council Reg. (EC) 1217/2009	FADN/FSDN data collection and reporting to fulfil Council Re. (EC) 1217/2009 obligations. This is a network that monitors the activity and income of a sample of commercial agricultural holdings to provide information for understanding the impact of the measures taken under the common agricultural policy.
Poultry Eggs and Meat Prices	Commission Implementing Regulation (EU) 2017/1185	To fulfil the reporting obligations with regards to market transparency, through the

		collection of poultry meat and egg prices to be uploaded through the ISAMM online platform.
Dairy-Raw Prices	Commission Implementing Regulation (EU) 2017/1185	To fulfil the reporting obligations with regards to market transparency, through the collection of monthly deliveries in litres and monthly raw milk payable in Euro by individual producers. The raw milk total quantity is reported in the ISAMM online platform.
Cereal Levels	Commission Implementing Regulation (EU) 2017/1185	To fulfil the reporting obligations with regards to market transparency, through the collection of data on stocks of cereals, oilseeds and oilseed meals. The data is uploaded on the ISAMM online platform.
Data on Producers Organisations	Commission Delegated Regulation (EU) 232/2016	To provide data on PO's and entities including total number of entities, general information and sectoral information
AgriConnect AECC5	<ul style="list-style-type: none"> Directive 2009/147/EC Council Directive 92/43/EEC Regulation (EC) No 1107/2009 Directive 2009/128/EC Directive 2000/60/EC Natura 2000 directive LN 345 of 2015 SL 549.66 SL 549.25 SL 549.42 SL 549.44 LN 79 of 2006 LN 311 of 2006 Food Safety Act 2002 SL 430.07 LN 284 of 2011 SL 430.08 LN 489 of 2011 	The aim of this measure is to improve the quality of soil by addressing the three main threats, namely, the low levels of organic matter, soil compaction and soil erosion.
Data on applicants to obtain Prior Informed Consent (PIC) to access Genetic Resources for which Malta has sovereign rights	REGULATION (EU) No 511/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Article 4(6)	The purpose of PIC data is to confirm lawful access to genetic resources and compliance with benefit-sharing obligations under EU and national ABS rules. Since EU law requires users to retain this information for 20 years after utilisation ends, national authorities must also keep the data to conduct inspections under Article 9 and verify compliance throughout the reference period.

Recipients of Personal Data

Personal Data will be disclosed to all designated officers who are assigned to carry out the functions of the Rural Affairs Department. Disclosure can also be made to third parties but only as authorised by law.

Retention Policy

The following schedule outlines the retention requirements for the various categories of documentation within the units:

Category of Document	Retention Period	Justification
Fertile Soil Preservation: Request for Permission of Soil Transfer	5 years	Once clearance is denied or provided the activity takes place/does not take place. There will be no need to retain the information.
Research of Archives Section: Declaration of Interest for Research in the Land Archives Farmer's Registry	5 years	Once the activity takes place/does not take place. There will be no need to retain the information.
Nitrates Action Section: Registration of Distributors, Retailers and Resellers of Nitrate Based Fertilisers	10 years	Given that the Directorate just keeps record for monitoring purposes of fertiliser movement and given that such contractual agreements change these would need to be updated regularly and keeping of such data would be futile.
Nitrates Action Section: Recognition for Technical Advisor for the Provisions of Fertiliser Plans	4 years	Every year the recognised technical advisor is expected to express his/her interest to remain recognised. The retention of such details for more than 4 years which is the reporting cycle pertinent to this subject would deem to be unnecessary
Nitrates Action Section: Request to attend Courses held by the Agriculture Directorate	5 years	This is an obligation deriving from S.L 549.66 and such records are needed to ensure that farmer has achieved compliance with the regulation. There is no time limit that a certificate of a course provided remains valid.
Research of Archives Section: Declaration of Interest for Research in the Land Archives Farmer's Registry	5 years	Once the activity takes place/does not take place. There will be no need to retain the information.
Front Office: Registrations of land for Nitrates Registry and Agriculture Land Registration	10 years	The registry papers are to be kept for the 10 years, however the online data is kept indefinitely as this may be required for the carrying out of research from the archives section.
Categorisation	5 years	Contains personal details of the farmer and details about his holdings' turnover. This information is critical to classify and categorize farmer.
FADN/FSDN	10 years	Contains personal details of the farmer and details about his holdings, operation and turnover. This information is vital to satisfy obligations as per Council Reg. (EC) 1217/2009
		Data is retained in order to perform market analysis by comparing data from one year to

Poultry Eggs and Meat Prices	3 years	another. This data also provides information for the formation of National policies for the agricultural markets.
Dairy – Raw Milk Prices	3 years	Data is retained in order to perform market analysis by comparing data from one year to another. This data also provides information for the formation of National policies for the agricultural markets.
Cereal Stock Levels	3 years	Data is retained in order to perform market analysis by comparing data from one year to another. This data also provides information for the formation of National policies for the agricultural markets.
Data on Producers Organisations	3 years	Data is retained for the purposes of market analysis and policy making.
Agri Connect Farmer Registrations Request Forms All related to AECC5	5 years	Contains information such as Contact number, address, No. of parcels registered and other information which is vital for the provision of service. Used to generate and issue client soil management plans
Agri Connect Farmer Profile	5 years	Contains personal details of the farmer and details about his holdings. This information is vital for the provision of service. This information is pertinent in order to facilitate contacting the farmer in relation to the services.
Agri Connect AECC5 Contracts	5 years	Proof that the farmer which has requested service has been informed what the data pertinent to his holdings is used for and why. The AECC5 commitments are for a period of 5 years and the contracts are reviewed annually and specifically identify that the farmer has requested the agriconnect services.
Agri Connect Crop plans	5 years	Crop plans are a representation of what the farmer intends to grow on his parcels are required for fertiliser plans The crop plan is used as part verification of the scheme. These are kept for the entirety of the scheme.
Agri Connect Fertiliser Plan	5 years	A plan of fertilisation for each parcel, which takes into account several factors such as soil test results, water source, type of crop being planted etc. Valid for 3 years unless farmer changes type of crop being planted. This is used to generate the SMP and part of the verification process of the scheme.

Agri Connect Soil/ Water Test Results	5 Years	Used for fertiliser plans. Soil test results are valid for 3 years
Agri Connect Excel in shared folder (Requests for assistance)	5 Years	Used for data observation/ retention (audit) purposes
Agricultural Services Laboratory Sample Submission Forms and Soil/water test reports (related to AECM5/AECC5 measures and/or fertiliser plans)	10 years following closure of programming period	Personal details required to link with LPIS data (in case of registered farmers) and for data analysis and reporting (Soil and Water Test Reports). However, the data in the Laboratory Information Management System is kept indefinitely as this may be required for statistical purposes.
Agricultural Services Laboratory Sample Submission Forms and Soil/water test reports (not related to AECM5/AECC5 measures or fertiliser plans)	5 years	Personal details required to link with LPIS data (in case of registered farmers) and for data analysis and reporting (Soil and Water Test Reports). However, the data in the Laboratory Information Management System is kept indefinitely as this may be required for statistical purposes.
Agricultural Services Laboratory Laboratory Sample Request Forms and Soil Test Reports (AECM5/AECC5 ARPA Controls)	10 years following closure of programming period	Personal details required to link with LPIS data and for reporting (Soil Test Reports). Retention period as per contract with ARPA.
Agricultural Services Laboratory Cash Sale related to payment of soil and water testing services	2 years	Personal details of clients required to process revenue related to soil and water testing services provided by the Agricultural Services Laboratory.
Agricultural Services Laboratory Form sent to ARPA for registration of new customer in IACS Customer registry	2 years	Personal details of customer required for new registration in IACS Customer registry, from which the LIMS retrieves the necessary data for registration of soil and water samples and reporting.
Genetic Resources Application to obtain Prior Informed Consent (PIC) to access Genetic Resources for which Malta has sovereign rights	20 years from the date of issue of the permit	Documentation related to the issuing of permits pertinent to the access to genetic resources and the sharing of benefits arising from their utilization (ABS) is to be retained for the reference period to adhere to the basis compliance requirements emanating from Regulation (EU) 511/2014 Article 4(6) that would enable compliance checks at EU-wide level.

Data that needs to be disposed of or deleted after the established timeframes will be destructed in a secure manner to ensure that such information is no longer processed within the Rural Affairs Department.

The Data Protection Officer

The Data Protection Officer may be contacted on:

*Agricultural Research and Innovation Hub,
Rural Affairs Department, Block C,
Ingieret Road,
Marsa*

Telephone: 2292 4294

Email: dataprotectionrad.mafa@gov.mt

The Data Controller

The Rural Affairs Department Data Controller may be contacted at:

*Agricultural Research and Innovation Hub,
Rural Affairs Department, Block C,
Ingieret Road,
Marsa*

Telephone: 2292 4260

Email: dataprotectionrad.mafa@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

Website: <https://idpc.org.mt>