

Retention Policy for data collected for the issuance of Visas

Personal data in visa applications is processed in pursuance to *Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation)*, *Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)* and the *Data Protection Act*, Chapter 440 of the Laws of Malta for the purposes of processing applications and to issue Visas for entry into or transit through Malta and /or other Schengen member state. The data being requested in this application is mandatory for the vetting and examination of the visa application.

Visa applications and any documentation related therewith will be accessible to the visa authorities and the authorities competent for carrying out checks on visas at external borders and within the Member States, immigration and asylum authorities in the Member States for the purposes of verifying whether the conditions for the legal entry into, stay and residence on the territory of the Member States are fulfilled, of identifying persons who do not or who no longer fulfil these conditions, of examining an asylum application and of determining responsibility for such examination. Under certain conditions the data will be also available to designated authorities of the Member States and to Europol for the purpose of the prevention, detection and investigation of terrorist offences and of other serious criminal offences. However, the member state processing the visa, in this case, Malta is responsible for amending/deleting the data which has been transmitted.

Visa applications as well as any other data concerning decisions taken on applications or decisions on annulment, revocation or extension of visas issued will be stored for a maximum of five years. The visa application system has a full audit trail facility, recording all action taken with regards to one's electronic application and the author thereof. These audit trails are stored within the system for a period of 6 years, afterwhich they will be deleted permanently.

This period starts elapsing from:

- a) the expiry date of the visa, if a visa has been issued;
- b) the new expiry date of the visa, if a visa has been extended;
- c) the date of the creation of the application file in the VIS, if the application has been withdrawn, closed or discontinued;
- d) the date of the decision of the visa authority if a visa has been refused, annulled or revoked.

Upon expiry of the period referred to above, the application file together with any links to the file concerned will be automatically deleted. Manual applications will also be destroyed by the missions receiving the application.

Data may also be deleted or corrected before the lapse of the mentioned five years in the following instances:

- In cases where a Schengen member state, other Malta has evidence to suggest that the data being processed is inaccurate or that the data being processed is contrary to the

Regulation, such member state will inform the Maltese authorities of the case. In this case Malta is the state responsible for amending the data which has been transmitted.

- Where an applicant has acquired the nationality of a Member State, including Malta, the application files and the to the application files relating to him or her will be deleted without delay.
- Where the refusal of a visa has been annulled by a Court or an appeals body, the member state which refused the visa shall delete the data as soon as the decision to annul the refusal of the visa becomes final.

Exception:

Visa applications may be retained in excess of five years in cases where there are ongoing proceedings before the law Courts on the particular application pursuant to a complaint from the applicant or where necessary in cases of criminal investigations in relation to the issue of visas.