



## Data Protection Note for Employers - (Hereinafter referred to as the “Note”)

### 1. Terminology

The terminology used in this Note, including words such as “Personal Data”, “Data Controller”, “Data Processor”, “Data Subject”, and “Processing” shall have the same meaning as indicated in the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27th April 2016 on the protection of natural persons with regards to the processing of personal data and on the free movement of such data (hereinafter referred to as the “GDPR”). For the purpose of this Note, the term “Data Controller” shall refer to the Jobsplus Corporation (hereinafter referred to as “Jobsplus” whose contact details are below).

<b>Jobsplus Data Protection Officer (DPO):</b>  Dr Josephine Farrugia Mifsud 53/55, Triq it-Tagħlim, il-Fgura 7992 9805 <a href="mailto:josephine@jlf.com.mt">josephine@jlf.com.mt</a>	<b>Jobsplus:</b>  Ms Marthanne Castillo IIS Project Leader Jobsplus Head Office Hal Far BBG 3000 2220 1305 <a href="mailto:marthanne.castillo@gov.mt">marthanne.castillo@gov.mt</a>
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### 2. Purpose and lawful basis for Processing

The purpose of the processing of personal data pertaining to employers who are natural persons, or, in cases whereby the employer is a legal person, its authorised representative/s, is to determine which of such employers are eligible for the Investing in Skills (IIS) Scheme (the “Scheme”). Investing in Skills is intended to promote access to the training of persons actively participating in the Maltese labour market, with a view to increasing productivity and enhancing adaptability. It seeks to increase and/or improve the knowledge and skills of employed persons through funds granted by this scheme. In view of the foregoing, therefore, Jobsplus requires the collection of Personal Data. The Personal Data which shall be collected for the purposes indicated above shall be the following:

- Name and surname of the employer and/or the authorised representative/s
- Identity card number
- Address\*
- VAT Number\*
- P.E. Number\*
- Designation
- Office/Work Mobile number
- E-mail address
- Signature
- Tax-related documentation signed by the trader or his/her tax representative\*
- Accounts-related documentation signed by the trader or his/her tax representative\*

\* The information marked with the asterisk shall be considered as personal data in the context of an employer who trades in his/her personal name.



For the purpose indicated above, it must be noted that no special categories of personal data (e.g. data relating to disability) shall be processed.

In light of the above, the lawful basis for the Processing of Personal Data in terms of this Note shall be that stipulated in Processing of personal data necessary for:

- i. The compliance with a legal obligation to which Jobsplus (qua Controller) is subject as per Article 6(1)[c] of the GDPR; and
- ii. The performance of a task carried out in the public interest or in the exercise of official authority vested in Jobsplus (qua Controller) as per Article 6(1)(e) of the GDPR.

Jobsplus shall not process Personal Data of the Data Subject for a purpose other than the purposes indicated in this Note. Should Jobsplus process Personal Data for any other purposes, Jobsplus shall ensure that such processing is carried out in a lawful manner and where necessary, shall request the Data Subject to provide his/her consent. Jobsplus hereby undertakes that prior to processing Personal Data for an additional purpose, it shall provide the Data Subject with information on that/those additional purpose/s.

### **3. Quality of Personal Data and the Right to Rectification and Erasure**

Personal data shall be accurate and where necessary, kept up to date. Jobsplus shall take any reasonable steps to ensure that Personal Data that is inaccurate is erased or rectified without delay. For the purposes indicated in section ii above, the Data Subject shall provide Jobsplus with any information or documentation in order for Jobsplus to be able to exercise its functions. The Data Subject has the right to obtain from Jobsplus the rectification of inaccurate data concerning him/her. Such a request shall be sent in writing to the following e-mail address: [dpo.jobsplus@gov.mt](mailto:dpo.jobsplus@gov.mt). The Data Subject has the right to obtain from Jobsplus the erasure of Personal Data if the Personal Data is no longer necessary in relation to the purpose/s for which it was collected, or when the Personal Data has been unlawfully processed. Jobsplus shall give specific reasons in case it takes the decision of not erasing such data. The request for erasure of Personal Data shall be sent in writing to the following e-mail address: [dpo.jobsplus@gov.mt](mailto:dpo.jobsplus@gov.mt). Data subjects shall write to [dpo.jobsplus@gov.mt](mailto:dpo.jobsplus@gov.mt) in order to request, where applicable, the restriction of processing. They can also object, through the same electronic address, to the processing of their personal data.

### **4. Right of Access**

The Data Subject has the right under the GDPR to obtain the details of information held on them by Jobsplus. If the Data Subject wishes to exercise this right, the Data Subject should forward his/her request in writing to the following e-mail address [dpo.jobsplus@gov.mt](mailto:dpo.jobsplus@gov.mt).

### **5. Personal Data Transfers**

Personal data submitted through this form is processed by Jotform Inc on the instruction of Jobsplus (hereinafter referred to as "Jotform") at the website located at <https://www.jotform.com>. On this basis, in this context set out in clause 2 hereof, Jotform shall be considered as a data processor within the meaning of the GDPR. As required by Article 28 of the GDPR, the relationship between Jobsplus and Jotform is regulated by means of a contractual arrangement. Personal Data could in very rare cases be transferred to the United States if Jotform were to receive a demand for the data in connection with a judicial proceeding or a law enforcement request and where we believe that we have to produce the data.



Jobsplus shall not, without consent, transfer Personal Data to any other third party except when such transfer is necessary for Jobsplus to be able to exercise its functions in terms of this Note, or when Jobsplus is required to do so by operation of law<sup>1</sup>.

To maintain confidentiality, access to your Personal Data shall be restricted to the employees of the Data Controller on a need-to-know basis.

#### **6. Storage**

Should you, as a Data Subject, opt to furnish your Personal Data to the Data Controller for the purposes outlined herein, your Personal Data shall be retained and stored in an electronic folder specifically designated for the Purpose. The folder shall be held and maintained by the Data Controller.

#### **7. Retention**

The Personal Data shall be kept in a form which permits the identification of individuals for no longer than is necessary for the purposes indicated in this Note. More specifically, the Personal Data shall be retained by the Data Controller for a period of ten (10) years from the termination of the Scheme.

#### **8. Events of Breach**

The Data Subject has the right to lodge a complaint against any data breach by communicating such breach to the Information and Data Protection Commissioner by filling in the complaint form available at: <https://idpc.org.mt/report-a-breach/>.

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<sup>1</sup> As per the EDPB - "A transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that third country, or the international organisation in question ensures an adequate level of protection. Such a transfer shall not require any specific authorisation."