

## **Freedom of Information**

### **The Freedom of Information Act**

The Freedom of Information Act (Cap.496) aims to establish a right to information held by public authorities in order to further promote accountability and transparency in Government.

In terms of Article 17(1) of the Freedom of Information Act, every relevant public authority shall publish information describing the authority's structure, functions and responsibilities together with a general description of the categories of documents held and a description of all manuals and similar types of documents which contain policies, principles, rule or guidelines in accordance with which decisions or recommendations are made in respect of members of the public as well as a statement of information that needs to be available to members of the public who wish to obtain access to official documents from the public authority.

The Freedom of Information Act will come into force on 1<sup>st</sup> September 2012.

[Freedom of Information Act \(Cap.496\)](#)

### **Directorate General – Economic Policy Department**

The Economic Policy Department (EPD) provides Government with internal expert advice and assistance in the formulation of economic policy and the management of economic activity, with the aim of attaining the Government's overall objectives of economic growth and development, high employment and low inflation. Attention is devoted towards the achievement of a stable macroeconomic framework, also by attaining an appropriate fiscal policy. Furthermore, the EPD assists in the formulation of policy in areas which are crucial to Malta's economic development including sustainable growth, productivity and competitiveness, financial stability, labour market, investment, tourism, education, creativity, innovation and the environment. Within this context, the EPD provides the Government with the relevant technical input, so that the implementation of policy measures is done within the framework of Malta's economic developmental goals.

The Department also provides internal technical advice and assistance to the Government on international economic/trade issues. Through its participation in Commission Working Parties and Trade Policy Committee formations, the Department monitors and advises on the economic/financial impact of issues and strategies concerning the EU's Common Commercial Policy. Furthermore, the Department assists Government by providing economic analysis of policy issues emanating from Malta's participation in a host of international, regional, bilateral and multilateral institutions. The EPD also provides support to other government entities whose area of activity may be affected by EU initiatives with third countries in the area of international trade and investment.

The Economic Policy Department consists of the following three directorates:

**The Economic Strategy Directorate** provides Government with expert advice and assistance in the formulation of economic policy particularly in relation to macroeconomic

conditions, public finances, the EU's multi annual financial framework and financial stability. As part of its work programme the Directorate is responsible to produce bi-annual economic forecasts.

**The Structural Economic Research Directorate** undertakes economic research and modelling of issues that are pertinent to the structural side of the economy. It also provides appropriate analysis and appraisal of the nation's economy, coherent advice on economic and financial matters aimed to enhance national economic development, the undertaking of studies related to structural economic issues, such as the input to the National Reform Programme and pension reform, and the provision appropriate analysis and appraisal of the nation's economy.

**The International Economic Relations Directorate** analyses the developments taking place within the Trade Policy Committee in order to ensure that the interests and views of Malta are taken into account in the formulation of the EU's *common commercial policy*. It also advises and coordinates Malta's position on matters concerning the EU's *Common Commercial Policy*, including multilateral trade relations under the aegis of the World Trade Organization and bilateral/regional Free Trade Agreements/other trade agreements that are negotiated with third countries besides other economic/trade issues pertaining to other international institutions. The Directorate provides Malta's positions on international trade and investment policy to the Trade Policy Committee outlining Malta's interests, objectives and priorities in the context of the formulation and implementation of the *Common Commercial Policy*.

### **General description of the categories of documents held**

The Economic Policy Department holds documents falling under the following categories:

- Policy documents and related working documents on themes that fall within the portfolio of the Economic Policy Department;
- Studies and reports related to the Economic Policy Department;
- Multilateral and Bilateral International Agreements;
- Manuals of procedures, Applications and other documentation related to the financial management, certification of expenditure;
- Dossiers related to procurement (Request for Tender, Requests for Quotations and Request for Information);
- Explanatory Memoranda, Briefing Notes and Speaking Notes for the Minister and other Government Officials, and Instruction Notes for the Permanent Representative and other Maltese representatives;
- Council Documents;
- Minutes of the meetings and other documents related to the workings of the Financial Services Tribunal, the Alternates Economic and Financial Affairs Committee and the Economic Policy Committee;
- Draft EU Regulations and Directives;
- Documents in connection with the Budgetary Process;
- Power point presentations on various aspects of the Maltese economy;
- Documents related to the selection process to fill vacant or new positions within the Economic Policy Department;
- Forecasts and projections of economic variable and EU budget.

## **Submitting a Request/Complaint - Freedom of Information (FOI)**

### **Eligible Persons**

In order to be eligible to submit FOI requests, a person has to be a resident in Malta and to have been so for a period of at least five (5) years. Such person has to be also either a citizen of Malta or a citizen of any other member state of the European Union or a citizen of any other state the citizens of which have a right, in virtue of any treaty between such state and the European Union, to be treated in Malta in the same manner as citizens of member states of the European Union.

### **Obtaining a copy of the Forms**

Application Forms and Complaints Forms will be available for download from the Freedom of Information website at <http://www.foi.gov.mt> or can be obtained directly from the Economic Policy Department. Alternatively, applicants who are in a possession of an e-ID, can submit a request directly through the above-indicated portal.

### **Information to be provided**

When filling in the application form, applicants will be required to provide contact details and to give an indication of the document/information that they wish to obtain. They will also need to indicate the format in which they wish to receive such document/information, namely as a hard copy/print-out, as an electronic copy, in the form of a summary/excerpt of contents or by on-site inspection of the document/information in question. A copy of the identity card or residence permit will need to be submitted together with the application form, however this does not apply in the case of applications submitted through the FOI portal.

### **Types of requests**

In essence, one may ask for any article that is held by a Public Authority and on which information has been recorded in whatever form, including electronic data, images, scale models and other visual representations, and audio or video recordings, regardless of whether the information can be read, seen, heard or retrieved with or without the aid of any other article or device. One may also ask for documentation which contains policies, principles, rules or guidelines in accordance with which decisions or recommendations are made in respect of members of the public (including bodies corporate and employees of the Public Authority in their personal capacity). Furthermore, eligible persons have the right to request information (in the form of a written statement) on a decision or recommendation made in their respect or in respect of a body corporate which they represent.

### **Acknowledgements**

FOI requests will be duly acknowledged by the Public Authorities. The acknowledgement forms will include a unique reference number and an indication of the date by when the response will be given. The acknowledgement and other response letters made with the applicant during the FOI process shall also include specific information related to the Public

Authority, such as its address, telephone numbers, e-mail addresses, opening hours and also details of its internal complaints procedure.

### **Checks to be carried out by the Public Authority**

On receipt of the application form, the Public Authority will verify whether the request qualifies as an FOI request and will inform the applicant accordingly if this is not the case. If it transpires that additional information/documentation is required, applicants will be contacted by the Public Authority to whom the request has been submitted and they will be provided with all possible assistance in order to ensure that such request complies with the provisions of the Act. This notwithstanding, when submitting an FOI request, applicants are not required to provide any justifications for requesting any particular documentation / information. The Public Authority will also verify whether the requested document / information is held at its end. If this is not the case, such Public Authority will seek to identify the proper entity to whom the request should be submitted and will transfer such application accordingly, informing the applicant in the process. If no alternative entity is identified, (meaning that the document/information cannot be traced at any Public Authority), the applicant will be informed accordingly.

### **Processing of Request**

Once it establishes that a request is an FOI request and can be addressed from its end, the Public Authority will determine whether it can provide the applicant with the document/information requested in full or in part or whether it will refuse the request. Prior to taking a decision in this regard, the Public Authority shall consider whether any of the exemptions listed in the FOI Act apply. The Public Authority will submit notification of whether the request will be accepted or not within 20 working days from its receipt. However, it can apply an extension of up to an additional 40 workings days.

### **Payment of Fee**

When submitting a response to the applicant, the Public Authority shall indicate whether any fees apply. If applicable, such fees shall cover only the costs related to making a document available to the applicant, namely man-hours of processing, costs of photocopies/faxes and digital media and costs related to inspections. Notwithstanding the above, the total applicable fee shall not exceed €40. No additional fees can be incurred for submitting applications or complaints. The application of fees is regulated by L.N. 158 of 2010.

### **Remedial Action**

If the applicant is not satisfied with the response provided by the Public Authority vis-à-vis its request, the applicant is entitled to submit a complaint to the same Public Authority. If, subsequently, the applicant remains unsatisfied with the response received, he/she may lodge an appeal with the Information and Data Protection Commissioner. If the applicant remains dissatisfied with the outcome of the appeal he/she may appeal to the Information and Data Protection Tribunal and, subsequently, to the Court of Appeal. Complaints may be submitted for the following reasons:

- The Request has not been deemed to be an FOI request
- The Public Authority has applied an extension to the 20-working day deadline to notify the

applicant whether access would be given to the document / information requested

- The Public Authority has imposed a fee which is deemed to be excessive
- The document is not being provided in the requested format
- The request is being refused

One may also submit a complaint if the Public Authority does not respect the 20 working day deadline (or the deadline indicated in the notification of extension, if applicable) for submitting a response.

### **Receiving documentation/ information**

Whenever a Public Authority communicates a decision to an Applicant that access to a document / information will be granted, the applicant shall also be invited to effect payment of fees (if applicable). Within 10 working days following payment, the Public Authority will provide the document / information in the same format as the applicant had originally requested or, if this is not possible, in any other format deemed appropriate by the Public Authority. Applicants who submit requests through the FOI portal ([www.foi.gov.mt](http://www.foi.gov.mt)) may be provided with the possibility of downloading the document / information directly from the site.

If no fee will be charged, the document / information will be provided within 10 working days following notification. The request shall be considered to have been abandoned by the applicant if payment is not effected within 20 working days following notification.

### **Internal Complaints Procedure**

An applicant whose request for information is refused, or who is otherwise not satisfied with the information provided, its format or the extension of the deadline for the submission of the requested information, may address a complaint to the Department.

The complaint will be addressed to the Department's FOI Officer, who shall bring the complaint to the attention of the officer responsible, who shall be the Director General. The officer responsible shall reply to the applicant within 10 working days from the receipt of the complaint. The applicant shall also be informed that he or she may appeal the decision or otherwise address a complaint to the Information and Data Protection Commissioner in accordance with the Freedom of Information Act (Cap. 496 of the Laws of Malta).

The officer responsible shall inform the applicant of the decision taken with respect to his or her complaint, and in the event of confirmation of a decision not to release the pertinent information, shall explain the reasons thereof. Whenever the applicant's complaint is related to the format of the information provided or to an extension of the deadline for the submission of information by the Department, and the original decision is upheld, the applicant shall be given an explanation as to why his or her complaint cannot be positively addressed.

An applicant may also make use of the Internal Complaints Procedure to report failure to meet deadlines or to send notifications. In those cases where the request for information can be met, but has not been met within the deadlines specified by the Act the officer responsible shall waive any applicable fees for the submission of information.

## **Working Hours (Monday to Friday)**

1st July to 15th September 7.30am – 2.45pm

16th September to 30th June 7.30am- 4.15 pm

## **Description of all manuals and similar types of documents**

The Department holds the following documents, in accordance with which decision or recommendation are made in respect of members of the public (including bodies corporate and employees of the public authority in their personal capacity):

Freedom of Information Manuals

## **Contact Details**

The Economic Policy Department is situated at St. Calcedonius Square, Floriana FRN 1530 and the Freedom of Information Officer and the alternate Freedom of Information Officer for this Department may be contacted on 21 249359 or by email on [foi.epd@gov.mt](mailto:foi.epd@gov.mt).

**Please find the necessary forms under the section ‘Freedom of Information’ in this website.**