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L.N. 160 of 2010

**FREEDOM OF INFORMATION ACT
(CAP. 496)**

Application and other Forms Regulations, 2010

IN exercise of the powers conferred by article 42(a) of the Freedom of Information Act, the Minister for Justice and Home Affairs has made the following regulations:-

Citation and commencement.

1. (1) The title of these regulations is Application and other Forms Regulations, 2010.

(2) These regulations shall come into force on the 21st April, 2010.

Interpretation.

2. In these regulations, unless the context otherwise requires:-

"application form" means the form in the First Schedule;

"reply forms" means the forms in the Second Schedule;

"single request" means a request for one document or a request for specific or closely related information; and

"the Act" means the Freedom of Information Act, and words and expressions which are also used in the Act shall have the same meaning assigned to them in the Act.

Provision of information indicated in the application forms.

3. Applicants shall provide public authorities with the information indicated in the application form in the First Schedule in relation to all requests made in terms of the Act.

Separate application form for each request.

4. Applicants shall fill in a separate application form for every single request.

Provision of assistance by public authorities.

5. Public authorities shall make application forms readily available to the public at their premises and online on their website, and shall assist applicants in filling in the application forms and in providing the required information as necessary.

Notifications and communications by Public Authorities.

6. Public authorities shall make notifications and communicate decisions to applicants utilizing, wherever practicable, the pertinent reply form in the Second Schedule:

Provided that, whenever use cannot be made of a reply form from the Second Schedule, public authorities shall nevertheless provide a reply in writing, and shall remind applicants of their rights emanating from the Act, in particular the right to address a complaint in line with the public authority's internal complaints procedure and the right to address a complaint or seek investigation and review by the Information and Data Protection Commissioner:

Provided further, that public authorities shall inform applicants, where applicable, of the rates or the fee applicable to their request as the case may be.

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**FIRST SCHEDULE
(Application Form)
(Regulation 3)**

[Public Authority]

**Request for Document/Information Form
(Freedom of Information Act, Cap.496)**

Details to be filled in by applicant

(in case of difficulty assistance will be provided by the [Public Authority's] FOI Officer [contact details to be provided])

I hereby declare that I am an eligible person in terms of the Freedom of Information Act (Cap. 496), which defines an "eligible person" as "a person who is resident in Malta and who has been so resident in Malta for a period of at least five years, and who is 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."

Surname:

Name:

Identity Card or Residence Permit No:

Postal Address:

.....

.....

E-mail address:

(required only when document is requested in electronic format)

Body Corporate on behalf of which information is being requested (if applicable):

.....

Description of document / information / decision or recommendation in relation to which information is being requested:

.....

Preferred manner of access to the requested document

(please tick where appropriate):

(To be filled in only in the case of a request for access to a document)

- Inspection of document at [Public Authority]
- Electronic copy of document
- Copy or print-out of document
- Summary or excerpt of document contents (*reference is made to Note 7*)

.....
Signature

(not required if form is submitted electronically)

.....
Date

DATA PROTECTION STATEMENT

Personal data collected in this form is for the purpose to process the request as regulated by the Freedom of Information Act (Cap. 496). All personal data will be processed in accordance with the Data Protection Act (Cap. 440).

Notes to applicant:

- (1) This form is to be filled in by those applicants requesting documents or information, including information in relation to a decision or recommendation made by the Public Authority in their respect.
- (2) In the case of information requested in relation to a decision or recommendation made by the Public Authority in respect of the applicant, the request must be made within six months from the relevant decision or recommendation.
- (3) Insofar as possible, access to the document shall be provided in accordance with the applicant's preference
- (4) In the case of documents that are a recording of sounds and visual images, the [Public Authority] may make arrangements for the applicant to hear or view those sounds or visual images. In the case of documents in shorthand or codified form, a transcript thereof shall be provided.
- (5) The [Public Authority] undertakes to submit notification indicating whether a request would be met or not in terms of the Freedom of Information Act as soon as reasonably practicable, and in any case not later than twenty working days. Such timeframe may be extended by up to forty working days in line with article 11 of the Freedom of Information Act, in which case the applicant will be given notice of the extension and the reasons thereof.
- (6) [Information concerning the Public Authority's Internal Complaints Procedure]
- (7) Fees are charged by [Public Authority] in accordance with the Fees charged by Public Authorities for access to Documents Regulations, 2010.
- (8) The Freedom of Information Act entitles the applicant to address complaints or to seek investigation and review by the Information and Data Protection Commissioner, as the case may be, following recourse to the Public Authority's internal complaints procedure.
- (9) Requesting an excerpt or summary of a document may reduce the cost of a particular request whenever the information required is contained in a large document also containing other information that is not relevant to the request.

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**SECOND SCHEDULE
(Reply Forms)
(Regulation 6)**

[Public Authority]

**Extension of timeframe for notification indicating
whether a request would be met or not
(Freedom of Information Act, Cap. 496)**

Mr./Ms.

You are hereby being informed that the [Public Authority] cannot, within twenty working days, submit notification indicating whether your request can be granted because:

- the request is for a large number of documents or necessitates a search through a large number of documents
- the [Public Authority] needs to consult third parties before it can decide on your request, and more time is needed to obtain the necessary feedback

The [Public Authority] will be providing its response to your request by

Additional Information by the [Public Authority]

(if applicable)

In the event that you are not in agreement with the [Public Authority's] decision to extend the timeframe for the provision of information you may address a complaint to the Information and Data Protection Commissioner in accordance with article 23 of the Freedom of Information Act, following recourse to the Public Authority's internal complaints procedure.

.....

Signature

.....

Date

[Public Authority]

**Granting of access to documents/information
(Freedom of Information Act, Cap. 496)**

Mr./Ms.

You are hereby being informed that you will be granted access to the documents or information you requested in the application form received by [Public Authority] on

.....
(date)

- The document will be provided in your preferred format, namely
(details to be provided)
- The document will not be provided in your preferred format, because:
 - This would impair the efficient administration of the Department
 - This would be contrary to legal duties of the Department
 - This would prejudice the interests protected by Part V of the Act
 - This would prejudice the interests protected by Part VI of the Act and those interests are not outweighed by a contrary public interest
(details to be provided)
- An extract of the document will be provided because the requested document is exempt in terms of article of the Act and only extracts thereof may be provided. You are therefore hereby being provided with:
 - a copy of the document, with the necessary deletions or alterations
 - another document stating the substance and effect of the requested document, except insofar as this relates to withheld information
 - the information you requested is contained in a document which covers other matters which, although not restricted information, is not relevant to your request. If you agree, a copy of this document will be supplied to you with the irrelevant material deleted for convenience's sake. Please indicate to us by e-mail, fax or other written means whether or not you agree. This may affect the chargeable fee as indicated below
 - a written statement of the findings on material issues of fact and the reasons for the decision or recommendation will be provided. Reference to the information on which the findings were based will be provided
 - a written statement of the findings on material issues fact and the reasons for the decision or recommendation will be provided. However, no reference will be made to the information on which the findings were based, in view of the Department's obligations in terms of article 20(2) of the Act

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Additional Information by the *[Public Authority]*

(Whenever the fee cannot be communicated to the applicant in this notification)

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Processing Fee:

Additional Fee:

Total Fee:

(may not exceed EUR 40.00):

(Indicate if fee assumes deletion or non-deletion of irrelevant material, where applicable)

[Information about Public Authority's payment methods and details, and arrangements for picking up documents/information on or after payment]

[Information about Public Authority's Internal Complaints Procedure]

In the event that you are not in agreement with the *[Public Authority's]* decision not to provide the document in your preferred format, or with the submission of extracts of the document requested, or with the *[Public Authority's]* application of the Fees Charged by Public Authorities for Access to Documents Regulations, following recourse to the Public Authority's internal complaints procedure, you may address a complaint to the Information and Data Protection Commissioner in accordance with articles 9 (Fees) and 23 of the Freedom of Information Act.

.....

Signature

.....

Date

[Public Authority]

**Refusal of access to documents/information
(Freedom of Information Act, Cap. 496)**

Mr./Ms.

We regret to inform you that your request for access to documents / information in the application form received by [Public Authority] on (date) cannot be met because:

- Your request does not satisfy the eligibility criteria in terms of the Act
- the document requested is excluded from the scope of the Freedom of Information Act by virtue of article 5 thereof
(details to be provided)
- the document is withheld in terms of Part V or Part VI of the Act
(details to be provided)
- the existence or non-existence of the requested document cannot be confirmed or denied by the [Public Authority], in accordance with article 34 of the Act
- the document requested is publicly available
- the document will be published within three months
- the document requested cannot be found Signature of Head of [Public Authority]
- the resources required to identify, locate or collate the document or documents would substantially and unreasonably divert the resources of the [Public Authority] from its other operations, and it has not proved possible for you, with advice from the [Public Authority], to redefine the request in such a manner as to make it more easily addressed by the [Public Authority]
- the resources required to examine the document or consult any person or body in relation to its possible disclosure would substantially and unreasonably divert the resources of the [Public Authority] from its other operations, and it has not proved possible for you, with advice from the [Public Authority], to redefine your request in such a manner as to make it more easily addressed by the [Public Authority]
- the resources required to make a copy, or an edited copy, of a document would substantially and unreasonably divert the resources of the [Public Authority] from its other operations, and it has not proved possible for you, with advice from the [Public Authority], to redefine your request in such a manner as to make it more easily addressed by the [Public Authority]
- the document requested is not held by the [Public Authority] and the undersigned has no grounds for believing that the document is held by, or connected more closely with the functions of, another public authority
- the request is considered frivolous, trivial or vexatious (additional information, if required)
- the information relating to a decision or recommendation, requested pursuant to article 20 of the Act is being withheld in terms of Part V or VI of the said Act

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[Information about Public Authority's Internal Complaints Procedure]

In the event that you are not in agreement with the [Public Authority's] decision not to provide the information requested you may seek an investigation and review by the Information and Data Protection Commissioner in accordance with article 23 of the Freedom of Information Act, following recourse to the Public Authority's internal complaints procedure.

.....
Signature

.....
Date

