

Freedom of Information Act (Cap. 496)

A to Z of Exemptions and Exceptions

DISCLAIMER

This document is intended only as a point of reference. When determining whether particular requests for information can be accepted, accepted in part or refused, one should always refer to the Basic Act and the Code of Practice, the contents of which are more exhaustive.

Accessible Documents

The FOI Act shall not apply to documents that are accessible to the public under any other law.

Source: Freedom of Information Act - Article 5 (1) (d)

Advice

A document is an exempt document if its disclosure would disclose matter in the nature or, or relating to, opinions, advice or recommendations obtained, prepared or recorded, or consultation or deliberation has taken place, or for the purpose of, the deliberative processes involved in the functions of the Government or another public authority.

This shall not apply to a document by reason only of purely factual information contained in the document.

It shall also not apply to:

- (a) reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts (excluding senior managers in public authorities), whether employed by a public authority or not, including reports expressing the opinions of such experts on scientific or technical matters;
- (b) the record of, or a final statement of the reasons for, a final decision given in the exercise of a power or of an adjudicative function.

Source: Freedom of Information Act - Article 36

Arbitration Panel Cases

A document is exempt if its disclosure would, or could reasonable be expected to prejudice the fair trial of a person or the impartial adjudication of a particular case by any court, tribunal, disciplinary board, arbitration panel or similar body, or prejudice an inquiry conducted under the Inquiries Act.

Source: Freedom of Information Act - Article 30 (2) (a)

Audits (conduct of)

A document is an exempt document if its disclosure would, or could reasonably be expected to prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by a public authority.

Source: Freedom of Information Act - Article 38 (a)

Audits (objects of)

A document is an exempt document if its disclosure would, or could reasonably be expected to prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by a public authority.

Source: Freedom of Information Act - Article 38 (b)

Broadcasting Authority (documents held by)

This Act shall not apply to documents held by the Broadcasting Authority, in so far as such document relate to its functions under article 119 (1) of the Constitution

Source: Freedom of Information Act - Article 5 (4) (g)

Business Affairs

A document is exempt if its disclosure would disclose information (other than trade secrets or commercial value information) concerning a person in respect of his business or professional affairs or concerning the business, commercial or financial affairs of an organization or undertaking, being information the disclosure of which:

- would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs;
- could reasonably be expected to prejudice the future supply of information to the Government or to another public authority for the purpose of the administration of a law or the administration of matters administered by the authority.

Source: Freedom of Information Act - Article 32 (1) (c)

This exemption shall not apply to a request for access to a document by reason only that the document contains information

about:

- (a) the applicant's own business or professional affairs;
 - (b) the business, commercial or financial affairs of an undertaking where the applicant is the proprietor of the undertaking or is acting on behalf of the proprietor;
- or
- (c) the business, commercial or financial affairs of an organisation where the applicant is acting on its behalf.

Source: Freedom of Information Act - Article 32 (2)

This exemption shall not apply to information solely concerning a person's status as a member of a profession.

Source: Freedom of Information Act - Article 32 (3)

Cabinet

Includes Cabinet Committees and refers to:

- documents that have been submitted, or are proposed by a Minister to be submitted, to the Cabinet for its consideration;
- documents that were brought into existence for the purpose of submission to the Cabinet;
- official records of the Cabinet;
- documents that are a copy of all or part of, or contain extracts from a documents that are official records of the Cabinet;
- documents, the disclosure of which would involve the disclosure of any deliberations or decisions of the Cabinet, other than a document by which a decision of the Cabinet was published.

Exceptions (i.e. Cabinet Documents which are not exempt):

- Cabinet documents from among those that are thirty years old or more, which the Prime Minister may direct to be subject to disclosure.

Documents which contain factual information relating to a decision of the Cabinet that has been published.

Source: Freedom of Information Act - Articles 29 (2) and 29 (3)

Commercial Activities (Documents related to)

The FOI Act shall not apply to documents that are held by a commercial partnership in which the Government or another public authority has a controlling interest, in so far as the documents in question relate to the commercial activities of the commercial partnership.

Source: Freedom of Information Act - Article 5 (1) (f)

Commercial Affairs

A document is exempt if its disclosure would disclose information (other than trade secrets or commercial value information) concerning a person in respect of his business or professional affairs or concerning the business, commercial or financial affairs of an organization or undertaking, being information the disclosure of which:

- would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs;
- could reasonably be expected to prejudice the future supply of information to the Government or to another public authority for the purpose of the administration of a law or the administration of matters administered by the authority.

Source: Freedom of Information Act - Article 32 (1) (c)

This exemption shall not apply to a request for access to a document by reason only that the document contains information

about:

- (a) the applicant's own business or professional affairs;
 - (b) the business, commercial or financial affairs of an undertaking where the applicant is the proprietor of the undertaking or is acting on behalf of the proprietor;
- or

(c) the business, commercial or financial affairs of an organisation where the applicant is acting on its behalf.

Source: Freedom of Information Act - Article 32 (2)

This exemption shall not apply to information solely concerning a person's status as a member of a profession.

Source: Freedom of Information Act - Article 32 (3)

Commercial Value (Information containing)

A document is exempt if its disclosure would disclose any other information having a commercial value that would, or could reasonably be expected to be, destroyed, or diminished if the information were disclosed.

Source: Freedom of Information Act - Article 32 (1) (b)

This exemption shall not apply to a request for access to a document by reason only that the document contains information

about:

(a) the applicant's own business or professional affairs;

(b) the business, commercial or financial affairs of an undertaking where the applicant is the proprietor of the undertaking or is acting on behalf of the proprietor;

or

(c) the business, commercial or financial affairs of an organisation where the applicant is acting on its behalf.

Source: Freedom of Information Act - Article 32 (2)

Confidence (Breach of)

A document is exempt if its disclosure would found an action by a person (other than a public authority) for breach of confidence.

Source: Freedom of Information Act - Article 31 (2)

This shall not apply to internal working documents prepared by a member, officer or employee of the Government or any other Public Authority in the course of his duties unless the disclosure would constitute a breach of confidence owed to a person or body other than a member, officer or employee of the Government or any other public authority as aforesaid.

Source: Freedom of Information Act - Article 31 (3)

Confidential Information

A document is an exempt document if its disclosure would divulge any information or matter communicated by or on behalf of a foreign government, an authority of a foreign government or an international organization to the Government of Malta or to another Public Authority or by the Government of Malta or another Public Authority to a foreign Government, an authority thereof, or an international organization.

Source: Freedom of Information Act - Article 29 (1) (b)

Confidential Source of Information

A document is exempt if its disclosure would, or could reasonably be expected to, disclose, or enable a person to ascertain, the existence or identity of a confidential source of information, or the non-existence of a confidential source of information, in relation to the enforcement or administration of the law.

Source: Freedom of Information Act - Article 30 (1) (b)

A person shall be taken to be a confidential source of information in relation to the enforcement or administration of the law if the person is receiving, or has received, protection by the Police or other public authorities as:

- A witness;
- A person who, because of his relationship to or association with a witness, needs or may need such protection; or
- Any other person who, for any reason, needs or may need such protection

Source: Freedom of Information Act - Article 30 (3)

Contempt of Court

A document is an exempt document if public disclosure of the document would, apart from this Act and any immunity of the Government, be in contempt of court

Source: Freedom of Information Act - Article 33 (a)

Court Cases

A document is exempt if its disclosure would, or could reasonable be expected to prejudice the fair trial of a person or the impartial adjudication of a particular case by any court, tribunal, disciplinary board, arbitration panel or similar body, or prejudice an inquiry conducted under the Inquiries Act.

Source: Freedom of Information Act - Article 30 (2) (a)

Defence of Malta

A document is exempt if its disclosure would, or could reasonably be expected to, cause damage to the security, the defence, or the international relations of Malta.

Source: Freedom of Information Act - Article 29 (1) (a)

Disciplinary Board Cases

A document is exempt if its disclosure would, or could reasonable be expected to prejudice the fair trial of a person or the impartial adjudication of a particular case by any court, tribunal, disciplinary board, arbitration panel or similar body, or prejudice an inquiry conducted under the Inquiries Act.

Source: Freedom of Information Act - Article 30 (2) (a)

Diversion of resources of the public authority from its other operations (Documents creating)

An FOI request may be refused if the resources required to

- a) identify, locate or collate a document / documents;
- b) examine a document or consult any person or body in relation to its possible disclosure;
- c) 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 the applicant, with advice from the public authority, to redefine his request in such a manner as to make it more easily addressed by the authority.

Source: Freedom of Information Act - Article 14 (f)

Public Authorities may consider a request to entail a substantial and unreasonable diversion from other operations if its total cost to the Public Authority reaches or exceeds €100 calculated with reference to the following rates:

- i) €5.00 per man-hour of processing;
- ii) The rates applicable to additional fees in Schedules 2 and 3 of the 'Fees charged by Public Authorities for access to Documents Regulations, 2010'.

Source: Code of Practice - Article 13.2

Electoral Commission (documents held by)

This Act shall not apply to documents held by the Electoral Commission.

Source: Freedom of Information Act - Article 5 (4) (a)

Employment Commission (documents held by)

This Act shall not apply to documents held by the Employment Commission

Source: Freedom of Information Act - Article 5 (4) (b)

Endanger life or physical safety

A document is exempt if its disclosure would, or could reasonably be expected to, endanger the life or physical safety of any person.

Source: Freedom of Information Act - Article 30 (1) (c)

Environment Documents

The FOI Act shall not apply to documents that are subject to the Freedom of Access to Information on the Environment Regulations or to any other regulations made under the Environment Protection Act and providing for freedom of access to information.

Source: Freedom of Information Act - Article 5 (1) (b)

Examinations (conduct of)

A document is an exempt document if its disclosure would, or could reasonably be expected to prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by a public authority.

Source: Freedom of Information Act - Article 38 (a)

Examinations (objects of)

A document is an exempt document if its disclosure would, or could reasonably be expected to prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by a public authority.

Source: Freedom of Information Act - Article 38 (b)

Financial Affairs

A document is exempt if its disclosure would disclose information (other than trade secrets or commercial value information) concerning a person in respect of his business or professional affairs or concerning the business, commercial or financial affairs of an organization or undertaking, being information the disclosure of which:

- would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs;
- could reasonably be expected to prejudice the future supply of information to the Government or to another public authority for the purpose of the administration of a law or the administration of matters administered by the authority.

Source: Freedom of Information Act - Article 32 (1) (c)

This exemption shall not apply to a request for access to a document by reason only that the document contains information

about:

(a) the applicant's own business or professional affairs;

(b) the business, commercial or financial affairs of an undertaking where the applicant is the proprietor of the undertaking or is acting on behalf of the proprietor;

or

(c) the business, commercial or financial affairs of an organisation where the applicant is acting on its behalf.

Source: Freedom of Information Act - Article 32 (2)

This exemption shall not apply to information solely concerning a person's status as a member of a profession.

Source: Freedom of Information Act - Article 32 (3)

Financial interests

A document is an exempt document if its disclosure would have a substantial adverse effect on the financial property interests of the Government or of another public authority.

Source: Freedom of Information Act - Article 37

Frivolous requests

If the request is deemed to be frivolous or vexatious, or the information requested is trivial, such request may be refused.

Source: Freedom of Information Act - Article 14 (h)

Inexistent documents

If the document requested is not held by the public authority and the person dealing with the request has no grounds for believing that the document is held by, or connected more closely with the functions of, another public authority, such request may be refused.

Source: Freedom of Information Act - Article 14 (g)

Inquiries Act Orders/Direction

A document is an exempt document if public disclosure of the document would be contrary to an order made or direction given by any Board to which the Inquiries Act applies, or by any Tribunal or other person having power to take evidence on oath.

Source: Freedom of Information Act - Article 33 (b)

Inquiries under the Inquiries Act

A document is exempt if its disclosure would, or could reasonably be expected to prejudice the fair trial of a person or the impartial adjudication of a particular case by any court, tribunal, disciplinary board, arbitration panel or similar body, or prejudice an inquiry conducted under the Inquiries Act.

Source: Freedom of Information Act - Article 30 (2) (a)

Internal Working Documents

A document is an exempt document if its disclosure would disclose matter in the nature or, or relating to, opinions, advice or recommendations obtained, prepared or recorded, or consultation or deliberation has taken place, or for the purpose of, the deliberative processes involved in the functions of the Government or another public authority.

This shall not apply to a document by reason only of purely factual information contained in the document.

It shall also not apply to:

- (a) reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts (excluding senior managers in public authorities), whether employed by a public authority or not, including reports expressing the opinions of such experts on scientific or technical matters;
- (b) the record of, or a final statement of the reasons for, a final decision given in the exercise of a power or of an adjudicative function.

Source: Freedom of Information Act - Article 36

International Relations of Malta

A document is exempt if its disclosure would, or could reasonably be expected to, cause damage to the security, the defence, or the international relations of Malta.

Source: Freedom of Information Act - Article 29 (1) (a)

Laws

A document is exempt if its disclosure would prejudice the effectiveness of lawful methods or procedures for preventing, detecting, investigating or dealing with matters arising out of breaches or evasions of the law through the disclosure thereof.

Source: Freedom of Information Act - Article 30 (2) (b)

Laws (Taxation)

A document is exempt if its disclosure would, or could reasonably be expected to prejudice the conduct of an investigation of a breach, or possible breach, of the law, or a failure, or possible failure, to comply with a law relating to taxation or prejudice the enforcement or proper administration of the law in a particular instance

Source: Freedom of Information Act - Article 30 (1) (a)

Legal Professional Privilege

A document is exempt if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege

Source: Freedom of Information Act - Article 31 (1)

Local Councils Documents

The FOI Act shall not apply to documents that are held by a Local Council and are accordingly subject to Article 45 of the Local Councils Act.

Source: Freedom of Information Act - Article 5 (1) (a)

National Archives Documents

The FOI Act shall not apply to documents that have been transferred to the National Archives in accordance with the National Archives Act.

Source: Freedom of Information Act - Article 5 (1) (c)

National Audit Office (documents held by)

This Act shall not apply to documents held by the National Audit Office

Source: Freedom of Information Act - Article 5 (4) (e)

Negotiations

A document is an exempt document if its disclosure would, or could reasonably be expected to have a substantial adverse effect on the conduct of negotiations (including commercial and industrial negotiations) by or on behalf of the Government or another Public Authority.

Source: Freedom of Information Act - Article 38 (d)

Negotiations (Commercial)

A document is an exempt document if its disclosure would, or could reasonably be expected to have a substantial adverse effect on the conduct of negotiations (including commercial and industrial negotiations) by or on behalf of the Government or another Public Authority.

Source: Freedom of Information Act - Article 38 (d)

Negotiations (Industrial)

A document is an exempt document if its disclosure would, or could reasonably be expected to have a substantial adverse effect on the conduct of negotiations (including commercial and industrial negotiations) by or on behalf of the Government or another Public Authority.

Source: Freedom of Information Act - Article 38 (d)

Non-committal

Where a request relates to a document to which the provisions of Part V apply, or would apply if such a document existed and the existence or non-existence of the document would, in its own right, if it were stated in a document, be subject to non-disclosure in terms of any of the said provisions, a notice may be given that neither the existence nor the non-existence of such document is being confirmed.

Source: Freedom of Information Act - Article 34

Office of the Attorney General (documents held by)

This Act shall not apply to documents held by the Office of the Attorney General

Source: Freedom of Information Act - Article 5 (4) (d)

Ombudsman (documents held by)

This Act shall not apply to documents held by the Ombudsman

Source: Freedom of Information Act - Article 5 (4) (h)

Operations of Public Authorities

A document is an exempt document if its disclosure would, or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of a public authority

Source: Freedom of Information Act - Article 38 (c)

Opinions

A document is an exempt document if its disclosure would disclose matter in the nature or, or relating to, opinions, advice or recommendations obtained, prepared or recorded, or consultation or deliberation has taken place, or for the purpose of, the deliberative processes involved in the functions of the Government or another public authority.

This shall not apply to a document by reason only of purely factual information contained in the document.

It shall also not apply to:

- (a) reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts (excluding senior managers in public authorities), whether employed by a public authority or not, including reports expressing the opinions of such experts on scientific or technical matters;
- (b) the record of, or a final statement of the reasons for, a final decision given in the exercise of a power or of an adjudicative function.

Source: Freedom of Information Act - Article 36

Parliament (Privileges of)

A document is an exempt document if public disclosure of the document would infringe the privileges of Parliament.

Source: Freedom of Information Act - Article 33 (c)

Personal Data

The FOI Act shall not apply to documents in so far as such documents contain personal data subject to the Data Protection Act.

Source: Freedom of Information Act - Article 5 (3) (a)

Professional Affairs

A document is exempt if its disclosure would disclose information (other than trade secrets or commercial value information) concerning a person in respect of his business or professional affairs or concerning the business, commercial or financial affairs of an organization or undertaking, being information the disclosure of which:

- would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs;
- could reasonably be expected to prejudice the future supply of information to the Government or to another public authority for the purpose of the administration of a law or the administration of matters administered by the authority.

Source: Freedom of Information Act - Article 32 (1) (c)

This exemption shall not apply to a request for access to a document by reason only that the document contains information

about:

- (a) the applicant's own business or professional affairs;
 - (b) the business, commercial or financial affairs of an undertaking where the applicant is the proprietor of the undertaking or is acting on behalf of the proprietor;
- or
- (c) the business, commercial or financial affairs of an organisation where the applicant is acting on its behalf.

Source: Freedom of Information Act - Article 32 (2)

This exemption shall not apply to information solely concerning a person's status as a member of a profession.

Source: Freedom of Information Act - Article 32 (3)

Prohibited Disclosure

This Act shall not apply to documents in so far as such documents contain information the disclosure of which is prohibited by any other law.

Source: Freedom of Information Act - Article 5 (3) (b)

Property interests

A document is an exempt document if its disclosure would have a substantial adverse effect on the financial property interests of the Government or of another public authority.

Source: Freedom of Information Act - Article 37

Protection of Public Safety

A document is exempt if its disclosure would prejudice the maintenance or enforcement of lawful methods for the protection of public safety

Source: Freedom of Information Act - Article 30 (2) (c)

Public Interest

A document is an exempt document if its disclosure under this Act would be contrary to the public interest by reason that it:

- (a) would, or could reasonably be expected to, have a substantial adverse effect on the ability of the Government to manage the Maltese economy; or
- (b) could reasonably be expected to result in an undue disturbance of the ordinary course of business in the community, or an undue benefit or detriment to any person or community, or an undue benefit or detriment to any person or class of persons, by reason of giving premature knowledge of or concerning proposed or possible action or inaction of the Government or Parliament.

Source: Freedom of Information Act - Article 32 (4)

Such type of document includes, but is not limited to, documents containing matter relating to:

- (a) currency or exchange rates;
- (b) interest rates;
- (c) taxes, including duties of customs or of excise;
- (d) the regulation or supervision of banking, insurance and other financial institutions;
- (e) the stability of the financial system;
- (f) proposals for expenditure;
- (g) foreign investment in Malta; or
- (h) borrowings by the Government or other public authorities

Source: Freedom of Information Act - Article 32 (5)

A document may be withheld in accordance with the provisions of Part VI only if it contains matter in relation to which the public interest that is served by non-disclosure outweighs the public interest in disclosure.

Source: Freedom of Information Act - Article 35

The public interest in non-disclosure encompasses the following situations:

- a) the disclosure of the document would give rise to undue alarm or concerns; or
- b) the disclosure of the document could give rise to misunderstandings or misconceptions with regard to Government Policy or intentions; or
- c) the document, if disclosed, may result in dissemination of information that is not factually accurate or out of date; or
- d) the document is a work in progress which is likely to undergo significant change before it is finalised; or
- e) the disclosure of the document would reveal internal discussions, deliberations, exchange of views, proposals, advice or recommendations on the part of officials or holders of political office concerning Government policy.

However (a) to (e) do not apply in the case of documents containing purely factual information and such documents are subject to disclosure. Also subject to disclosure are reports or studies drawn up by scientific or technical experts that involve the application of scientific or technical expertise, even if such documents contain

advice on scientific or technical matters. Scientific or technical advice can be distinguished from policy advice through the following characteristics:

- it involves the application of specialised expertise and does not take account of broader policy considerations;
- there is a reasonable expectation that a fresh study of the same issue by another similarly qualified individual would produce similar conclusions;
- it is undertaken by staff below senior management level (advice drawn up by senior managers should always be considered policy advice and hence not normally subject to disclosure).

Source: Code of Practice - Articles 14.3, 14.5 and 14.6.

Public Service Commission (documents held by)

This Act shall not apply to documents held by the Public Service Commission

Source: Freedom of Information Act Article 5 (4) (c)

Publicly available documents

An FOI request may be refused if the document requested is freely available or will be published within three months.

Source: Freedom of Information Act - Article 14 (d)

Purchasable Documents

The FOI Act shall not apply to documents that are available for purchase by the public in accordance with arrangements made by a public authority.

Source: Freedom of Information Act - Article 5 (1) (e)

Recommendations

A document is an exempt document if its disclosure would disclose matter in the nature or, or relating to, opinions, advice or recommendations obtained, prepared or recorded, or consultation or deliberation has taken place, or for the purpose of, the deliberative processes involved in the functions of the Government or another public authority.

This shall not apply to a document by reason only of purely factual information contained in the document.

It shall also not apply to:

- (a) reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts (excluding senior managers in public authorities), whether employed by a public authority or not, including reports expressing the opinions of such experts on scientific or technical matters;
- (b) the record of, or a final statement of the reasons for, a final decision given in the exercise of a power or of an adjudicative function.

Source: Freedom of Information Act - Article 36

Research (Academic)

A document is an exempt document if it contains information relating to scientific or academic research that is being, or is to be, undertaken by a member of staff of a public authority, other than research that has been or is being undertaken by a member of the academic staff of the University of Malta - vide Art 32 (6), and the disclosure of which, before the completion of the research would be likely unreasonably to expose the public authority or the member of staff to disadvantage.

Source: Freedom of Information Act - Article 32 (7)

This shall not apply to a document that, in so far as it contains information relating to research, only contains information relating to research that has been completed.

Source: Freedom of Information Act - Article 32 (8)

Research (Scientific)

A document is an exempt document if it contains information relating to scientific or academic research that is being, or is to be, undertaken by a member of staff of a public authority, other than research that has been or is being undertaken by a member of the academic staff of the University of Malta - vide Art 32 (6), and the disclosure of which, before the completion of the research would be likely unreasonably to expose the public authority or the member of staff to disadvantage.

Source: Freedom of Information Act - Article 32 (7)

This shall not apply to a document that, in so far as it contains information relating to research, only contains information relating to research that has been completed.

Source: Freedom of Information Act - Article 32 (8)

Research Information

A document is an exempt document if it is in the possession of a member of the academic staff of the University of Malta and contains information relating to research that has been or is being undertaken by such member unless the research has been commissioned by a public authority.

Source: Freedom of Information Act - Article 32 (6)

Research on Defence Matters

A document is an exempt document if it contains information relating to research on security and defence matters which has been undertaken or commissioned by, or with the involvement of, a public authority.

Source: Freedom of Information Act - Article 32 (9)

Research on Security

A document is an exempt document if it contains information relating to research on security and defence matters which has been undertaken or commissioned by, or with the involvement of, a public authority.

Source: Freedom of Information Act - Article 32 (9)

Security of Malta

A document is exempt if its disclosure would, or could reasonably be expected to, cause damage to the security, the defence, or the international relations of Malta.

Source: Freedom of Information Act - Article 29 (1) (a)

Security Service (documents held by)

This Act shall not apply to documents held by the Security Service

Source: Freedom of Information Act - Article 5 (4) (f)

Tests (conduct of)

A document is an exempt document if its disclosure would, or could reasonably be expected to prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by a public authority.

Source: Freedom of Information Act - Article 38 (a)

In considering whether the public interest in non-disclosure outweighs that in disclosure it shall be assessed whether the scenarios referred to in relation to Article 36 of the FOI Act apply, or whether any third party would stand to unduly benefit from the disclosure of the document, or whether the disclosure of the document would hinder the effective enforcement of any applicable legislation by the Public Authority concerned.

Source: Code of Practice - Article 14.9

Tests (objects of)

A document is an exempt document if its disclosure would, or could reasonably be expected to prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by a public authority.

Source: Freedom of Information Act - Article 38 (b)

Trade Secrets

A document is exempt if its disclosure would disclose Trade secrets.

Source: Freedom of Information Act - Article 32 (1) (a)

This exemption shall not apply to a request for access to a document by reason only that the document contains information

about:

(a) the applicant's own business or professional affairs;

(b) the business, commercial or financial affairs of an undertaking where the applicant is the proprietor of the undertaking or is acting on behalf of the proprietor;

or

(c) the business, commercial or financial affairs of an organisation where the applicant is acting on its behalf.

Source: Freedom of Information Act - Article 32 (2)

Trials

A document is exempt if its disclosure would, or could reasonable be expected to prejudice the fair trial of a person or the impartial adjudication of a particular case by any court, tribunal, disciplinary board, arbitration panel or similar body, or prejudice an inquiry conducted under the Inquiries Act.

Source: Freedom of Information Act - Article 30 (2) (a)

Tribunal Cases

A document is exempt if its disclosure would, or could reasonable be expected to prejudice the fair trial of a person or the impartial adjudication of a particular case by any court, tribunal, disciplinary board, arbitration panel or similar body, or prejudice an inquiry conducted under the Inquiries Act.

Source: Freedom of Information Act - Article 30 (2) (a)

Tribunal Orders/Direction

A document is an exempt document if public disclosure of the document would be contrary to an order made or direction given by any Board to which the Inquiries Act applies, or by any Tribunal or other person having power to take evidence on oath.

Source: Freedom of Information Act - Article 33 (b)

Trivial requests

If the request is deemed to be frivolous or vexatious, or the information requested is trivial, such request may be refused.

Source: Freedom of Information Act - Article 14 (h)

Untraceable documents

If the document requested cannot be found this has to be certified in writing by the head of the public authority

Source: Freedom of Information Act - Article 14 (e)

Vexatious requests

If the request is deemed to be frivolous or vexatious, or the information requested is trivial, such request may be refused.

Source: Freedom of Information Act - Article 14 (h)

Determining whether a request is vexatious implies recourse to its context and history. As a first step it is to be determined whether a request is likely to cause unjustified distress, disruption or irritation to staff (e.g. use of hostile or abusive language, unreasonable fixation on an individual member of staff, mingling of accusations and complaints, repeated vaguely worded requests that are not clarified by the applicant). Secondly it would

have to be considered whether the request appears obsessive, and/or whether complying with the request would impose a significant burden on the Public Authority, disrupting its operations (including the handling of other requests in terms of the Act). In this regard, a Public Authority may refuse to comply with repeated requests by the same person for the same information, particularly when such requests are made within short periods when the information in question could not have changed in any substantial manner.

Source: Code of Practice - Articles 11.2, 11.3 and 11.4.