

Project Information

Project: FOI Youth Project

Partners: The Daphne Caruana Galizia Foundation and Access Info Europe (AIE)

Description:

The Daphne Caruana Galizia Foundation and AIE untangled the concept of the right to access information in the context of filing FOI requests. At the end of the project, the participants had the opportunity to meet with decision makers Malta and Spain to present a list of recommendations for the FOI Act in the respective countries. They developed these lists based on their own experiences filing FOI requests during this project.

Recommendations to policymakers:

1. Public officials should be trained to deal with FOI requests.
 - a. Public administrators that respond to FOI requests should be given mandatory, official training administered by the Commission of Information and Data Protection on how to respond to requests, how to locate information, and the timeframes within which they must reply to requests and complaints.
2. The authorities should ensure that citizens are aware of the FOI request procedure.
 - a. Government-funded campaigns on the FOI procedure would help citizens better understand how they can file requests and why/when they should do so.
 - b. Information on the FOI request procedure for citizens could be part of the curriculum for systems of knowledge.
3. The Maltese FOI request method could be streamlined to be easier and more user friendly.
 - a. We recommend that the format used for making [FOI requests on the EU level](#) should be adapted to the Maltese system.
 - i. The [centralised platform for FOI requests](#) should include a page which produces a copy of the citizen's request and also tracks the request once the applicant [logs in](#) using their E-ID. The platform in its current form makes it difficult for those requesting to have all of this information in one location.
 - ii. The centralised system should also include a browse function for the person applying to review requests made in the past and the status on each.
 - b. There should also be an embedded online system of tracking the progress of the request. It should include the time since the request was made, and the time left to answer.



- c. Additionally, information regarding the process should be more user-friendly (e.g., an infographic/video explaining the process as opposed to the wall of text).
 - d. FOI Officers who handle requests for documents should liaise with the Office of the Information and Data Protection Commissioner so that requests are processed in a uniform manner.
4. The need to include a Maltese address on the Maltese request emails should be scrapped - if you are a Maltese person who does not reside in Malta (foreign address) you should still have the right to request information.
5. The need to reduce the response time of public authorities.
 - a. If public authorities do not have the information, they should immediately inform the applicant rather than make the applicant wait the full term. This time could be crucial as other requests could be submitted, for example.
 - b. A penalty regime should be in place for public authorities who ignore requests or withhold information without a valid reason for doing so; this should vary from fines to legal sanctions, taking into consideration the requested information.
6. The internal complaints procedure should be scrapped altogether, since the person/body responding to the complaint is usually the same (or a similar) person/body who dealt with the original request.
7. Members of the [Open Government Partnership \(OGP\)](#) are required to have adequate laws on the right to information. Although a member of OGP, [Malta has not met its most recent OGP action plan](#) which put [Malta's membership under review](#).
 - a. Policymakers could let the participants know under whose mandate the OGP is and what is being done on that front.
8. Many FOI requests are for information on lobbying, direct orders, and public contract recipients as well as individuals with state payrolls (such as consultants). Therefore, a public register for direct orders, lobbyists, and public contract recipients and contracts with state payroll should be created.
 - a. A similar system is currently being used by the European Commission for lobbyists.
 - b. For direct orders, the government should publish the information on a regular basis.
 - c. Additionally, the Government should have a more open database on contracts, especially between public and private entities, and individuals, that makes clear how much the Government is paying for said contract and from where revenue used to pay is coming.