



# Freedom of Information Policy and Procedures

Version 1.0

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<b>Policy Approver</b>	Joanne Grima	<b>Effective Date</b>	23/05/2022		

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## **1 Introduction**

- 1.1 The [Freedom of Information Act](#) (Cap. 496) gives the public a right of access to information held by public authorities.
- 1.2 The Institute for Education (IfE) as a public authority as defined by the [Act](#), recognises its responsibility and is committed to promoting a culture of openness and transparency with all the information it holds to meet the requirements of the FOIA.
- 1.3 Not all information held by the IfE can be released. The IfE may decide not to release information for a number of reasons, such as data protection, confidentiality and health and safety.

## **2 Purpose and Scope**

- 2.1 The IfE's Freedom of Information (FOI) Policy has been produced to ensure compliance with the provisions of the FOIA.
- 2.2 This policy applies to all members of staff, persons on a contract for service and visitors.

## **3 Submitting a Request**

- 3.1 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 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.
- 3.2 FOI requests have to be submitted in the online form which can be accessed from [here](#).

## **4 Information to be provided**

- 4.1 When submitting an FOI Request, applicants will be required, apart from providing contact details, 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. Copies of the ID card or passport and/or additional documentation, as deemed necessary may be requested by the IfE, in the case of requests relating specifically to the individual, individual's assets/interests/right of access.

- 4.2 In the case of information requested in relation to a decision or recommendation made by the IfE in respect of the applicant, the request must be made within 6 months from the relevant decision or recommendation. If there is a lapse of time from the date when the relevant decision / recommendation is taken and the date when the person learns about the decision / recommendation then the 6 months will apply as from the date when the person learns about the decision / recommendation.

## **5 Types of Requests**

- 5.1 In essence, one may ask for any article that is held by the IfE 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 IfE in their personal capacity).
- 5.2 In the case of documents that are a recording of sounds and visual images, the IfE 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.
- 5.3 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.

## **6 Checks to be carried out**

- 6.1 On receipt of the application form, the IfE 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, the IfE will contact applicants 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.

- 6.2 The IfE will also verify whether the requested document / information is held at its end. If this is not the case the IfE 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.

## **7 Processing of Request**

- 7.1 Once it establishes that a request is an FOI request and can be addressed from its end, the IfE 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.
- 7.2 Prior to taking a decision in this regard, the IfE shall consider whether any of the exemptions listed in the FOI Act apply. The IfE will submit notification of whether the request will be accepted or not within 20 working days from its receipt. An additional 20 working days extension can be further applied, bringing up the total to a maximum of 40 working days from the date of the receipt of the original request.

## **8 Payment of Fees**

- 8.1 When submitting a response to the applicant, the IfE 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 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.
- 8.2 The application of fees is regulated by [L.N. 158 of 2010](#).

## **9 Remedial Action**

- 9.1 If the applicant is not satisfied with the response provided by the IfE vis-à-vis its request, the applicant is entitled to submit an appeal as per the [Appeals Policy and Procedures](#)

within 30 working days from receiving the response. If, subsequently, the applicant remains unsatisfied with the response received, they may lodge an appeal with the Information and Data Protection Commissioner (IDPC). If the applicant remains dissatisfied with the outcome of the appeal they 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 IfE has applied an extension to the 20-working day deadline;
- The IfE 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 (for e.g. request not deemed to be an FOI request);
- The IfE does not respect the 20 working day deadline (or the deadline indicated in the notification of extension, if applicable) for submitting a response.

Applicants may submit a complaint through the IDPC's website by clicking [here](#).

## **10 Receiving documentation / information**

10.1 Whenever the IfE 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 IfE 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 IfE.

10.2 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.

## **11 The FOI Officer**

11.1 Information provided according to Article 17 of the Freedom of Information Act may be viewed by contacting the FOI Officer of the IfE via the following details:

Freedom of Information Officer  
Institute for Education  
Martin Luther King Road,  
Pembroke, PBK 1990  
Tel: 2598 2003  
E-mail: [ife.foi@ilearn.edu.mt](mailto:ife.foi@ilearn.edu.mt)

## 12 Relevant Documents

- [Appeals Policy and Procedures](#)
- [Data Protection Policy](#)
- Fees charged by public authorities for access to documents ([L.N. 158 of 2010](#))
- [Freedom of Information Act](#)

## 13 Version history

Originator	Version	Date	Changes Done
QA Department	1.0	23/05/2022	Initial Release of document