

FREEDOM OF INFORMATION REQUEST

1. On the 26th March 2025, Mr Ivan Camilleri (the **“applicant”**) made a freedom of information request pursuant to the requirements set forth in article 6(1) of the Freedom of Information Act (the **“Act”**), Chapter 496 of the Laws of Malta, requesting the Ministry for Education, Sport, Youth, Research and Innovation (MEYR) (the **“Public Authority”**) to provide the following information in electronic format:

“ALL contracts related to advisors/consultants engaged with AIMS in 2023/2024 and 2025 until the date of reply to this request”.

2. On the 5th May 2025, the applicant submitted a complaint through the internal complaints procedure and stated that *“we have not received a reply according to law. Please treat this as a formal complaint according to the FOI law”*.

ISSUANCE OF AN ENFORCEMENT NOTICE

3. On the 16th June 2025, the applicant submitted his initial application to the Information and Data Protection Commissioner (the **“Commissioner”**) to investigate the case¹. Within this context, the Commissioner noted that the Public Authority has failed to provide him with a reply within twenty (20) working days after the day on which the request was received pursuant to the requirement set forth in article 10 of the Act. Therefore, pursuant to article 25(1) of the Act, the Commissioner issued an enforcement notice dated the 4th July 2025 and requested the Public Authority to inform the applicant with the decision taken with respect to his freedom of

¹ registered internally with file number CDP/FOI/27/2025.

information request, and in the event that the Public Authority decides that the request is not to be granted, the Public Authority shall clearly explain the reason(s) thereof, more specifically, by citing the appropriate provision(s) of the Act. A copy of the enforcement notice is being marked and annexed as **IDPC DN 1**.

4. On the 22nd July 2025, the Public Authority complied with the enforcement notice and informed the applicant that his request was being accepted in part and noted that:

“It-talba tal-applikant hija wiesgha u ta’ natura ggnerika. Ghaldaqstant l-applikant qed ikun mitlub biex jispecifika ghal liema kuntratt ta’ individwu jrid li jkollu access ghalih”.

A copy of the Public Authority’s reply is being marked and annexed as **IDPC DN 2**.

FREEDOM OF INFORMATION APPLICATION

5. On the 29th July 2025, the applicant was not satisfied with the reply and applied for a decision notice pursuant to article 23(1)(a) of the Act, requesting the Commissioner to decide whether the Public Authority had handled the freedom of information request of the applicant pursuant to the requirements of the Act.
6. After having considered that the applicant is an eligible person in terms of article 2 of the Act and the nature and background of the freedom of information application, together with the procedural steps involved between the applicant and the Public Authority in the request for documents, the Commissioner deemed the freedom of information application made by the applicant as admissible for the purpose of article 23(2) of the Act.

INVESTIGATION

The Issuance of the Information Notice

7. As part of the investigation procedure, by means of an information notice dated the 12th September 2025, issued in terms of article 24(1)(a) of the Act, the Commissioner requested the Public Authority to furnish information in relation to the application made by the applicant. In particular, the Commissioner requested the Public Authority:
 - a. to provide any information which it deems relevant and necessary to support its decision and rebut the arguments made by the applicant;

- b. to provide the legal basis of the decision taken by the Public Authority to refuse the applicant's request for information; and
- c. to specify the number of contracts held by the Public Authority that are being requested by the applicant.

Submissions of the Public Authority

- 8. In response to the information notice, the Public Authority submitted the following salient arguments for the Commissioner to consider during the legal analysis of the case:
 - a. that the applicant's request for the provision of documents lacked sufficient specificity, particularly in view of the number of contracts awarded by the Authority for Maltese Sport ("AIMS");
 - b. that, in line with article 14(f)(iii) of the Act, the Public Authority requested the applicant to further specify his request in order to enable the Authority to identify and provide the relevant documents. However, the Public Authority noted that the applicant declined to do so and maintained that his request was already clear;
 - c. that, upon examining the list of contracts, which is extensive even considering that the request covered a period of three (3) years, it remains difficult to determine which specific contracts the applicant was referring to; and
 - d. that the law expressly states that such clarification is intended "*to make it more easily addressed by the authority*", however, it appears that the applicant was unwilling to provide the necessary clarification. On the contrary, it seems that the intention was only to make it more difficult, which is clearly not in the spirit of the law.

Submissions of the Applicant

- 9. Pursuant to the internal investigative procedure of this Office, the Commissioner provided the applicant with a copy of the submissions presented by the Public Authority, in order to enable the applicant to rebut the arguments raised by the Public Authority. By means of an email dated the 24th November 2025, the applicant noted that:

"We really don't think that there are hundreds of these contracts. At least we hope not!! Since these consultants/advisors are normally engaged without any

transparency or call, it is very rich of the authority to ask US to provide it with the information in its possession!!”.

Submissions of the Public Authority & Sworn Declaration

10. By means of a letter dated 10th December 2025, the Public Authority noted that:

“This is to confirm that the Ministry for Education, Sport, Youth, Research and Innovation is not in possession of any such documents. However, these documents may be provided by AIMS”.

11. In this regard, the Public Authority submitted to the Commissioner a sworn declaration, wherein the Permanent Secretary of the Public Authority declared that:

“Jien, Matthew Vella, detentur tal-Karta tal-Identita [REDACTED], fil-kariga uffiċjali tiegħi ta’ Segretarju Permanenti fi ħdan il-Ministeru għall-Edukazzjoni, l-Isport, iż-Żgħażaġħ, ir-Riċerka u l-Innovazzjoni, nahlef u niddikjara li l-Ministeru mhux fil-pussess ta’ dokumenti dwar kuntratti li ngħataw mill-Awtorità AIMS għas-snin 2023/2024 and 2025 u dan hekk kif mitlub fit-talba numru CDP/FOI/35/2025. Din it-talba għandha tkun referuta lill-entità involuta li hija l-AIMS ”.

A copy of the sworn declaration is being marked and annexed as **IDPC DN 3**.

LEGAL ANALYSIS AND DECISION

The Obligation to Transfer the Request under Article 8 of the Act

14. The Commissioner examined the freedom of information request submitted by the applicant to the Public Authority on the 26th March 2025. The request, made pursuant to article 6(1) of the Act, sought access to the following documentation in electronic format:

“ALL contracts related to advisors/consultants engaged with AIMS in 2023/2024 and 2025 until the date of reply to this request”.

15. As a preliminary step of the investigation, the Commissioner sought to establish, to the extent appropriate, whether the Public Authority has complied with the requirements of the Act. In this regard, the Commissioner examined the reply provided by the Public Authority on the 22nd July 2025, wherein the applicant was informed that his freedom of information request was being accepted in part and noted that: “[i]t-talba tal-applikant hija wiesgħa u ta’ natura

ggnerika. Ghaldaqstant l-applikant qed ikun mitlub biex jispecifika ghal liema kuntratt ta' individwu jrid li jkollu access ghalih".

16. The Commissioner further noted that the Public Authority subsequently provided a sworn declaration dated the 10th December 2025, signed by Mr Matthew Vella, Permanent Secretary of the Public Authority. In the sworn declaration, the Permanent Secretary declared that the Public Authority is not in possession of any documentation relating to the request made by the application, namely the contracts awarded to advisors and consultants by AIMS for the years 2023, 2024 and 2025. The sworn declaration confirms that, while the Public Authority does not hold the requested documents, *"these documents may be provided by AIMS"*.

17. In terms of article 8 of the Act, public authorities are required to transfer among them freedom of information requests. Indeed, this article provides that:

"Where a request in accordance with article 6 is made to a public authority, and the document to which the request relates is not held by the authority but is believed by the person dealing with the request to be held by another public authority, the public authority to which the request is made shall promptly, and in any case not later than ten working days after the day on which the request is received, transfer the request to the other public authority and inform the applicant accordingly".

18. The aforementioned legal provision is complemented by section 5.1 of the Code of Practice for Public Authorities (the **"Code"**), published in accordance with article 41 of the Act, which provides guidance in relation to transfer of requests between public authorities:

"Whenever an FOI Officer receives a request relating to documents or information that may be held by another Public Authority he/she shall contact the FOI Officer of that Public Authority. Should it be confirmed that the documents or information in question is held by that Authority, the request shall be duly transferred".

19. The ten (10) working day timeframe prescribed by article 8 of the Act is intended to ensure that applicants are not subjected to unnecessary delays, and that requests reach the public authority that effectively holds the requested documentation. In the present case, the Public Authority's sworn declaration of the 10th December 2025 explicitly confirms that the Public Authority does not hold documentation relating to contracts between AIMS and advisors or consultants, while simultaneously indicating that such documents *"may be provided by AIMS"*. This clearly

demonstrates that the Public Authority was aware, possibly from when it received the request, that the requested documents were held by AIMS.

The Handling of the Freedom of Information Request

20. The Commissioner noted that Part II of the Act '*Submission and Handling of Requests for Information*' places an obligation on public authorities to handle requests for information in a transparent manner to ensure compliance with the Act. During the course of the investigation, the Commissioner identified a number of shortcomings in the manner in which the Public Authority handled the applicant's request, including:

- a. that the Public Authority failed to provide a response within the statutory timeframe of twenty (20) working days as prescribed in article 10 of the Act, necessitating the Commissioner's intervention through the issuance of an enforcement notice dated the 4th July 2025;
- b. that the Public Authority was aware, as confirmed by the sworn declaration taken by the Permanent Secretary, that the requested documentation was not held by the Public Authority and therefore, in line with its obligation under article 8 of the Act, it was incumbent upon the Public Authority to transfer the request to the other public authority, namely AIMS, in order to facilitate the applicant's access to the requested information; and
- c. that, notwithstanding its knowledge that the requested documentation was not held within the Public Authority, it proceeded to request the applicant to further specify his freedom of information request, whilst remaining cognisant of the fact that the Public Authority did not possess the requested documentation and could not, in any circumstances, fulfil the applicant's request irrespective of any further clarification provided by the applicant.

On the basis of the foregoing considerations, in terms of article 23(3)(b) of the Act, the Commissioner hereby decides that, on the basis of the facts established during the investigation, particularly after taking into consideration the sworn declaration submitted by the Public Authority, the Commissioner concludes that the Public Authority does not hold the requested documentation.

By virtue of article 23(4)(a) of the Act, the Commissioner hereby orders that the Public Authority shall, with immediate effect, and by no later than twenty (20) working from the date of service of

this decision notice, transfer the applicant's freedom of information request to AIMS. The Public Authority shall provide confirmation to the Commissioner of the action taken immediately thereafter.

Moreover, pursuant to article 23(4)(b) of the Act, the Public Authority failed to comply with the requirements of Part II of the Act, in particular, with article 8 thereof, as it did not transfer the applicant's request to AIMS within the prescribed timeframe of ten (10) working days from the date of receipt. The Commissioner rebukes the Public Authority on the manner how the applicant's request was handled, and emphasises on the requirements incumbent of public authorities to provide applicants with clear and correct reasons when they are unable to satisfy requests for information.

Ian
DEGUARA
(Signature)

Digitally signed
by Ian DEGUARA
(Signature)
Date: 2025.12.12
15:46:47 +01'00'

Ian Deguara
Information and Data Protection Commissioner

Right of Appeal

In terms of article 26 (1) of the Data Protection Act (Cap 586 of the Laws of Malta), *“any person to whom a legally binding decision of the Commissioner is addressed, shall have the right to appeal in writing to the Tribunal within twenty days from the service of the said decision as provided in article 23”*².

An appeal to the Information and Data Protection Appeals Tribunal shall be made in writing and addressed to:

The Secretary
Information and Data Protection Appeals Tribunal
158, Merchants Street
Valletta.

² More information on the appeals procedure is available [here](#).