

CDP/FOI/3/2026

Dr Michaela Pia Camilleri

vs

Lands Authority

FREEDOM OF INFORMATION REQUEST

1. On the 31st July 2025, Dr Michaela Pia Camilleri (the “**applicant**”) lodged a freedom of information request pursuant to article 6(1) of the Freedom of Information Act (the “**Act**”), Chapter 496 of the Laws of Malta, requesting the Lands Authority (the “**Public Authority**”) to provide access to the following information in electronic format:

“I am requesting copies of all the contracts of employment related to the current and previous employment of Kurt Buhagiar (holder of ID card number [REDACTED] with the Lands Authority”.

2. On the 12th September 2025, the applicant presented a complaint via the internal complaints procedure of the Public Authority on the basis that the Public Authority did not provide a response to the freedom of information request pursuant to the requirement set forth in article 10 of the Act and did not send a notification of extension in accordance with article 11 of the Act. The Public Authority failed to reply to the internal complaint lodged by the applicant.
3. On the 7th November 2025, the applicant made a freedom of information application¹ with the Information and Data Protection Commissioner (the “**Commissioner**”) pursuant to article 23(1)(a) of the Act, contending that the Public Authority had failed to reply to her freedom of information request within the timeframe stipulated in the Act.
4. On the 4th December 2025, pursuant to article 25(1) of the Act, the Commissioner served the Public Authority with an enforcement notice on the basis that it had failed to provide a response to the applicant within twenty (20) working days after the day on which the request was

¹ The reference number of the FOI application is CDP/FOI/46/2025.

received by the Public Authority pursuant to the requirement set forth in article 10 of the Act. Accordingly, the Commissioner ordered the Public Authority to inform the applicant with the decision taken with respect to her freedom of information request, and in the event that the Public Authority decides that the request is not to be granted, the Public Authority must clearly explain the reason(s) thereof, more specifically, by citing the appropriate provision(s) of the Act.

5. On the 22nd December 2025, the Public Authority complied with the enforcement notice and provided a response to the applicant. The Public Authority refused the request of the applicant on the basis of the following grounds:
 - a. that the information being requested falls under the type of exempt document, which under the Act, the Public Authority is legally bound not to provide to third parties under article 32(1)(c)(i), given that if the Public Authority had to accede to the request of the applicant, it would have unreasonably affected Mr Buhagiar in respect of his professional affairs;
 - b. that the Public Authority referred to the decision CDP/FOI/13/2023 bearing the names '*Caroline Muscat vs Lands Authority*', wherein the Commissioner decided that "*after inspecting the employment contract, in particular the annual salary and the key responsibilities assigned to the role of a 'Senior Professional Officer – Legal', it resulted that Dr [REDACTED] does not occupy a headship position where she is responsible for making decisions or managing the Public Authority, and, thus, there is no overriding public interest which would merit the disclosure of her employment contact to the public*";
 - c. that likewise to Dr [REDACTED], Mr Buhagiar does not occupy a headship position where he is responsible for making decisions or managing the Public Authority, and thus, there is no overriding public interest which would merit the disclosure of his employment contract to the public;
 - d. that, furthermore, and without limiting the generality of the foregoing, the Public Authority would like to point out that the information being requested cannot be divulged in accordance with article 5(3)(a) of the Act in so far as the employment contract is deemed to be the personal data of the employee, and so said information cannot be relayed to third parties;
 - e. that, additionally, a document is an exempt document if its disclosure under the Act 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;

- f. that the disclosure of the requested documentation would infringe the confidentiality clause contained in the agreement entered into between the Public Authority and the employee;
- g. that the public interest in non-disclosure outweighs the public interest in disclosure as possible legal action against the Public Authority would render the said Public Authority liable to damages that are ultimately paid by public funds; and
- h. that the said contract contains highly confidential information that has been provided by the third party and other information, including the identity and revenue of the same party, and therefore, if any or part of the information is revealed, it will instantly expose the third party's identity and compromise his privacy, potentially leading to unintended consequences and the Public Authority could be required to pay financial damages as a result of this breach of confidence.

FREEDOM OF INFORMATION APPLICATION

- 6. On the 16th January 2026, the applicant lodged the second freedom of information application in terms of article 23(1)(a) of the Act and requested the Commissioner to proceed with a decision notice in relation to the reasons of refusal provided by the Public Authority following the issuance of the enforcement notice. The applicant submitted the following legal arguments for the Commissioner to consider:
 - a. that the spirit and scope of the freedom of information legislation is to establish a right to information in order to promote added transparency and accountability in public authorities, and the legislation reflects the fundamental premise that all information held by public authorities is in principle public, save for those documents that specifically fall within the exemptions provided for by law;
 - b. that balancing the specific interests of the exemptions cited by the Public Authority in terms of article 31(2) and article 32(1) of the Act requires assessing whether the prejudice that would, or would likely to, be suffered by disclosure outweighs the gains by the public accessing this information, such as transparency of the Government of Malta;
 - c. that there is a clear public interest in establishing how many employment contracts Mr Buhagiar holds or has held with the Public Authority, as well as the conditions regulating such employment and this is in view that Mr Buhagiar is currently facing criminal charges of involuntary homicide in connection with the death of Jean Paul Sofia;

- d. that under long-established public sector practice, public employees facing criminal charges are ordinarily suspended at half pay, however, according to media reports², Mr Buhagiar was reinstated on full pay;
- e. that it is in the public interest to know the conditions of his reinstatement and employment, considering that, ordinarily, people in his position are suspended on half pay;
- f. that, furthermore, Mr Buhagiar, together with his business partner, Mr Matthew Schembri, was issued a letter of intent by the Lands Authority for the construction of a timber factory in Kordin on government-owned land and the public inquiry into the death of Jean Paul Sofia concluded that both the issuance of the letter of intent and the approval of the project should never have occurred;
- g. that the factory which collapsed, resulting in Mr Sofia's death and injuries to several other individuals, was constructed without the necessary permits by Allplus Limited – a company in which Mr Buhagiar holds a 50% shareholding;
- h. that Mr Buhagiar has a prior criminal conviction and in 2011 he was sentenced to one year's imprisonment in Ragusa, Sicily, for his involvement in human trafficking;
- i. that in light of the extensive public attention surrounding this case, the ongoing criminal proceedings, Mr Buhagiar's current position within the Lands Authority as a senior administration officer, and the fact that a letter of intent was issued to him by the same Public Authority while he was in its employment for a project which was later determined to have been improperly approved, it is submitted that the public has a legitimate interest in knowing both the number and nature of employment contracts held by Mr Buhagiar with the Public Authority;
- j. that, in addition, the Public Authority has failed to demonstrate that the disclosure of Mr Buhagiar's employment contracts would unreasonably prejudice him in his professional capacity as a senior administrative officer within the Public Authority;
- k. that employment contracts with government entities are ordinarily standard in nature and are not expected to contain particularly sensitive information, especially given that the conditions and remuneration within the public sector are generally standardised;
- l. that the reason given by the Public Authority was that "*if the Authority had to accede to the applicant's request, it would have unreasonably affected Kurt Buhagiar adversely in*

² <https://www.independent.com.mt/articles/2025-07-07/local/PM-says-Buhagiar-was-never-dismissed-from-Lands-Authority-6736271480>, the link was provided by the applicant to the Commissioner.

respect of his professional affairs”, however, it is unclear how the disclosure of the employment agreements would affect Mr Buhagiar’s professional affairs in his role as ‘Senior Administrative Officer’;

- m. that the UK Information Commissioner’s Office (ICO) in decision reference number FS50067416 held that *“Information which is about the home or family life of an individual, his or her personal finances, or consists of personal references, is likely to deserve protection. By contrast, information which is about someone acting in an official or work capacity should normally be provided on request unless there is some risk to the individual concerned”*;
- n. that, furthermore, article 32 of the Act, referred to by the Public Authority, seeks to strike a balance between the public interest in disclosure and the extent to which the release of information may *“unreasonably affect that person adversely in respect of his lawful business or professional affairs”*. This particular article, as indicated in the margin of the Act, concerns documents relating to business affairs and the economy. The spirit of the law in this provision concerns persons who are involved in business and independent professional affairs outside employment within public entities, and thus, this article does not apply to his position as a ‘Senior Administrative Officer’ within the Public Authority;
- o. that, finally, with regards to *“personal data subject to the Data Protection Act”*, the Public Authority points out to article 9 of the Data Protection Act (Cap. 586 of the Laws of Malta), the applicant believes that the conditions for public interest were met, and if there are personal data that ought to be redacted, then the applicant submit herself to the Commissioner’s determination of which personal data ought to be redacted; and
- p. that the Daphne Caruana Galizia Foundation has worked closely with the family of Jean Paul Sofia in advocating for accountability and justice in relation to his death and in this context, the Foundation has a legitimate interest in obtaining access to the relevant employment documentation.

INVESTIGATION

Admissibility of the Freedom of Information Application

- 7. After having considered that the applicant is an eligible person in terms of article 2 of the Act and that the application was lodged by the applicant within the time-limit established within the Timeframes for Lodging Complaints and Requests for Investigation and Review Regulations,

Subsidiary Legislation 496.02, and that the complaints procedure provided by the Public Authority is unlikely to be concluded with a reasonable period, the Commissioner deemed the application as admissible for the purpose of article 23(2) of the Act.

Issuance of the Information Notice

8. As part of the internal investigative procedure, by means of an information notice dated the 22nd January 2026, issued in terms of article 24(1)(a) of the Act, the Commissioner requested the Public Authority to furnish information in relation to the freedom of information application made by the applicant. In particular, the Commissioner requested the Public Authority to clearly explain the specific prejudice that Mr Buhagiar would be expected to suffer in his professional affairs, including the adverse consequences likely to arise if the documents sought by the applicant were disclosed.

Submissions of the Public Authority

9. On the 11th February 2026, the Public Authority provided its submissions which largely reproduce the response provided on the 22nd December 2025. For the purpose of this part of the decision, the Commissioner will only include the information that was not included in the response:
 - a. that the Public Authority was unable to meet the request of the applicant because disclosing a copy of the requested document could compromise the confidentiality of the third party, and publicising this information could jeopardise future opportunities with other potential third parties and negatively impact the Public Authority's ability to attract new and retain existing third parties and contractors; and
 - b. that if the disclosure of the information is acceded, contractors might prefer to work with private entities over the public sector, potentially putting the Public Authority at a significant disadvantage.

Submissions of the applicant

10. Pursuant to the internal investigative procedure, the applicant was provided with a copy of the submissions of the Public Authority and provided with the opportunity to present its counterarguments. On the 4th March 2026, the applicant referred to the arguments previously submitted in her FOI application and provided the following additional submissions:

- a. regarding the fear of negatively impacting the Public Authority's ability to attract new and retain existing third parties, the applicant pointed out that despite the fact that several employment contracts of different public servants have been published in the media, this has never deterred anyone from joining the public service; and
 - b. that with regard to confidentiality clauses, the Commissioner and the courts have repeatedly held that public interest in transparency can override such clauses.
11. The applicant was provided with a copy of the submissions of the Public Authority in order to enable it to submit any final remarks. However, no response was received within the time limit stipulated in the Commissioner's correspondence dated the 5th March 2026.

LEGAL ANALYSIS AND DECISION

12. The Commissioner proceeded to assess the response of the Public Authority dated the 22nd December 2025, wherein the Public Authority refused the freedom of information request of the applicant on the basis of article 5(3)(a), article 31(2) and article 32(1)(c)(i) of the Act.

Article 5(3)(a) of the Act

13. The Public Authority cited the non-applicability of the Act on the basis of article 5(3)(a) of the Act, arguing that "*the Act shall not apply to documents in so far as such documents contain ... personal data subject to the Data Protection Act*". The Commissioner notes that the mere classification of the requested information as "*personal data*" within the meaning of article 4(1) of Regulation (EU) 2016/679³ does not automatically preclude disclosure but instead necessitates a balancing exercise in which the Public Authority must assess whether the public interest in disclosure outweighs the data subject's right to the protection of personal data.
14. In its submissions dated the 27th January 2026, the Public Authority submitted that the information contained within the employment contract constitutes personal data pertaining to Mr Buhagiar, and therefore, it falls outside the material scope of the Act. The Public Authority further submitted that Mr Buhagiar occupies the role of Senior Administration Officer and does not exercise any managerial or decision-making roles. On this basis, it argued that there is no overriding interest in the disclosure of his employment contract. In support of its position, the

³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.

Public Authority referred to a previous decision notice issued by the Commissioner in which non-disclosure of an employment was upheld on the grounds that the individual concerned did not occupy a headship position. It therefore submitted that the same reasoning should apply in the present case in relation to Mr Buhagiar.

15. The applicant strongly rebutted this position and outlined the following arguments in favour of disclosure, which are reproduced *verbatim* hereunder:

“It is hereby submitted that there is a clear public interest in establishing how many employment contracts Mr Kurt Buhagiar holds or has held with the Lands Authority, as well as the conditions regulating such employment. This is in view of the fact that Mr Buhagiar is currently facing criminal charges of involuntary homicide in connection with the death of Jean Paul Sofia. Under long-established public sector practice, public employees facing criminal charges are ordinarily suspended at half pay. However, according to media reports, Mr Buhagiar was reinstated on full pay. It is in the public interest to know the conditions of his reinstatement and employment, considering that, ordinarily, people in his position are suspended on half pay.

Furthermore, Mr Buhagiar, together with his business partner, Mr Matthew Schembri, was issued a letter of intent by the Lands Authority for the construction of a timber factory in Kordin on government-owned land. The public inquiry into the death of Jean Paul Sofia concluded that both the issuance of the letter of intent and the approval of the project should never have occurred. The factory which collapsed, resulting in Mr Sofia's death and injuries to several other individuals, was constructed without the necessary permits by Allplus Ltd – a company in which Mr Buhagiar holds a 50% shareholding. Moreover, Mr Buhagiar has a prior criminal conviction. In 2011, he was sentenced to one year's imprisonment in Ragusa, Sicily, for his involvement in human trafficking”.

16. The Commissioner observes that the Public Authority has failed to meaningfully rebut any of the applicant's arguments submitted in favour of disclosure on public interest grounds and has instead confined its reasoning to the fact that Mr Buhagiar does not occupy a headship position.

17. The Commissioner emphasises that public interest considerations are not limited to the seniority of the employee concerned. Instead, public interest may arise in a variety of contexts. For example, the Court of Appeal in *Allied Newspapers Limited vs Projects Malta Ltd*⁴ held that the disclosure of personal data was justified where it enabled public scrutiny of a tender evaluation process and allowed for the assessment of potential conflicts of interest. In such circumstances, the public interest lied in promoting sound decision-making by public authorities, ensuring transparency and accountability in procurement processes, and safeguarding fairness and justice for all parties involved.
18. The Commissioner considers that the requested information relates directly to the employment contract of an employee remunerated from public funds, who is facing serious criminal charges in relation to the involuntary homicide of Jean Paul Sofia. The applicant further submits, with reference to media reports, that Mr Buhagiar was reinstated in his position notwithstanding such charges. The Commissioner also notes the broader context in which the request arises, including the findings of both a magisterial and a public inquiry which identified regulatory shortcomings in relation to the allocation of industrial land in Kordin on government-owned land, where the factory in question was constructed by a company in which Mr Buhagiar holds shares.
19. In addition, the Commissioner takes into account that the death of Jean Paul Sofia gave rise to widespread national concerns, including public outrage and protests, and prompted calls for accountability and reform. These circumstances give rise to a legitimate and compelling public interest in ensuring transparency with regard to Mr Buhagiar's employment relationship with the Public Authority. In view of the seriousness and the significant national importance of the case in question, and the need to ensure accountability and transparency in the administration of public authorities, the Commissioner finds that the balance weighs decisively in favour of disclosure.

Article 31(2) of the Act

20. In its response to the applicant and the submissions provided during the course of the investigation, the Public Authority submitted that the disclosure of the requested document would infringe the confidentiality clause contained in the agreement entered into between the parties. Consequently, the Public Authority cited article 31(2) of the Act, which reads as

⁴ Case Reference Number 33/2019, presided by Judge Hon. Lawrence Mintoff and delivered on the 2nd September 2020. The Court of Appeal held as follows: "... m'hemmx dubju li kellu jipprevali l-interess (tal-)pubbliku li jkun jaf min kienu dawn il-membri, mhux sabiex jissolva xi 'misteru' jew sabiex issir xi 'witch hunt', imma sabiex jiġi żgurat li dawn il-membri, li kienu mhallsin minn fondi pubbliċi, operaw fl-akbar trasparenza u kontabbiltà, u li giet evitata kull possibiltà ta' konflitt ta' interess, u sabiex dawn il-membri jkunu jistgħu jinżammu kontabbli ta' ghemilhom".

follows: “A document is an exempt document if its disclosure under this Act would found an action by a person (other than a public authority) for breach of confidence”.

21. The Commissioner refers to one of the most recent judgments delivered by the Court of Appeal, wherein the Court provided its interpretation of article 31(2) of the Act. In the judgment *Rebecca Bonello Ghio vs Malta Film Commission*⁵, the Court held that:

“15. Il-Tribunal spjega wkoll li sabiex japplika l-artikolu 31(2) tal-Kap. 496 tal-Liġijiet ta' Malta, iridu jiġu osservati diversi kriterji, fosthom li l-awtorità pubblika tkun kisbet din l-informazzjoni minghand persuna oħra, li l-iżvelar jammontaw għal ksur tal-kunfidenzjalità; li l-persuna affettwata tkun tista' tibda proċeduri ġudizzjarji minhabba f'tali ksur tal-kunfidenzjalità; u li din il-persuna jkollha ċans tajjeb li tinghata raġun mill-Qorti.

...

*16. Il-Qorti tqis li fil-każ odjern għandhom japplikaw l-istess prinċipji. L-appellanta ma tistax targumenta li l-informazzjoni li qiegħda tintalab tiżvela għet miksuba minghand xi hadd b'mod kunfidenzjali, imma dan huwa każ fejn l-appellanta qiegħda tintalab tiżvela informazzjoni li tohrog minn kuntratt li hija dahlet għalih minn jeddha, fejn qablet li fih għandha tiddaħħal klawnsola ta' kunfidenzjalità. **L-artikolu 31(2) tal-Kap. 496, jispeċifika b'mod ċar li dokument huwa dokument eżentat meta jkun fih materjal li jiġi miksub b'mod kunfidenzjali, u u mhux meta l-awtorità pubblika tidhol hija stess f'kuntratt u tkopri ruħha bi klawnsola ta' kunfidenzjalità, jew meta tirredigi dokument u tikklassifikah hija stess bħala kunfidenzjali.**” [emphasis has been added].*

22. Therefore, according to the Court of Appeal, the exemption under article 31(2) of the Act is engaged only if these factors are cumulatively satisfied; (a) the public authority has received confidential information from another person; (b) the said person which is affected as a result of the disclosure of information has the ability to initiate judicial proceedings for a breach of confidentiality; and (c) the said person has a reasonable prospect of success in court.

⁵ Case Reference Number: 83/2023, delivered by the Court of Appeal and presided by Judge Lawrence Mintoff on the 31st January 2024.

23. In the present case, the information requested by the applicant relates to the employment contract of Mr Buhagiar, which contracts are subject to a call. It is therefore clear that the employment contract does not constitute information that the Public Authority has received in confidence from another person. These are contracts entered into by the Public Authority itself, reflecting terms, including remuneration, applicable to officers within Mr Buhagiar's grade. Accordingly, the Commissioner considers that the employment contract in question cannot be considered as information received in confidence within the meaning of article 31(2) of the Act. The first requirement identified by the Court of Appeal, namely that the public authority must have received information in confidence from another person, is therefore not satisfied in the present case.

Article 32(1)(c)(i) of the Act

24. The Commissioner proceeded to examine article 32(1)(c)(i) of the Act as one of the reasons cited by the Public Authority in its response. The Public Authority invoked article 32(1)(c)(i) of the Act, which provides that a document is exempt if the:

“(c) information (other than trade secrets or information to which paragraph (b) applies) concerning a person in respect of his business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, being information:

(i) 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”.

25. For this exemption to be lawfully invoked, the burden rests on the Public Authority to effectively demonstrate that the disclosure of the documents requested by the applicant would result in actual harm to Mr Buhagiar in relation to his business or professional affairs. Such harm cannot be merely speculative or hypothetical. This position was affirmed by the Court of Appeal in *Rebecca Bonello Ghio vs Malta Film Commission*⁶, wherein the Court interpreted article 32(1)(c)(i) of the Act and confirmed that it is incumbent upon the Public Authority to substantiate the specific harm that disclosure would cause to a third party in the context of his lawful business or professional affairs. The Court of Appeal ruled as follows:

⁶ Appeal No. 83/2023 LM, presided by Judge Hon. Lawrence Mintoff and delivered on the 31st January 2024.

“Il-Qorti tqis li hawnhekk għandha raġun l-appellata meta tgħid li l-informazzjoni mitluba trid tgħaddi mill-għarbiel tar-raġonevolezza darbtejn, jgħid jekk l-iżvelar tagħha hux ser jolqot ħażin jew huwiex raġonevolment mistenni li jolqot ħażin, u b' mod li mhux raġonevoli lill-persuna li dwarha tkun l-informazzjoni mitluba li tingħata. L-appellanta ma ressqet l-ebda prova ta' dan, u ma ssostanzjatx b'liema mod it-terz li hija kkontrattat biex jippresta s-servizzi tiegħu waqt il-Malta Film Awards huwa raġonevolment mistenni li jintlaqat ħażin, b' mod li mhux raġonevoli jekk il-fatturi u d-dokumenti li qegħdin jintalbu li jiġu żvelati fil-fatt jiġu żvelati. Hawn minnu li l-informazzjoni li qiegħda tintalab hija ta' natura kummerċjali, iżda b' daqshekk ma jfissirx li l-iżvelar ta' din l-informazzjoni ser taffettwa lit-terz b' mod ħażin.” [emphasis has been added].

26. The Commissioner sought to determine whether the Public Authority has managed to concretely demonstrate that the disclosure of employment contract in relation to Mr Buhagjar would give rise to any prejudice capable of justifying refusal under article 32(1)(c)(i) of the Act.
27. In its submissions dated the 27th January 2026, the Public Authority submitted that the disclosure of the employment contract *“could compromise the confidentiality of the third party, and publicising this information could jeopardise future opportunities with other potential third parties and negatively impact the Public Authority’s ability to attract new and retain existing third parties and contractors”*.
28. Accordingly, the Public Authority sought to justify its reliance on article 32(1)(c)(i) of the Act as the basis for refusing disclosure by raising the following arguments: (a) an alleged breach of confidentiality; (b) an alleged adverse impact on the future opportunities of the employee; and (c) an alleged impact on its operational capacity.
29. The applicant rebutted the Public Authority’s arguments by asserting that the employment contracts of employees employed with public authorities are generally standardised in nature and are unlikely to contain particularly sensitive information, especially given that the conditions and remuneration within the public sector are generally uniform.
30. Furthermore, in response to the Public Authority’s claim that disclosure could negatively affect its ability to attract and retain employees, the applicant argued that this concern is unfounded.

The applicant noted that employment contracts of various public officers have previously been disclosed in the media without any observable deterrent effect on recruitment or retention of employees within the public service.

31. In relation to the first argument raised by the Public Authority, namely that the disclosure could compromise the confidentiality of the third party, the Commissioner notes that this issue has already been addressed in the preceding sections of this decision notice under the heading of article 5(3)(a) and article 31(2) of the Act.
32. With regard to the second argument concerning an alleged adverse impact on the future opportunities of the employee, the Commissioner notes that the Public Authority failed to substantiate, with any degree of specificity, how disclosure of the requested document would, or could reasonably be expected to, unreasonably affect Mr Buhagiar's future professional prospects. The Public Authority did not identify any concrete risk or demonstrate a causal link between disclosure and any alleged harm.
33. In this respect, the Commissioner further notes that, as correctly submitted by the applicant, employment contracts within the context of the public authorities are generally standardised in nature. Moreover, key elements of these employment contract, such as remuneration structures and responsibilities are made publicly available in the context of vacancies.
34. Accordingly, it remains unclear how disclosure of the employment contract in question could prejudice Mr Buhagiar in relation to future employment opportunities. In practice, when seeking new employment, an individual would ordinarily disclose details relating to their current or previous role, including the name of the employer, the position held, and the tasks performed. Such information is therefore already within the sphere of professional disclosure by the individual concerned. In the absence of any explanation as to how disclosure of the employment contract could prejudice the future professional affairs of Mr Buhagiar, the alleged harm remains unsubstantiated.
35. Finally, in relation to the third argument, namely that disclosure could have adverse impact on the operational capacity of the Public Authority, the Commissioner determines that such reasoning falls outside the scope of article 32(1)(c)(i) of the Act. This exemption is specifically intended to protect the business, commercial, or financial affairs of third parties, and not those of the Public Authority itself. It follows that any alleged prejudice to the operational capacity of the Public Authority does not fall within the ambit of the exemption relied upon.

On the basis of the foregoing considerations, and in terms of article 23(3)(b) of the Act, the Commissioner is hereby serving a decision notice and deciding that the Public Authority was not justified in refusing to provide access to the information requested by the applicant by means of her freedom of information request.

In terms of article 23(4)(a) of the Act, the Public Authority is hereby being ordered to provide the applicant with "*copies of all the contracts of employment related to the current and previous employment of Kurt Buhagiar (holder of ID card number [REDACTED]) with the Lands Authority*" in electronic format within twenty (20) working days from the date of service of this decision notice.

The Public Authority shall redact any residential addresses, signatures and any other direct identifiers pertaining to natural persons prior to disclosure. The Public Authority shall notify the Commissioner of the steps taken to ensure compliance with this order.

Ian Digitally signed
 by Ian DEGUARA
DEGUARA (Signature)
(Signature) Date: 2026.04.13
 15:23:22 +02'00'

Ian Deguara
Information and Data Protection Commissioner

Right of Appeal

In terms of article 39(1) of the Act, “[w]here a decision notice has been served, the applicant or the public authority may appeal to the Tribunal against the notice within twenty working days”.

An appeal to the Information and Data Protection Appeals Tribunal shall be made in writing⁷ and addressed to ‘The Secretary, Information and Data Protection Appeals Tribunal, 158, Merchants Street, Valletta’.

⁷ Further information on the procedure of the appeal is available at <https://idpc.org.mt/appeals-tribunal/>