

CDP/FOI/4/2025

Caroline Muscat

vs

Lands Authority

## FREEDOM OF INFORMATION REQUEST

1. On the 28<sup>th</sup> September 2024, Ms Caroline Muscat (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 Lands Authority (the “**Public Authority**”) to provide the following information in electronic format:

- “1. Valuation report re Tender Advert no 8 issued on 3 Feb 23 [**Request I**]
2. Minutes of approval by LA Board re above [**Request II**]
3. All correspondence, including emails, re Advert no 8 (above) between CEO LA, Minister Silvio Schembri and Paul Attard of Gap or his representative [**Request III**]
4. Copy of the contract signed with the awardee of 1” [**Request IV**].

2. On the 29<sup>th</sup> October 2024, the Public Authority extended the time limit set out in article 10 of the Act due to ongoing discussions. the applicant submitted a complaint through the internal complaints procedure and requested the Public Authority to reconsider its decision, by stating that “[t]he documents requested are not dependent on any discussion you might have. These are ‘old’ documents which are in the public interest. Please revise your decision and provide the documents requested according to law”.

3. On the 17<sup>th</sup> January 2025, the Public Authority informed the applicant that:

“With regards to (1) Valuation report re Tender Advert no 8 issued on 3 Feb 23, (2) Minutes of approval by LA Board re above and (3) All correspondence, including emails, re Advert no 8 (above) between CEO LA, Minister Silvio Schembri and Paul Attard of Gap or his representative, these documents are considered to be

*internal documents and therefore exempt from being forwarded under Article 36(1) of the FOIA which reads “Subject to article 35 and to sub articles (2) and (3) hereof, a document is an exempt document if its disclosure under this Act would disclose matter in the nature of, or relating to, opinions, advice or recommendations obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of the Government or another public authority.”.*

*As regards to (4) the copy of contract, this is enrolled and therefore could be obtained from the Office of the Notary to Government as per Article 14(d) of the FOIA which reads “that the document requested is publicly available or will be published within three months.*

*Furthermore, following the recent court proceedings in relation to the same tract of lands the documents being requested are to be considered as exempt as per Art 30(2)(a) of the FOI Act since their disclosure under this Act 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”.*

## **FREEDOM OF INFORMATION APPLICATION**

4. On the 20<sup>th</sup> January 2025, the applicant applied for a decision notice pursuant to article 23(1)(a) of the Act, requesting the Information and Data Protection Commissioner (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.

## **INVESTIGATION**

### **Admissibility of the Freedom of Information Application**

5. 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 the nature and background of the application, the Commissioner deemed the application as admissible for the purpose of article 23(2) of the Act.

**The Issuance of the Information Notice**

6. As part of the investigation procedure, by means of an information notice dated the 4<sup>th</sup> February 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 to make submissions in relation to the decision taken to refuse access to the requested documentation on the basis of article 14(d), article 30(2)(a) and article 36 of the Act. The Commissioner also requested that a true copy of the documentations requested by the applicant be submitted, either enclosed with the Public Authority's reply or delivered by hand under confidential cover, for the purpose of investigating the freedom of information request.

**Submissions of the Public Authority**

7. In response to the information notice, the Public Authority provided the Commissioner with a copy of the documentation which are the subject of the freedom of information request. In addition, the Public Authority submitted the following salient arguments for the Commissioner to consider during the legal analysis of the case:

- a. that the information requested falls under the category of exempt documents which, under the Act, the Public Authority is legally bound not to disclose;

**Request I: 'Valuation report re Tender Advert no 8 issued on 3 Feb 23'**

- b. that the Public Authority asserts this part of the freedom of information request refers to sensitive data and that such documents are protected under article 36(1) of the Act. The requested Valuation Report squarely falls within this definition, as the architects' valuation of property is never made public in order to safeguard both the interests of the architect and the Public Authority. This applies to all valuation processes undertaken by the Public Authority, whether for tenders, renewals of emphyteusis or ground-rent redemptions;
- c. that the document is also protected under the Professional Secrecy Act (Chapter 377 of the Laws of Malta), which imposes strict confidentiality obligations on licensed professionals, including *periti* (valuers);
- d. that in addition, the valuation report contains personal data as defined under the Data Protection Act (Chapter 586 of the Laws of Malta) and in terms of article 5(3)(a) of the Act, which also restricts the sharing of such information without a lawful basis;

- e. that “the Authority is of the opinion that if it had to entertain the applicant’s request, it would encourage fishing expedition on the property prices and the way they are valued. Thereby, it would encourage the (ab)use of Cap. 496 which goes beyond the intention of the legislators and the aim behind the promulgation of this Act. That under the General Data Protection Regulation (GDPR), valuation reports contain personal and financial data, meaning they cannot be shared to third parties”;
- f. that unauthorised disclosure of these reports could result in legal penalties, sanctions and liability for damages. While limited exceptions exist, such as court orders or regulatory investigations, the general rule is that such reports remain confidential and cannot be shared with third parties without the proper legal basis or consent;

**Request II: ‘Minutes of approval by LA Board re above’**

- g. that the Public Authority reiterates that this part of the request pertains to sensitive material which is protected under article 36(1) of the Act;
- h. that the minutes of the Board of Governors are protected not only under the Act, but also under the General Data Protection Regulation (“**Regulation 2016/679**”) and Cap. 586. The minutes contain opinions, advice and recommendations from Board members on the properties under scrutiny in line with the Board’s agenda. These minutes may also reference other properties or subjects unrelated to the current case and include personal data of identifiable individuals such as applicants, emphyteutae, tenants, employees or third parties;
- i. that such records may contain names, opinions, decisions, voting records, or discussions about individuals, all of which fall under the definition of ‘personal data’ under Regulation 2016/679;
- j. that Board minutes can only be accessed and shared on a strict need-to-know basis and must not be disclosed to third parties without lawful basis, such as legitimate interest, legal obligation or consent;
- k. that unauthorised disclosure may amount to a data breach and expose the Public Authority to any legal liability. Furthermore, since board minutes may contain special categories of personal data, a higher level of protection is required under Regulation 2016/679;

- l. that while regulatory authorities or courts may request access under specific legal provisions, the Public Authority must still ensure that any disclosure complies with data minimisation and proportionality principles to avoid unnecessary exposure of personal data;

**Request III: ‘All correspondence, including emails, re Advert no 8 (above) between CEO LA, Minister Silvio Schembri and Paul Attard of Gap or his representative’**

- m. that this part of the applicant’s request refers to sensitive data and thus these documents are protected under article 36(1) of the Act;
- n. that correspondence, including emails are protected under Cap. 586 and Regulation 2016/679, as they often contain personal data such as names, contact details, opinions and other identifiable information;
- o. that under article 9 of Cap. 586 and in line with the principles of Regulation 2016/679, any processing of personal data must be lawful, fair and transparent, therefore, such correspondence cannot be accessed, shared or disclosed without a valid legal basis;
- p. that such communications may include confidential business discussions, legal advice or sensitive information and their disclosure would constitute a data breach, exposing the Public Authority and related individuals to legal liability and reputational risk;
- q. that article 6 of Regulation 2016/679 enforces strict purpose limitation and data minimisation principles, ensuring that personal data within correspondence is only processed for legitimate, specified purposes and not disclosed arbitrarily;
- r. that the Public Authority is obliged to implement technical and organisational measures such as encryption and access controls to protect the confidentiality of its communications;
- s. that professional secrecy laws under Cap. 377 further protect correspondence in a professional or corporate context. Although legal exceptions such as regulatory investigations or court orders exist, the general rule is that such documents must not be disclosed without explicit consent and, or a lawful justification;

**Request IV: ‘Copy of the contract signed with the awardee of 1 (A/4581/1997)’**

- t. that contracts are always public in their nature, thus the Public Authority made reference to article 14(d) of the Act;

- u. that article 14(d) of the Act allows the Public Authority to deny or defer access to documents that are already publicly accessible or scheduled to be published soon. This principle is applied to balance transparency with administrative efficiency and to avoid unnecessary duplication of work, ensures that documents are released in an orderly manner and prevents premature disclosure of incomplete or draft materials; and
- v. that the Public Authority acted within the remits of the law when deciding to refuse said request given the fact that the information requested is either sensitive or otherwise can be accessible through other entities.

#### Submissions of the Applicant

8. 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 22<sup>nd</sup> March 2025, the applicant submitted the following:

*“The Lands Authority is not a private company but administers public land on behalf of the public. The same applies to its directors, all political appointees and representing the interests of the public. Since the land in question is public land, dealings over it should be transparent and accountable. The public interest overrides any other consideration or excuse being quoted by the Lands Authority to keep what appertains to the public, secret”.*

#### Submissions of the Public Authority

9. The Public Authority was provided with the final opportunity to provide its submissions in relation to the arguments raised by the applicant. By means of an email dated 4<sup>th</sup> April 2025, the Public Authority reiterated the position set out in its earlier submissions.

#### Further Clarifications Sought from the Public Authority

10. In the course of investigating the case, the Commissioner requested further clarifications from the Public Authority in relation to its refusal of the documents requested by the applicant. By means of an email, the Public Authority provided the following clarifications:

*To confirm whether the contract in question is now publicly available and if so, to indicate where it has been published and provide clear instructions as to how it may be accessed*

- i. that the Public Authority confirmed that the contract in question is publicly available, being enrolled under number 15669/2023 in the acts of Notary André Farrugia, dated the 5<sup>th</sup> June 2023 and enrolled on the 20<sup>th</sup> June 2023, and that the said deed may be accessed through the Notarial Archives;

*to submit arguments in response to the public authority's reply, which stated that ongoing court proceedings concern the same tract of land and that the requested documents should be considered in light of article 30(2)(a) of the Act.*

- ii. that the proceedings in question relate to sworn application number 1629/2024, which was decided on the 7<sup>th</sup> February 2025. A search was conducted on the Court's official website to verify whether the said judgment was appealed, however, no information is currently available on the site, which neither reflects the judgment nor indicates whether an appeal has been filed;

*to confirm whether a copy of "[a]ll correspondence, including emails, re Advert no 8 (above) between CEO LA, Minister Silvio Schembri and Paul Attard of Gap or his representative" exists within the records of the Public Authority*

- iii. that "there is no correspondence, including emails, re Advert no 8, between the CEO, the Minister and GAP and their representatives, in the file".

## **LEGAL ANALYSIS AND DECISION**

### **Request I**

11. The Commissioner proceeded to assess whether the Public Authority was justified in refusing access to the valuation report requested by the applicant on the basis of article 36(1) of the Act, particularly in view of the submissions presented by the Public Authority, wherein it argued that the requested valuation report constitutes sensitive data and that architects' valuations of property are never made public in order to safeguard both the interests of the architect and those of the Public Authority. The Public Authority further submitted that such approach applies to all valuation processes undertaken by the Public Authority, whether in the context of tenders, renewals of emphyteusis or ground-rent redemptions.
12. The Public Authority cited article 36 of the Act as the reason to justify the refusal of the documentation requested by the applicant. For this purpose, the Commissioner examined article 36 of the Act, which provides that:

*“(1) Subject to article 35 and to subarticles (2) and (3) hereof, a document is an exempt document if its disclosure under this Act would disclose matter in the nature of, or relating to, opinions, advice or recommendations obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of the Government or another public authority.*

*(2) Subarticle (1) shall not apply to a document by reason only of purely factual information contained in the document.*

*(3) Subarticle (1) shall not apply to:*

*(a) reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts, whether employed by a public authority or not, including reports expressing the opinions of such experts on scientific or technical matters; or*

*(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.*

*(4) In subarticle (3) the term "scientific or technical expert" shall be construed as excluding senior managers in public authorities”.*

13. The key consideration for a Public Authority when relying on article 36(1) of the Act is whether a document qualifies as an “*internal working document*”. The exemption is designed to protect documents that contribute to the deliberative, consultative or decision-making processes of a public authority or the Government, including records of opinions, advice, recommendations or discussions prepared in the course of, or for the purpose, of such processes. In assessing the applicability of the exemption, the focus is on the substance of the document, the presence of deliberative or consultative content, and whether it was created to inform decision-making. The deliberate choice of the term “*internal working document*” by the legislator, rather than simply “*internal document*” unequivocally demonstrates that the exemption is concerned with the nature of the content, not merely its internal classification by the Public Authority.
14. Additionally, article 36(1) of the Act is a qualified exemption, which means that it is subject to article 35 of the Act and requires the Public Authority to carry out a public interest test in order to determine whether the document requested by the applicant contains matters for which the

public interest served by non-disclosure outweighs the public interest in disclosure. Article 35(2) of the Act provides as follows:

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

15. The public interest test in terms of article 35 of the Act requires the Public Authority to carefully weigh the benefits of disclosure against the reasons for withholding the information. First, the Public Authority must confirm that the requested documentation fall within the scope of any exemption listed under Part VI of the Act. The Public Authority must then determine whether the public interest in withholding the document outweighs the public interest in disclosure, or vice versa. The Commissioner advises that the reasoning and factors considered by the Public Authority must be clearly documented at the time of handling the freedom of information request in order to enable the Public Authority to demonstrate that a fair and reasoned balancing exercise has been conducted.
16. The Commissioner further notes that article 36(1) of the Act is expressly made subject to article 36(2) and article 36(3) of the Act, which establish circumstances in which the exemption relating to internal working documents shall not apply, and in particular article 36(3) provides that subarticle (1) shall not apply to *“reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts, whether employed by a public authority or not, including reports expressing the opinions of such experts on scientific or technical matters”* or to *“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”*.
17. In the present case, the document requested by the applicant is a valuation report prepared in connection with Tender Advert no. 8 issued on the 3<sup>rd</sup> February 2023, and from the submissions of the Public Authority itself, it is clear that the report concerns an architect’s valuation of property, which valuation necessarily involves the exercise of professional and technical expertise in relation to immovable property, market considerations, physical characteristics, planning or land-use considerations, and other matters falling within the competence of a technical professional.
18. The Commissioner therefore considers that the valuation report constitutes a report of a technical expert for the purposes of article 36(3)(a) of the Act. The Public Authority’s argument that disclosure would encourage *‘fishing expeditions’* on property prices and the way they are valued does not alter the legal character of the document for the purposes of article 36 of the

Act, particularly where the legislator expressly excluded reports of scientific or technical experts from the scope of article 36(1) thereof, and where the Public Authority did not explain why this particular valuation report, beyond being a valuation report prepared by an architect, would fall outside the protection afforded to technical expert reports under article 36(3)(a) of the Act.

## **Request II**

19. The Commissioner proceeded to assess whether the Public Authority was justified in refusing access to the minutes of approval by the Lands Authority Board on the basis of article 36(1) of the Act. In its submissions, the Public Authority argued that the requested documentation contains opinions, advice and recommendations from Board members concerning the properties under scrutiny and therefore constitutes material protected by the exemption relating to internal working documents.
20. For the purpose of investigating this complaint, the Commissioner examined the documentation provided by the Public Authority, consisting of the Board memos and the Board minutes. Article 36(1) of the Act provides that a document may be exempt where its disclosure “*would disclose matter in the nature of, or relating to, opinions, advice or recommendations obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of the Government or another public authority*”. The Commissioner notes that certain sections of the Board memos contain recommendations and comments prepared for the purpose of assisting the Board in reaching its decision, including recommendations relating to the grant and comments attributed to the Chief Executive Officer. Such material falls squarely within the type of deliberative content which article 36(1) of the Act seeks to protect.
21. However, the Commissioner further notes that article 36(1) of the Act is expressly subject to article 36(2) and article 36(3) of the Act. In particular, article 36(2) of the Act provides that the exemption shall not apply to a document by reason only of purely factual information contained therein. Having examined the documentation, the Commissioner establishes that substantial parts of the requested records consist of factual information.
22. Furthermore, the Public Authority failed to demonstrate why access could not be granted to those parts of the requested documentation that do not disclose opinions, advice, recommendations or deliberations. The Commissioner reiterates that the Act does not permit the blanket application of exemptions where it is possible to distinguish exempt information from information which is capable of disclosure.

**Request III**

23. During the course of the investigation, the Commissioner requested the Public Authority to confirm whether any correspondence, including emails, concerning Advert no. 8 between the Chief Executive Officer of the Lands Authority, Minister Silvio Schembri and Paul Attard of GAP or his representative existed within its records.
24. Within this context, the Public Authority informed the Commissioner that “*there is no correspondence, including emails, re Advert no 8, between the CEO, the Minister and GAP and their representatives, in the file*”.

**Request IV**

25. The Commissioner also assessed the Public Authority’s reliance on article 14(d) of the Act in relation to the applicant’s request for a copy of the contract signed with the awardee, whereby the Public Authority submitted that the contract is public in nature and that the requested deed is publicly available since it is enrolled under number 15669/2023 in the acts of Notary André Farrugia, dated the 5<sup>th</sup> June 2023 and enrolled on the 20<sup>th</sup> June 2023, and may be accessed through the Notarial Archives.
26. Article 14(d) of the Act provides that a request may be refused if “*the document requested is publicly available or will be published within three months*”. The Commissioner emphasises that article 14(d) should not be interpreted in a manner that undermines one of the principal objectives of the Act, namely to facilitate and promote access to information held by public authorities in furtherance of transparency, accountability and good administration.
27. In the present case, the Public Authority submitted that the contract may be obtained through the Notarial Archives. The Commissioner notes, however, that access through the Notarial Archives requires the applicant to undertake a separate process in order to retrieve the document and is therefore not equivalent to a situation where a document is readily available through an easily accessible public source. More importantly, during the course of the investigation, the Public Authority provided the Commissioner with a copy of the valuation report requested by the applicant, together with the annexes forming part thereof. Upon examination of the documentation submitted, the Commissioner noted that one of the annexes attached to the valuation report consists precisely of the contract requested by the applicant under Request IV.
28. In these circumstances, the Commissioner considers that it would be contrary to both the spirit and purpose of the Act for a public authority which is already in possession of the requested

document, and which has already provided a copy of that document to the Commissioner during the investigation, to refuse access on the basis that the applicant may independently seek to obtain a copy from another source. The Act is intended to facilitate access to documents held by public authorities and not to create additional procedural obstacles for applicants seeking access to information to which they may otherwise be entitled.

**Article 30(2)(a) of the Act**

29. The Public Authority cited article 30(2)(a) of the Act, which provides that a “*document is an exempt document if its disclosure under this Act would, or could reasonably be expected to: (a) prejudice the fair trial of a person or the impartial adjudication or a particular case by any court, tribunal, disciplinary board, arbitration panel or similar body, or prejudice an inquiry conducted under the Inquiries Act*”.
30. As part of the investigation of this freedom of information application, the Commissioner requested the Public Authority to clarify the basis upon which article 30(2)(a) was being invoked, particularly in view of the fact that the Public Authority had relied on the existence of court proceedings concerning the same tract of land, and requested the Public Authority to clarify whether any proceedings or inquiries were pending at the time when the freedom of information request was received, or otherwise to provide sufficient information to enable the Commissioner to assess whether the disclosure of the requested documents would, or could reasonably be expected to, prejudice the fair trial of a person or the impartial adjudication of a particular case.
31. In this regard, the Public Authority submitted that the proceedings in question relate to sworn application number 1629/2024, which was decided on the 7<sup>th</sup> February 2025, and further stated that a search had been conducted on the Court’s official website in order to verify whether the said judgment had been appealed, however no information was available on the site, which neither reflected the judgment nor indicated whether an appeal had been filed.
32. The Information and Data Protection Appeals Tribunal (the “**Tribunal**”) had interpreted article 30(2)(a) of the Act as follows: “*[i]lli l-interess protett f’din l-eżenzjoni skond l-artikolu 30(2) tal-Kap. 496 skont dan it-Tribunal mhuwiex l-interess li jista’ jwassal sabiex jagħti lil Martin Caruana [the applicant] fil-kawża ċivili li qed jagħmel raġun, iżda l-interess protett f’din l-eżenzjoni huwa jekk bl-iżvelar tal-informazzjoni mitluba l-Awtorita’ hux ser ikollha smiegh xieraq u sentenza ġusta u imparzjali*”<sup>1</sup>. In addition, the Tribunal further explained that “*f’dan*

<sup>1</sup> Information and Data Protection Appeals Tribunal (Appell Numru FOI/18/2021), ‘*Martino Caruana vs Transport Malta*’, decided on the 13<sup>th</sup> April 2023.

*il-każ l-Awtorita' ma speċifikat kif dan l-iżvelar ser lilha jippregudikalha l-kawża li hemm pendent i quddiem il-Prim Awla tal-Qorti Ċivili. Hawn mhux si tratta proċeduri kriminali fejn tali zvelar jista' jiżvela informazzjoni lid-difiża li tista' tużaha biex l-akkużat jiddefendi ruħha”* [emphasis has been added].

33. Therefore, the Tribunal provided that article 30(2)(a) of the Act could only apply if these two conditions are satisfied: (a) that the disclosure of the requested information would, or could impinge upon the impartiality and fairness of the judgment; and (b) that the Public Authority should be able to demonstrate how the disclosure of the requested information would indeed prejudice its position before the Court. This effectively means that the Public Authority should have the *onus* to show how the prejudice is expected to materialise as a result of the disclosure of the requested information.
34. After assessing the submissions provided by the Public Authority, the Commissioner established that the arguments raised by the Public Authority do not explain or demonstrate how the disclosure of the requested information could, or would have reasonably made the judge determining the case prejudiced against it and, or the other defendants.

**On the basis of the foregoing considerations, pursuant to article 23(3)(b) of the Act, the Commissioner is hereby serving a decision notice and deciding that:**

- i. the refusal of the Public Authority to provide the applicant with the valuation report relating to Tender Advert no. 8 issued on the 3<sup>rd</sup> February 2023 is not justified in terms of article 36(1) of the Act, in view of the fact that the requested document constitutes a report of a technical expert within the meaning of article 36(3)(a) of the Act and therefore falls outside the scope of the exemption relied upon by the Public Authority;**
- ii. the refusal of the Public Authority to provide the applicant with the minutes of approval by the Lands Authority Board relating to Tender Advert no. 8 issued on the 3<sup>rd</sup> February 2023 is only partly justified in terms of article 36(1) of the Act, insofar as the sections entitled “Recommendations Grant” and “CEO Comments” within the Board memos contain recommendations and comments, and therefore constitute deliberative material falling within the scope of the exemption;**
- iii. the Public Authority confirmed during the investigation that there is no correspondence, including emails, concerning Tender Advert no. 8 between the Chief Executive Officer of the Lands Authority, Minister Silvio Schembri and Paul Attard of GAP or his**

representative within its records and consequently, the Commissioner concludes that the Public Authority does not hold the requested documentation; and

- iv. the refusal of the Public Authority to provide the applicant with a copy of the contract signed with the awardee is not justified in terms of article 14(d) of the Act.

By virtue of article 23(4)(a) of the Act, the Public Authority is hereby being ordered to provide the applicant with an electronic copy of the documentation requested in Request I, Request II and Request IV.

In relation to Request I, the Public Authority shall redact any personal data contained within the valuation report and its annexes, including but not limited to identity card numbers, personal email addresses, mobile telephone numbers, warrant numbers, signatures and other personal identifiers relating to natural persons. The Commissioner acknowledges the importance of protecting personal data that identifies natural persons. However, such protection does not extend to certain personal data where there is a substantial public interest in disclosure.

In relation to Request II, the Public Authority shall provide access to the Board minutes and the related Board documentation, subject to the redaction of the sections entitled “*Recommendations Grant*” and “*CEO Comments*” contained within the Board memos, together with any signatures appearing therein.

The Public Authority shall comply with this order within twenty (20) working days from the date of service of this decision notice, and confirmation of the action taken shall be notified to the Commissioner immediately thereafter.



Dr René Børg  
Information and Data Protection Commissioner

Today, the 2<sup>nd</sup> of June 2026

**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*”.

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.