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NAB-MALTA

TECHNICAL GUIDE


ATG20 Freedom of Information Policy

Revision 1 April 2024

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FOREWORD

Accreditation is the process which gives assurance to customers that Conformity Assessment Bodies (CABs) including laboratories, inspection bodies, certification bodies, validation and verification bodies, reference materials producers and providers of proficiency testing schemes, are competent to perform specific conformity assessment activities.

The National Accreditation Board - Malta (NAB-MALTA) is the single national accreditation body appointed as per Article 4 of Regulation (EC) 765/2008 with responsibility for accreditation in accordance with the relevant normative documents. It operates a management system which complies with the requirements established in EN ISO/IEC 17011.


International trade relies on certificates and reports issued by competent bodies. Confidence in certificates and reports is achieved by accreditation. Accreditation is based upon a series of confidence building steps between accreditation bodies and CAB's, and the subsequent assurance given by NABs that the CABs continuously maintain and enhance their competence. This assurance is achieved through on-site assessments and regular accreditation activities.

The services of the NAB-MALTA are accessible to all applicants whose requests fall within the current activities offered by the NAB-MALTA. Access is not conditional upon the size of the applicant CAB or membership of any association or group.

SCOPE OF PUBLICATION

This publication has been drawn up to outline the NAB-MALTA Policy on Freedom of Information (FOI), in accordance with the FOI Act (Chapter 496).

The NAB-MALTA may periodically update this FOI Policy to ensure its relevance and validity. If the policy is revised, an updated copy of this policy shall be made publicly available as soon as it is reasonably possible.

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1. Purpose

- 1.1 This publication outlines the policy of the NAB-MALTA on the FOI requests in accordance with the FOI Act (Chapter 496).
- 1.2 This policy is applicable to the general public, including but not limited to the NAB-MALTA clients, and stakeholders.

2. Definitions


- 2.1 **Applicant:** refers to, in relation to a request for disclosure of a document in accordance with article 3 of the FOI Act, the person who made that request.¹
- 2.2 **Commissioner:** refers to the Information and Data Protection Commissioner appointed in terms of article 11 of the Data Protection Act.²
- 2.3 **Document:** refers to any article that is held by a public authority 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.¹

3. Introduction

- 3.1 The NAB-MALTA policy is based upon the FOI Act (Chapter 496), which establishes the right to the general public to information, which is held by the public authorities to promote transparency and accountability.
- 3.2 In line with Article 3, the FOI Act, shall not apply to documents containing Personal Data subject to the Data Protection Act, or information which shall not be disclosed due to prohibition by any other

¹ Chapter 496 – Freedom of Information Act (ACT XVI of 2008, as amended by Legal Notice 426 of 2012.)

² Chapter 586 – Data Protection Act (ACT XX of 2018, as amended by Act XII of 2021.)

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law. Personal data is collected and processed in accordance with the aforementioned Data Protection Legislation, and other applicable legislation regulating the NAB-MALTA.

4. Description of the NAB-MALTA's structure


- 4.1 The NAB-MALTA consists of permanent NAB-MALTA employees, and the Board comprising of twelve members.
- 4.2 The NAB-MALTA falls under the responsibility of the **Ministry for European Funds, Equality, Reforms and Social Dialogue (MEES)**.

5. Description of the NAB-MALTA's functions and responsibilities

- 5.1 The NAB-MALTA is the single nationally recognized accreditation body in Malta with the authority to grant accreditation to conformity assessment bodies. This is established by Legal Notice 306 of 2007.
- 5.2 The Government of Malta has also established that the NAB-MALTA is the national accreditation body for the purposes of Article 4.1 of Regulation (EC) 765/2008.

6. Description of the documents held by the NAB-MALTA

- 6.1 The NAB-MALTA maintains different categories of the documents which are used in its operations.
- 6.2 The NAB-MALTA lists the general categories of documents which it holds:
- Human resources
 - Financial management
 - Application forms
 - Administration
 - Published documents
 - Contractual agreements
 - Non-disclosure agreements
 - Internal Audits
 - Management Review
 - Assessment documents
 - Internal guidance documents

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- External technical documents
- Policy documents
- Regulations and other applicable requirements relating to accreditation

6.3 The NAB-MALTA lists the description of manuals and similar types of documents which contain policies, principles, rules, or guidelines in accordance with which decisions or recommendations are made, in respect of the public:

- Internal guidance documents
- External technical documents
- Policy documents
- Regulatory and other applicable requirements relating to accreditation

7. Freedom of Information Request

- 7.1 Applicants shall be considered as eligible to submit FOI request if they meet the following criteria:
- a) a resident in Malta and to have been residing in Malta for a period of at least five (5) years and;
 - b) a citizen of Malta, or a citizen of any other member state of the European Union or any other state the citizens of which have a right, in virtue of any treaty between European Union and such state, to be treated in Malta in the same manner as citizens of member states of the European Union.
- 7.2 FOI requests relating to documents or information held by NAB, may be submitted by e-mail to foi.nab@nabmalta.org.mt, or by filling an FOI request online form by accessing the link: <https://freedomofinformation.gov.mt/online-form>.
- 7.3 Applications for a FOI request shall include:
- a. Reference to Identity Card Number or residence permit;
 - b. Contact Details (telephone number and e-mail address);
 - c. The request for access of information or documentation;
 - d. The desired format to receive the information or documentation, if applicable.
- 7.4 For general information, the FOI officers of the NAB-Malta may be contacted by e-mail on foi.nab@nabmalta.org.mt or by telephone on +23952725.


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8. Payment of fee

- 8.1 The NAB-MALTA may charge a fee to an applicant requesting access to a document or information, in accordance with the FOI Act.
- 8.2 Any applicable fee may be requested to cover the costs and shall be charged in accordance with the Legal Notice for the Fees Charged by Public Authorities for Access to Documents Regulations, 2010 (LN 158/2010).
- 8.3 Payment of applicable fees shall be made by bank transfer. Payment details will be provided by the NAB-MALTA, upon submission of FOI request.

9. Internal Complaints Procedure

- 9.1 An applicant whose request for information is refused, or who is otherwise not satisfied with the information provided, its format or the extension of the deadline for the submission of the notification indicating whether a request would be met or not, may address a complaint to the NAB-MALTA.
- 9.2 The complaint should be addressed to FOI Officer, who shall bring the complaint to the attention of the Officer responsible.
- 9.3 The Officer responsible shall reply to the applicant within 10 working days from the receipt of the complaint.
- 9.4 The applicants shall also be informed that they may appeal the decision or otherwise address a complaint to the Information and Data Protection Commissioner in accordance with the Freedom of Information Act (Cap. 496 of the Laws of Malta).
- 9.5 The Officer responsible shall inform the applicants of the decision taken with respect to their complaint, and in the event of confirmation of a decision not to release the pertinent information, shall explain the reasons thereof.
- 9.6 Whenever the applicants' complaint is related to the format of the information provided or to an extension of the deadline for the submission of the notification indicating whether a request would be met or not by the NAB-MALTA, and the original decision is upheld, the applicants shall be given an explanation as to why their complaint cannot be positively addressed.

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9.7 An applicant may also make use of the Internal Complaints Procedure to report failure to meet deadlines or to send notifications. In those cases where the request for information can be met but has not been met within the deadlines specified by the Act, the officer responsible shall waive any applicable fees for the submission of information.

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