



Exemptions - Occupational Health & Safety Authority (OHSA) and the Radiation Protection Board (RPB)

Information accessible by other means

This exemption recognises that the right of access under the Freedom of Information Act is supplementary to the very many ways in which public authorities already provide information to the public.

For example, section 29 of the FOI Act will apply if the information is included on a public authority's publication scheme or if the public authority is under a statutory obligation to give out the information to members of the public on request.

Information intended for future publication

This exemption will apply if OHSA intends to publish the requested information at some future date within three months. This ensures that the FOI Act does not lead to the premature publication of information.

Investigations and proceedings conducted by OHSA or RPB

This exemption is concerned primarily with preserving the integrity of certain proceedings and investigations which OHSA has the power or duty to conduct. There are two ways in which the application of this exemption may be triggered:

- where information has at any time been held for the purpose of specified criminal and other investigations or proceedings; and/or
- where information relates to the obtaining of information from confidential sources and was obtained or recorded for a number of specified investigations or proceedings.

Law enforcement

This exemption is concerned with protecting a wide range of law enforcement interests, whether disclosure would be likely to prejudice those interests.

Some interests that are protected by section 29 of the FOI Act are drawn quite widely, but the exemption also applies where the exercise OHSA of certain specified functions would be prejudiced by disclosure. Those functions include ascertaining whether a person is responsible for improper conduct and determining the cause of an accident.

The content of any order issued by Officers, or the findings of any visit to a place of work or the outcome of any investigation carried out under the OHSA Act, shall be exempted and can only be communicated to an employer, worker, self-employed person, Workers' representative or other duty holder as the case may be, at the specific place of work where the order was issued, or the investigation was carried out, or to a Court of Law.



Court records

This section exempts information contained in certain litigation documents and court, tribunal and inquiry records except where these already fall within the public domain. It will apply regardless of the content of the information. There are separate and specific regimes for gaining access to court and tribunal records and this exemption ensures that those regimes are not superseded by the FOI Act.

Formulation of government policy

This exemption is aimed at protecting the government policy-making process and its proper use is essential to ensuring the delivery of effective government.

Health and safety

This section applies to information whose disclosure would be likely to endanger the physical or mental health or the safety of any individual.

Information provided in confidence

This exemption applies to any information, report or complaint that has been obtained from another person and whose disclosure to the public could constitute a breach of confidence.

Legal professional privilege

This exemption applies to information that would be subject to legal professional privilege if litigation were in progress. Legal professional privilege covers confidential communications between lawyers and their clients, and certain other information that is created for the purposes of litigation. This exemption ensures that the confidential relationship between lawyer and client is protected.

Specific exemptions with regard to the Radiation Protection Board:

Specific information on any sources of ionising radiation which fall under the scope of Maltese regulations in order not to compromise the security of sources.

Specific information on the deliberations of the RPB as they may well contain source security, nuclear information.

Information transmitted to international bodies under nuclear safeguards or illicit trafficking agreements as this information is classed as restricted by the EU and the International Atomic Energy Agency.