

A.L. 20 ta' l-2007

ATT DWAR L-UNJONI EWROPEA

(KAP. 460)

**Ordni ta' l-2007 dwar l-Użu mill-ġdid ta' Informazzjoni
tas-Settur Pubbliku**

BIS-SAHHA tas-setgħat mogħtija permezz ta' l-artikolu 4(2) ta' l-Att dwar l-Unjoni Ewropea (Kap. 460), il-Prim Ministru għamel l-Ordni li ġejja:-

1. (1) It-titolu ta' din l-Ordni huwa l-Ordni ta' l-2007 dwar l-Użu mill-ġdid ta' Informazzjoni tas-Settur Pubbliku. Titolu u għan.

(2) L-għan ta' din l-Ordni huwa l-implimentazzjoni tad-disposizzjonijiet tad-Direttiva 2003/98/KE tal-Parlament Ewropew u tal-Kunsill tas-17 ta' Novembru 2003 dwar l-użu mill-ġdid ta' informazzjoni tas-settur pubbliku.

2. F'din l-Ordni, kemm-il darba r-rabta tal-kliem ma teħtieġ xort'ohra: Tifsir.

"dokument" tkopri kull rappreżentazzjoni ta' atti, fatti jew informazzjoni - u kull kumpilazzjoni ta' dawk l-atti, fatti jew informazzjoni - ikun x'ikun il-mezz tiegħu (miktub fuq karta jew maħzun fi forma elettronika jew rekordjar bħala hoss, viżwali jew awdjoviżwali), miżmum minn korpi tas-settur pubbliku, imma mhux maħsub li tinkludi programmi tal-kompjuter;

"entità fis-settur pubbliku" tfisser korp:

(a) stabbilit għall-fini speċifiku li jħares il-htigiet fl-interess ġenerali, li ma jkollux karattru industrijali jew kummerċjali; u

(b) li jkollu personalità ġuridika; u

(ċ) finanzjat fil-parti 'l kbira tiegħu mill-Istat, jew mill-Kunsilli Lokali, jew minn entitajiet oħra fis-settur pubbliku, jew suġġett għas-sorveljanza maniġerjali mill-Gvern, mill-Kunsilli Lokali jew minn entitajiet oħra fis-settur pubbliku, jew li jkollu bord amministrattiv, maniġerjali jew ta' sorveljanza, li aktar min-nofs il-membri tiegħu jkunu maħtura mill-Gvern, mill-Kunsilli Lokali jew minn entitajiet oħra fis-settur pubbliku;

"korp tas-settur pubbliku" tfisser il-Gvern Malti, il-Kunsilli Lokali, u l-entitajiet fis-settur pubbliku;

"użu mill-ġdid ta' dokumenti" tfisser l-użu minn persuna jew entità ġuridika ta' dokument miżmum minn korp tas-settur pubbliku għal skop li ma huwiex dak inizjali fi hdan il-kompitu pubbliku ta' dak il-korp tas-settur pubbliku li għalih kien prodott id-dokument:

Iżda l-użu mill-ġdid ta' dokumenti ma jinkludix:

(a) it-trasferiment għall-użu ta' dokument fi hdan entità tas-settur pubbliku bl-iskop li twettaq il-hidma pubblika tagħha; jew

(b) it-trasferiment għall-użu ta' dokument minn entità tas-settur pubbliku għal oħra bl-iskop li waħda mill-entitajiet tas-settur pubbliku twettaq il-hidma pubblika tagħha.

Użu mill-ġdid ta' informazzjoni tas-settur pubbliku.

3. F'dawk il-każijiet fejn l-użu mill-ġdid ta' dokumenti miżmuma minn Ministeri, dipartimenti u entitajiet oħra fis-settur pubbliku huwa permess, is-sett minimu ta' regoli li ġejjin li jirregolaw l-użu mill-ġdid u l-mezzi prattiċi li jiffaċilitaw l-użu mill-ġdid ta' dokumenti għandu jiġi segwit.

Użu mill-ġdid ta' dokumenti.

Kap. 440.

4. Korp tas-settur pubbliku għandu jippermetti l-użu mill-ġdid ta' informazzjoni tas-settur pubbliku b'konformità shiha mal-prinċipji li għandhom x'jaqsmu mal-protezzjoni ta' *data* personali skond id-disposizzjonijiet ta' l-Att dwar il-Protezzjoni u l-Privatezza tad-*Data*.

Dokumenti li huma esklużi.

5. (1) Id-dokumenti li ġejjin huma esklużi b'mod speċifiku mid-disposizzjonijiet ta' din l-Ordni:

(a) dokumenti li l-provvista tagħhom hija attività li taqa' barra l-kamp ta' l-applikazzjoni tal-kompitu pubbliku tal-korpi tas-settur pubbliku konċernati;

(b) dokumenti li dwarhom terzi persuni għandhom drittijiet ta' proprjetà intellettuali;

(ċ) dokumenti li huma esklużi mill-aċċess bis-saħħa tar-regimi ta' aċċess tal-Gvern, inkluż għal raġunijiet ta':

(i) il-protezzjoni tas-sigurtà nazzjonali, difiża jew sigurtà pubblika, u

(ii) il-kunfidenzjalità ta' l-istatistika jew kummerċjali;

(d) dokumenti miżmuma minn xandara tas-servizz pubbliku u s-sussidjarji tagħhom, jew minn korpi oħra jew is-sussidjarji tagħhom għat-twettieq ta' xandir bhala servizz pubbliku;

(e) dokumenti miżmuma minn stabbilimenti edukattivi u ta' riċerka, bhal skejjel, universitajiet, arkivji, libreriji u faċilitajiet ta' riċerka inkluż, fejn ikun rilevanti, organizzazzjonijiet stabbiliti għat-trasferiment tar-riżultati ta' riċerka, kif ukoll taqsimiet ta' riċerka fi hdan korpi tas-settur pubbliku; u

(f) dokumenti miżmuma minn stabbilimenti kulturali, bhal mużewijiet, libreriji, arkivji, orkestri, opri, *ballets* u teatri.

(2) It-trasferiment għall-użu ta' dokument f'korp tas-settur pubbliku bl-iskop li jaqdi l-funzjoni pubblika tiegħu, jew it-trasferiment għall-użu ta' dokument bejn korp tas-settur pubbliku u iehor bl-iskop li wiehed mill-korpi tas-settur pubbliku jwettaq il-hidma pubblika tiegħu, m'għandux jiġi meqjus bhala użu mill-ġdid.

6. (1) Talbiet għal użu mill-ġdid ta' informazzjoni għandhom jiġu indirizzati lid-Dipartiment ta' l-Informazzjoni, 3, *Castille Place*, il-Belt Valletta (info.doi@gov.mt) fil-każ ta' Ministeri u Dipartimenti tal-Gvern, u lill-entità rispettiva fil-każ tal-korpi tas-settur pubbliku l-oħra kollha pertinenti.

Proċedura ta' applikazzjoni għal użu mill-ġdid.

(2) Talba għal użu mill-ġdid għandha:

(a) issir bil-miktub (inkluża l-posta elettronika), fi forma li tista' tiġi merfugħa għal referenza fil-futur;

(b) tagħti l-isem ta' l-applikant u l-indirizz għall-korrispondenza;

(ċ) tindika d-dokument mitlub għal użu mill-ġdid; u

(d) tiddikjara l-iskop li għalih id-dokument ser jiġi wżat mill-ġdid.

7. (1) Fejn l-ebda limitu ta' żmien jew regoli oħra li jirregolaw il-provvista f'waqtha ta' dokumenti ma jkunu ġew stabbiliti bil-liġi, talba għal użu mill-ġdid għandha tiġi mwiegħba fil-pront u f'kull każ dan għandu jsir f'limitu ta' żmien ta' mhux aktar minn għoxrin jum tax-xogħol, li jibdeu iġhoddu mill-għada ta' meta tkun ġiet riċevuta.

L-ipproċessar tat-talba għal użu mill-ġdid.

(2) Fejn id-dokumenti mitluba għal użu mill-ġdid ikunu

estensivi fil-kwantità jew it-talba tqajjem kwistjonijiet ta' natura komplissa, il-perjodu ta' ghoxrin jum tax-xoghol ghat-twegiba jista' jigi estiż b'ghoxrin jum tax-xoghol ohra. Meta estensjoni tkun mehtieġa, l-applikant ghandu jigi notifikat bil-miktub qabel l-eghluq ta' l-ghoxrin jum tax-xoghol li jibdew ighoddu mill-ghada ta' meta tkun giet riċevuta, bil-htieġa ta' l-estensjoni, u tad-data sa meta ghandu jistenna twegiba.

Notifika ta' deċiżjoni negattiva.

8. (1) Meta talba għal użu mill-ġdid ma tiġix aċċettata, l-applikant ghandu jigi infurmat bil-miktub dwar ir-raġuni għar-rifjut. In-notifika dwar ir-rifjut għandha tinkludi referenza għall-mezzi ta' rimedju disponibbli għall-applikant.

(2) Meta talba għal użu mill-ġdid tkun rifjutata minhabba li terza parti tkun is-sid tad-drittijiet ta' proprjetà intellettuali rilevanti fid-dokument, in-notifika dwar ir-rifjut għandha tindika, fejn ikun magħruf, referenza għall-persuna naturali jew ġuridika li tkun id-detentur tad-dritt, jew inkella għall-persuna li tohroġ il-permess li mingħandha l-korp tas-settur pubbliku jkun kiseb id-dokument.

Format tad-dokumenti.

9. (1) Dokument ghandu jkun aċċessibli għall-applikant fil-format u l-lingwa li jkun fihom fid-data tat-twegiba għat-talba għal użu mill-ġdid. Fejn ikun possibbli u xieraq, dokument ghandu jkun aċċessibli għal użu mill-ġdid permezz ta' mezzi elettronici.

(2) Korpi tas-settur pubbliku m'humiex obbligati li:

(a) joħolqu jew jadattaw dokument sabiex jikkonformaw mat-talba għal użu mill-ġdid; jew

(b) jipprovdu estratt mid-dokument fejn dan ikun jinvolvi sforz sproporzjonat; jew

(ċ) ikomplu jipproduċu ċertu tip ta' dokument għall-iskop ta' użu mill-ġdid minn haddieħor.

Kondizzjonijiet għall-użu mill-ġdid.

10. (1) Fejn il-korp tas-settur pubbliku jidhirli li hu xieraq li jimponi kondizzjonijiet għall-użu mill-ġdid, dawn il-kondizzjonijiet m'għandhomx jiddiskriminaw jew ikunu tali li joħolqu restrizzjonijiet bla bżonn fil-mod li fih dokument ikun jista' jigi wżat mill-ġdid.

(2) F'każijiet fejn l-użu mill-ġdid ta' dokumenti jista' jkun awtorizzat skond liċenza li timponi kondizzjonijiet (li jittrattaw ma' kwistjonijiet bħal responsabbiltà, l-użu xieraq ta' dokumenti, il-garanzija li ma jsirux alterazzjonijiet u r-rikonoxximent tas-sors), dawn l-imsemmija kondizzjonijiet tal-liċenza għandhom ikunu ġusti u trasparenti.

(3) Jekk korp tas-settur pubbliku li għandu f'idu dokument jixtieq juża mill-ġdid id-dokument għall-attivitajiet kummerċjali tiegħu li jaqgħu barra mill-kamp ta' l-applikazzjoni tal-kompitu pubbliku tiegħu, l-istess kondizzjonijiet għandhom japplikaw għal dak l-użu mill-ġdid bħal f'każijiet ta' użu mill-ġdid minn kwalunkwe applikant ieħor.

11. (1) Korp tas-settur pubbliku m'għandux jidhol fi ftehim esklużiv (kuntratt jew arrangament ieħor li jagħti dritt esklużiv biex wiehed juża mill-ġdid dokument) ma' xi persuna, inkluż applikant, hliet fejn ikun meħtieġ biex jingħata servizz fl-interess pubbliku. Fejn isir arrangament esklużiv, il-validità tar-raġuni għalfejn ikun sar dan l-arrangament għandha tiġi riveduta mill-anqas darba kull tliet snin. Kull arrangament esklużiv permess u li jkun sar fil-31 ta' Diċembru 2003 jew wara, għandu jiġi pubblikat mill-korp tas-settur pubbliku fi żmien tletin ġurnata mid-data tal-bidu fis-seħh ta' din l-Ordni jew mid-data ta' l-arrangament esklużiv bħal dan li għad irid isir, skond il-każ.

Arrangamenti
eskluzivi.

(2) Kull arrangament esklużiv, hliet għal dak li jinholoq mill-bżonn li jingħata servizz fl-interess pubbliku, għandu jiġi terminat fid-data meta jiġi fi tmiemu skond it-termini tiegħu, jew fil-31 ta' Diċembru 2008, skond liema data tiġi l-ewwel.

12. (1) Fejn korp tas-settur pubbliku jitlob hlas għal permess għal użu mill-ġdid, id-dhul totali minn dan il-hlas m'għandux jeċċedi t-total ta' l-ispejjeż tal-kollezzjoni, il-produzzjoni, ir-riproduzzjoni u t-tqassim tad-dokumenti, flimkien ma' dhul raġonevoli mill-investment.

Hlasijiet.

(2) Il-hlasijiet kollha għal użu mill-ġdid għandhom ikunu orjentati skond in-nefqa matul il-perjodu xieraq ta' kontabilità u kalkolati skond il-prinċipji ta' kontabilità applikabbli għall-korp tas-settur pubbliku involut, u fuq bażi ta' stima raġonevoli tad-domanda għad-dokumenti fuq perjodu xieraq.

(3) Fejn korp tas-settur pubbliku jitlob hlas għall-użu mill-ġdid, safejn dan ikun prattikabbli, għandu jistabbilixxi hlasijiet fissi. Fejn ikun mitlub mill-applikant, korp tas-settur pubbliku għandu jispeċifika bil-miktub il-baži li fuqha hlas fiss kien ikkalkolat.

(4) Fejn ma jkunx gie stabbilit hlas fiss għall-użu mill-ġdid, il-korp tas-settur pubbliku għandu jispeċifika bil-miktub il-fatturi li jkunu ser jiġu kkunsidrati fil-kalkolu tal-hlas jekk ikun mitlub minn applikant biex jagħmel dan.

Informazzjoni li għandha tkun ippubblikata minn korp tas-settur pubbliku.

13. Korp tas-settur pubbliku għandu jiżgura li l-informazzjoni li ġejja tkun aċċessibbli għall-pubbliku (fejn possibbli u xieraq b' mod elettroniku):

(a) kull kondizzjoni applikabbli għall-użu mill-ġdid, inkluż kull terminu tal-liċenza li jista' jkun hemm;

(b) kull hlas stabbilit għall-użu mill-ġdid;

(c) lista tad-dokumenti ewlenin li huma aċċessibbli għall-użu mill-ġdid; u

(d) dettalji tal-mezzi ta' rimedju li jkollu l-pubbliku rigward kull deċiżjoni dwar l-użu mill-ġdid ta' dokumenti.

Proċedura ta' kif twassal l-ilmenti.

14. (1) Il-proċedura interna ta' kif jiġu pproċessati l-ilmenti relatati ma' azzjonijiet f' dan il-qasam tkun kif ġej:

(a) fil-każ ta' Ministeri u Dipartimenti tal-Gvern, l-ilmenti għandhom ikunu indirizzati lid-Dipartiment ta' l-Informazzjoni, 3, *Castille Place*, il-Belt Valletta (info.doi@gov.mt), jew mibgħuta permezz tas-sit elettroniku Servizz.gov.mt (www.servizz.gov.mt); u

(b) fil-każ tal-korpi tas-settur pubbliku l-oħra kollha, l-ilmenti għandhom jitwasslu lill-entità partikolari. Fejn din l-entità għandha taqsima għas-servizz tal-pubbliku, l-ilmenti għandhom jitwasslu lill-entità permezz tat-taqsima għas-servizz tal-pubbliku rispettiva tagħha.

(2) L-ilmenti kollha għandhom jintbagħtu bil-miktub. Korp tas-settur pubbliku għandu jsolvi kwalunkwe ilment fi żmien raġonevoli u mbagħad javża lill-persuna bid-deċiżjoni bil-miktub mingħajr dewmien, filwaqt li jagħti r-raġunijiet għad-deċiżjoni tiegħu u wkoll jindika l-mezzi ta' rimedju disponibbli fejn ikun xieraq.

Appelli.

15. (1) Meta persuna tkun eżawriet il-proċedura stabbilita fir-rigward ta' xi lment jew fejn korp tas-settur pubbliku ikun naqas milli jipproċessa lment fi żmien raġonevoli, il-persuna tista' tirreferi l-ilment lis-Segretarju Permanenti Prinċipali, Uffiċċju tal-Prim Ministru, il-Berġa ta' Kastilja, il-Belt Valletta (pps@gov.mt), li jaġixxi bhala l-entità li tikkonsidra l-appelli fil-każijiet kollha.

(2) Kull appell għandu:

(a) ikun magħmul bil-miktub;

(b) jiddikjara n-natura ta' l-ilment; u

(è) jinkludi kopja tan-notifika bil-miktub tad-deċiżjoni li tkun qed tiġi appellata.

(3) L-appellant u l-korp tas-settur pubbliku rilevanti għandhom jiġu infurmati bil-miktub dwar l-eżitu ta' l-appell, li jkun jinkludi rakkomandazzjoni, bir-raġunijiet li jkunu wasslu għad-deċiżjoni.

L.N. 20 of 2007

EUROPEAN UNION ACT

(CAP. 460)

Re-Use of Public Sector Information Order, 2007

BY VIRTUE of the powers conferred by article 4(2) of the European Union Act (Cap. 460), the Prime Minister has made the following Order:-

Citation and scope.

1. (1) The title of this Order is the Re-Use of Public Sector Information Order, 2007.

(2) The purpose of this Order is the implementation of the provisions of Directive 2003/98/EC of the European Parliament and the Council on the re-use of public sector information of the 17th November 2003.

Definitions.

2. In this Order, unless the context otherwise requires:

"document" covers any representation of acts, facts or information - and any compilation of such acts, facts or information - whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording), held by public sector bodies, but is not intended to cover computer programmes;

"public sector body" means the Government of Malta, Local Councils, and public sector entities;

"public sector entity" means a body:

(a) established for the specific purpose of meeting needs in the general interest not having an industrial or commercial character; and

(b) having legal personality; and

(c) financed for the most part by the State or by Local Councils or by other public sector entities or subject to the management supervision by the Government, by Local Councils or by other public sector entities, or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the Government, by Local Councils or by other public sector entities;

"re-use of documents" means the use by a person or legal entity of a document held by a public sector body for a purpose other than the initial purpose within that public sector body's public task for which the document was produced:

Provided that re-use of documents shall not include:

(a) the transfer for use of a document within a public sector body for the purpose of carrying out its own public task; or

(b) the transfer for use of a document from one public sector body to another for the purpose of either public sector body carrying out its public task.

3. Where the re-use of documents held by Ministries, departments and public sector entities is allowed, the following minimum set of rules governing the re-use and the practical means of facilitating re-use of documents are to be followed.

Re-use of public sector information.

4. A public sector body shall allow the re-use of public sector information in full compliance with the principles relating to the protection of personal data in accordance with the provisions of the Data Protection Act.

Re-use of documents.

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5. (1) The following documents are specifically excluded from the provisions of this Order:

Documents which are excluded.

(a) documents the supply of which is an activity falling outside the scope of the public task of the public sector bodies concerned;

(b) documents for which third parties hold intellectual property rights;

(c) documents which are excluded from access by virtue of the rules of access of Government, including on the grounds of:

(i) the protection of national security, defence or public security, and

(ii) statistical or commercial confidentiality;

(d) documents held by public service broadcasters and their subsidiaries, and by other bodies or their subsidiaries for the fulfilment of a public service broadcasting remit;

(e) documents held by educational and research establishments, such as schools, universities, archives, libraries and research facilities including, where relevant, organisations established for the transfer of research results, as well as research units within public sector bodies; and

(f) documents held by cultural establishments, such as museums, libraries, archives, orchestras, operas, ballets and theatres.

(2) The transfer for use of a document within a public sector body for the purpose of carrying out its own public task, or the transfer for use of a document from one public sector body to another for the purpose of either public sector body carrying out its public task, shall not be considered as re-use.

Application
procedure for
re-use.

6. (1) Requests for re-use of information are to be addressed to the Department of Information, 3, Castille Place, Valletta (info.doi@gov.mt) in the case of Government Ministries and Departments, and to the respective entity in the case of all other pertinent public sector bodies.

(2) A request for re-use shall:

(a) be in writing (including e-mail), in a form that can be filed for future reference;

(b) state the name of the applicant and an address for correspondence;

(c) indicate the document requested for re-use; and

(d) state the purpose for which the document is to be re-used.

Processing
request for re-
use.

7. (1) Where no time limits or other rules regulating the timely provision of documents have been established by law, a request for re-use shall be answered promptly and in any case before the end of the twentieth working day beginning with the day after receipt.

(2) Where the documents requested for re-use are extensive in quantity or the request raises complex issues the twenty working day period for responding may be extended by another twenty working days. When an extension is required, the applicant is to be notified in writing before the end of the twentieth working day beginning with the day after receipt, of the need for an extension, and of the estimated date by which to expect a reply.

8. (1) When a request for re-use is not accepted, the applicant is to be informed in writing of the reason for such refusal. The notification of refusal is to contain a reference to the means of redress available to the applicant.

Notification of refusal.

(2) When a request for re-use is refused because a third party owns relevant intellectual property rights in the document, the notification of refusal shall indicate, where known, a reference to the natural or legal person who is the rightholder, or alternatively to the licensor from which the public sector body has obtained the document.

9. (1) A document is to be made available to the applicant in the format and language in which it exists on the date of response to the request for re-use. Where possible and appropriate, a document shall be made available for re-use by electronic means.

Format of documents.

(2) Public sector bodies shall not be obliged to:

(a) create or adapt a document in order to comply with a request for re-use; or

(b) provide an extract from a document where to do so would involve disproportionate effort; or

(c) continue to produce a certain type of document for the purposes of re-use by others.

10. (1) Where it is deemed appropriate by the public sector body that conditions on re-use are imposed, such conditions shall not be discriminatory, nor shall they be such as to unnecessarily restrict the way in which a document can be re-used.

Conditions for re-use.

(2) In cases where the re-use of documents may be authorised subject to a licence imposing conditions (dealing with issues such as liability, the proper use of documents, guaranteeing non-alteration and the acknowledgement of source), the said licence conditions shall be fair and transparent.

(3) If a public sector body which holds a document wishes to re-use the document for its commercial activities which fall outside the scope of its public task, the same conditions shall apply to that re-use as would apply to re-use by any other applicant.

11. (1) A public sector body shall not enter into an exclusive arrangement (contract or any other arrangement granting an exclusive right to re-use a document) with any person, including an applicant, except where necessary for the provision of a service in the

Exclusive arrangements.

public interest. Where an exclusive arrangement is entered into, the validity of the reason for granting such an arrangement is to be reviewed at least once every three years. Any exclusive arrangement permitted and entered into on or after 31 December 2003 shall be published by the public sector body within thirty days from the date of the coming into force of this Order or from the date of such future exclusive arrangement as the case may be.

(2) Any exclusive arrangement, other than one arising from the necessity to provide a service in the public interest, shall be terminated at the date on which it comes to an end in accordance with its terms, or on the 31 December 2008, whichever is the earlier.

Charges.

12. (1) Where a public sector body charges for allowing re-use, the total income from any charge shall not exceed the sum of the cost of collection, production, reproduction and dissemination of the documents, together with a reasonable return on investment.

(2) Any charges for re-use should be cost-oriented over the appropriate accounting period and calculated in accordance with the accounting principles applicable to the public sector body concerned, and on the basis of a reasonable estimate of the demand for documents over the appropriate period.

(3) Where a public sector body charges for re-use, so far as is reasonably practicable, it shall establish standard charges. A public sector body is to specify in writing the basis on which a standard charge has been calculated if requested to do so by an applicant.

(4) Where a standard charge for re-use has not been established, the public sector body shall specify in writing the factors that will be taken into account in calculating the charge if requested to do so by an applicant.

Information to be published by a public sector body.

13. A public sector body shall ensure that the following information is made available to the public (where possible and appropriate by electronic means):

- (a) any applicable conditions for re-use, including any licence terms involved;
- (b) any standard charges for re-use;
- (c) a list of main documents available for re-use; and
- (d) details of the means of redress available to the public relating to any decision regarding re-use of documents.

14. (1) The internal complaints procedure for dealing with complaints relating to actions in this area shall be as follows: Complaints procedure.

(a) in the case of Government Ministries and Departments, complaints are to be addressed to the Department of Information, 3, Castille Place, Valletta (info.doi@gov.mt), or submitted through the Servizz.gov.mt website (www.servizz.gov.mt); and

(b) in the case of all other public sector bodies, complaints shall be referred to the particular entity. Where the said entity has a customer care unit complaints shall be referred to the entity through its respective customer care unit.

(2) Any complaints are to be submitted in writing. A public sector body must determine any complaint within a reasonable time and thereafter notify the person of its decision without delay in writing, giving reasons for its decision and also indicating the means of redress available where appropriate.

15. (1) Where a person has exhausted the procedure established in respect of any complaint or where the public sector body has failed to deal with a complaint within a reasonable time, the person may refer the complaint to the Principal Permanent Secretary, Office of the Prime Minister, Auberge de Castille, Valletta (pps@gov.mt), who will act as the appellate body in all cases. Appeals.

(2) Any appeal shall:

(a) be made in writing;

(b) state the nature of the complaint; and

(c) include a copy of the written notification of the decision being appealed.

(3) The appellant and the relevant public sector body shall be informed in writing about the outcome of the appeal, which shall include a recommendation, giving reasons for the decision.
