

Editorial: Opening the doors to information

If the people are to have real power they need to be armed with information. It cannot be said that the Maltese people have had to put up a dramatic fight to obtain and disseminate information freely. But strive they did and Malta is recognised now as having a free press and the Maltese enjoy freedom of expression.

Freedom of information improved substantially over the last couple of decades or so. Gone, thankfully, is the time when any information involving the government came from a single, official source. Yet, access to ministers and decision makers does not automatically equate to access to information.

There is nothing at present, apart from a moral duty for openness and accountability, which obliges the administration to divulge information, save, perhaps, section 47 (1) of the Press Act which lays down that the government must "establish procedures to give representatives of the press the information which helps them fulfil their public tasks". The provisos following that article of the law present so many scenarios that the government is virtually free to determine when and what sort of information to publish.

There is Parliament, then, one of whose duties is to monitor the activities of the executive. Ministers are expected to reply to parliamentary questions and both they and their officials can occasionally be questioned by House committees. Still, that is not enough. It was against this background that the Institute of Maltese Journalists has repeated its call for a Freedom of Information Act. Access to first hand information is as important to journalists as freedom of expression itself. Otherwise society will be denied the opportunity of informed debate and that most important requisite of a democracy - accountability.

Political parties have in the past promised legislation of this kind and the government, in a prompt reaction to the institute's call, has now said that a White Paper will be issued by the end of the year. Would there be enough time for consultation, debate and legislation by the time the legislature comes to an end?

As in other areas, Malta is fortunate in that it can draw on the experience of several countries, particularly that of the UK, which enacted a Freedom of Information Act in 2000 that came into force on January 1, 2005. The real work in connection with a Freedom of Information Act actually starts on its implementation. One first has to inculcate in civil servants and their bosses a culture of openness, not easy when decisions on what should be in the public domain have always been taken at the very top.

One would have to go through a difficult period of interpretation and decide what may or may not be made public according to law. Would there be a freedom of information commissioner to act as referee? Would there be an appeals procedure? How quickly can information be delivered? How can costs be kept low not to close the door to information through another means?

A Freedom of Information Act must not be seen as a burden or intrusion on the public service. Indeed, it is a right which is also being gradually extended to the private sector. It is a right which every self-respecting democratic society should champion and promote. One final suggestion. Would the government consider widening the proposed White Paper to cover a Whistleblower Act too? After all, a Freedom of Information Act and a Whistleblower Act go together like horse and carriage in any campaign to carry transparency and accountability forward.