



**MEDIA FREEDOM  
RAPID RESPONSE**

EUROPEAN CENTRE  
FOR PRESS & MEDIA  
FREEDOM

**ECPMF**

**MONITORING**

**FREEDOM**

**OF**

**INFORMATION**

**IN EUROPE**

**DENIED ACCESS: MONITORING  
JOURNALISTS' INFORMATION  
REQUESTS IN GERMANY,  
HUNGARY, MALTA, AND UKRAINE**



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**MEDIA FREEDOM  
RAPID RESPONSE**

The Media Freedom Rapid Response (MFRR) tracks, monitors and reacts to violations of press and media freedom in EU Member States and Candidate Countries. This project provides legal and practical support, public advocacy and information to protect journalists and media workers. The MFRR is organised by an alliance led by the European Centre for Press and Media Freedom (ECPMF) including ARTICLE 19 Europe, the European Federation of Journalists (EFJ), Free Press Unlimited (FPU), International Press Institute (IPI) and CCI/Osservatorio Balcani Caucaso Transeuropa (OBC Transeuropa). The project commenced in 2020 and is funded by the European Commission.

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# INTRODUCTION

People have the right to ask, as well as the right to know, what their governments and elected public officials are doing. At the same time, governments also have the duty to inform and to be transparent about their activities. These three principles are at the heart of the right to freedom of information (FOI).

This report focuses specifically on the importance of FOI for journalists. Functioning FOI laws and practices assist journalists in one of their most important tasks – access otherwise disclosed government documents, reveal what is hidden, and hold those in power to account. Frequently, it is journalists who facilitate the free flow of information between the government and the public.

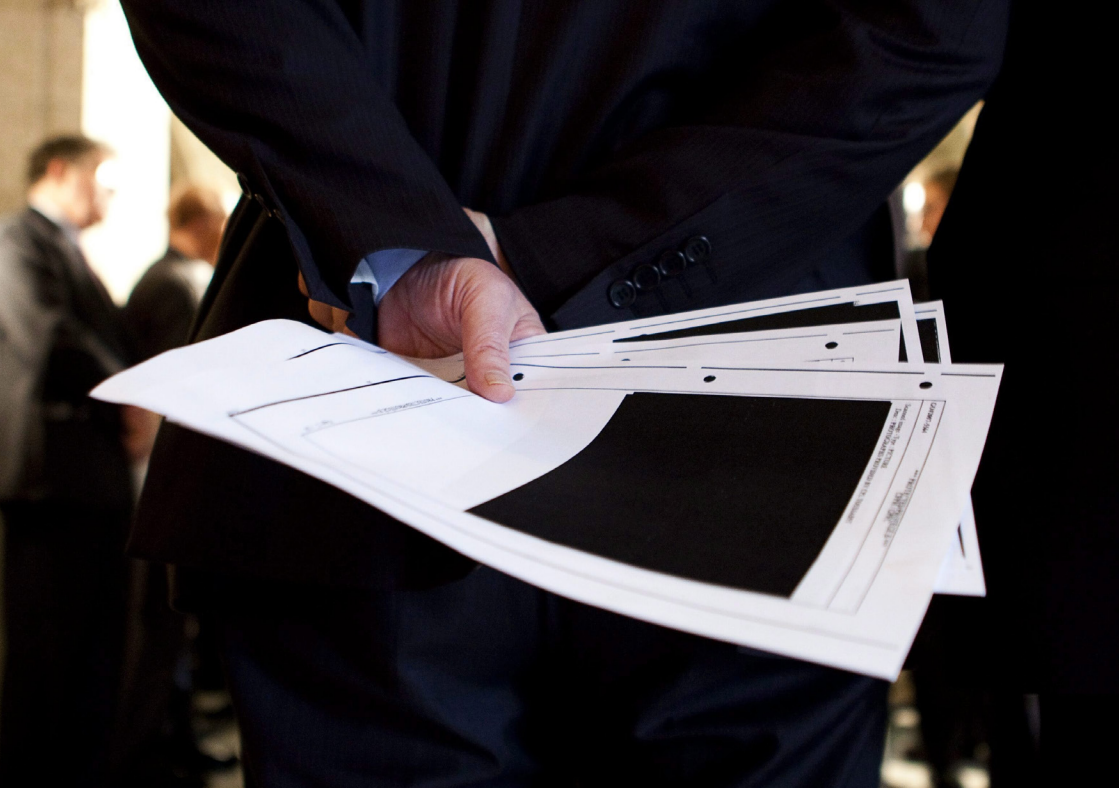
Therefore, it is particularly worrying that the Mapping Media Freedom (MapMF) database documented a total of [60 press freedom violations](#) related to Freedom of Information between 01 January 2020 to 30 June 2025. This report takes a closer look at this data in four select countries – Germany, Hungary, Malta, and Ukraine – and analyses cases where journalists have been fully or partially denied access to information of public interest.

There is often a significant gap between FOI laws on paper, and how the right is implemented in practice. While all four European countries examined within this report have legal frameworks in place to ensure the right to information, journalists repeatedly faced instances where their requests for information were ignored, answered with significant delays, answered only in part, or were rejected. In some particularly worrisome cases, journalists were drawn into lengthy legal proceedings over FOI requests, delaying access to documents for several years and resulting in significant financial costs.

Journalists in Germany, Hungary, Malta and Ukraine are facing varying challenges trying to access government information, which are shaped by the specific legal and political situation in each country.

In Germany, the report observes that the right to information is under political as well as administrative pressure. The government, newly elected in February 2025, attempted to abolish the standing FOI law, indicating a general distrust towards access and transparency laws. Authorities show similar scepticism toward FOI requests, and also cling to outdated practices like postal delivery, while poor record-keeping often makes information inaccessible from the outset.

Hungary's FOI law is facing severe pressure from the ruling FIDESZ-KDNP government under Prime Minister Viktor Orbán, whose rule has been chipping away at press and media freedom since 2010. A particularly worrying development



*Censored documents.  
picture alliance / ASSOCIATED PRESS | Sean Kilpatrick*

are legislative initiatives that target civic activity and independent journalism in the country. One of the primary targets of the campaign is the investigative news outlet Átlátszó, which operates one of the main FOI access platforms in the country and is at risk of being silenced through government pressure.

Journalists in Malta are frequently faced by administrative silence when trying to access government information. In multiple instances, authorities delayed responses – sometimes for several years – by engulfing journalists in lengthy and expensive legal proceedings. In addition, the Maltese FOI Act contains numerous built-in restrictions on the right to information, limiting access by design.

The situation of FOI in Ukraine must be considered against the backdrop of a country at war. In this context, the right to information is caught between interests of national security and media freedom. While the FOI law is one of the most progressive in Europe, problems included the closure of state registries, banned broadcasting at parliament, and rejection of FOI requests citing marshal law.

## METHODOLOGY

This report is based on data collected on the [Mapping Media Freedom](#) (MapMF) platform, desk research on relevant FOI legislation and policy, and interviews with media freedom experts, who focus their work on promoting and defending the right to information in Europe.

The MapMF database is the largest public platform monitoring media freedom violations in Europe. The report examines cases, published on the platform between 1 January 2020 and 30 June 2025, in which journalists experienced infringements of their right to information.

Four countries were chosen for a more in-depth analysis – Germany, Hungary, Malta, and Ukraine. The selection of countries aimed to provide examples of legislation from Central, Eastern, and Southern Europe.

In addition to MapMF data, the report also examines relevant FOI laws and policy. For each focus country, it analyses constitutional guarantees and primary FOI legislation, with special attention paid to contextual developments that shape how FOI is applied in practice.

Five interviews were conducted with FOI experts and practitioners between August and September 2025. Interviews were conducted in English, all interviewees were informed in advance about the purpose of the interview and were asked for consent to share their insights in this report. Interviewees had the chance to review their respective chapters prior to publication.

Throughout the report, the term Freedom of Information (abbreviated as FOI) is used to describe the right for citizens to access information of public interest – usually in the form of data or documents – from government and public authorities.

# FREEDOM OF INFORMATION IN EUROPE

Access to information – in the form of functioning and well-executed FOI laws – is a crucial tool for journalists. With the help of FOI, journalists can access otherwise disclosed government information, reveal what is hidden, and hold those in power to account.

Rachel Hanna, former Executive Director of the NGO [Access Info](#), highlights that the importance of FOI is most visible in investigative journalism that reveals stories with a direct impact on people's lives.

The 'forever chemical' PFAS (per- and polyfluoroalkyl substances) – linked to environmental pollution and a wide variety of health risks – is just one such example. In January 2025, the journalistic [Forever Lobbying Project](#) could reveal with the help of 184 FOI requests that the PFAS-lobby countered a potential EU-wide ban on the harmful chemical with a fearmongering disinformation campaign.<sup>1</sup> As a result, the potential ban has, as of now, failed to halt the “worst pollution crisis humanity has ever faced”.

Examples like these demonstrate how crucial the right to information is, especially for investigative and watchdog journalism. At the same time, functioning FOI laws also help journalists to increase transparency and facilitate the flow of information between the government and the public.

In Europe, [most countries](#) have some sort of legal framework in place that promises access to public information. However, as there is no uniform law governing FOI in Europe, legislation differs from country to country. This means that there are great variations between countries in terms of how FOI requests are perceived and handled by authorities.

In general, FOI laws determine the scope of the right to information, such as who can pose an FOI request, or what sort of information is covered by, or exempted from, the law. They also map out procedural aspects like time frames or available appeals mechanisms. Strong FOI laws also introduce an active duty for governments to make information accessible.

European standards are set out by the [Tromsø Convention](#), the first binding document to enshrine the right to access documents held by public authorities. Out of 47 countries in the Council of Europe region, only 17 have ratified the treaty. This includes Hungary and Ukraine, two of the focus countries in this report.

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<sup>1</sup> The Forever Lobbying Project is the 2025 winner of the Helen Darbishire Award. The Award celebrates outstanding efforts to advance human rights, environmental protection, anti-corruption, and democratic accountability through the use of the right of access to information. For more information, please see here: [Winner Announced for the Helen Darbishire Award 2025 – Access Info Europe](#).



The European Union (EU) has separate regulations ensuring the right to access EU documents. The right is enshrined in Article 42 of the [Charter of Fundamental Rights of the European Union](#), and Article 15(3) of the [Treaty on the Functioning of the European Union](#).

One of the key guarantees to the right of access to documents is the [Regulation \(EC\) No 1049/2001](#). This Regulation ensures access to documents specifically from the European Parliament, the European Commission and the Council of the European Union. Other EU agencies and bodies also apply the Regulation directly, or follow similar rules.

Access Info operates the platform [AskTheEU](#), which assists persons and legal entities to pose FOI requests to EU institutions. Based on this experience, Rachel Hanna notes that some of the major issues Access Info encounters are extensive time frames and administrative silence from the side of EU institutions. This can discourage citizens – and especially journalists, who often work on a tight publication schedule – to make use of their right to access EU documents.

Another issue is the EU's overuse of exceptions cited to withhold information. A part of this problem is an improper application of the 'harms-and-balances' or 'public interest' test the EU uses to assess whether the release of certain documents would impair the institution's protected interests more than it would benefit the public.

Aside from these procedural aspects, a key hurdle to FOI in the EU and European countries remains that many citizens lack knowledge of the right. As a consequence, the right is frequently not exercised and violations tend to go unnoticed or unappealed. In some cases, a person might be aware of FOI, but the right still seems inaccessible. The interaction with institutions often involves legal jargon, which can be discouraging and hard to navigate for non-experts.

In order to increase the accessibility of FOI in Europe, Rachel Hanna highlights the importance of solution-focussed approaches. Point out the problems, focus on the positive effects of FOI, and strengthen ties to allies – also within oversight institutions.

One such ally is the [European Ombudsperson](#), which has been granted a special role in overseeing the implementation of the right to information at the EU level. As part of the appeals mechanism, a complaints procedure can be initiated through the Ombudsperson, if an FOI request has been denied. Another appeals procedure under the EU FOI law is to initiate a court proceeding.



## Mapping Freedom of Information in Europe

The [Mapping Media Freedom](#) project has documented a total of [60 press freedom violations](#) related to Freedom of Information between 01 January 2020 to 30 June 2025. This case list includes incidents of rejected FOI requests, but it also highlights legislative developments addressing the right to information, such as proposed or actioned laws and relevant court decisions on FOI disputes.

In total, cases related to FOI were documented in seventeen different countries: Albania, Bulgaria, Denmark, Finland, France, Germany, Greece, Hungary, Malta, Moldova, Poland, Romania, Slovakia, Slovenia, Spain, Turkey, and Ukraine. Ukraine (17 cases), Romania (9), and Moldova (7), stand out as the countries with the most reported violations, followed by Hungary (6) and Malta (4).

Notably, for about half of these countries, only one or two cases were documented over the course of the monitoring period. This makes it difficult to draw statistical conclusions from the available data, which is why this report will focus on qualitative observations and substitute these with desk research and expert interviews (see 'Methodology').

In addition, the lack of data hints that freedom of information is frequently unrecognized by journalists and media workers as a serious press freedom issue. As a consequence, it is likely that a large number of arbitrarily rejected or ignored information requests in Europe go unreported.

# GERMANY: POLITICAL PRESSURE AND BUREAUCRACY UNDERMINE FREEDOM OF INFORMATION

The German basic law guarantees access to information in one breath with freedom of the press in Article 5(1):

*“Every person shall have the right to freely express and disseminate his opinions in speech, writing and pictures and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship.”*

Germany introduced its first federal FOI law ([‘Informationsfreiheitsgesetz’](#)) in 2006. The law governs access to federal institutions, such as ministries, the parliament or the chancellery. Additional laws grant access to environmental ([‘Umweltinformationsgesetz’](#)) and consumer information ([‘Verbraucherinformationsgesetz’](#)).

The Global Right to Information Ranking [ranks](#) Germany at 127th place out of 140 assessed countries. This is partly because existing freedom of information laws offer limited protections, and are further complicated by a patchwork of federal, state, and local laws that vary in scope and effectiveness. At the state level, only 14 out of 16 ‘Bundesländer’ have individual FOI laws.<sup>2</sup>

Politically, the federal FOI law has come under significant pressure during coalition negotiations in spring 2025. The transparency watchdog and investigative outlet FragDenStaat [leaked](#) the draft of a working group paper that aimed to abolish the FOI law in its current form. The initiative was reportedly spearheaded by Philipp Amthor, a politician of the Christian Democratic Union (CDU) party. In 2021, FragDenStaat and the non-profit Abgeordnetenwatch – using an FOI request – [contributed](#) to revelations that Amthor used his personal ties to lobby for a dubious IT company within the CDU-led Ministry for Economic Affairs.

Following the leak and a significant media echo, the phrase aimed at abolishing the FOI law was removed from the final coalition contract. Instead, the contract now aims at an unspecified ‘reform’ of the law, citing the need to ease administrative processes. It is worth noting that the previous government had included the reform

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<sup>2</sup> FragDenStaat has assessed and ranked all 16 states based on factors such as overall FOI guarantees, exceptions, and fees. The ranking highlights significant variation in the quality of FOI laws across the states. For instance, Bavaria and Lower Saxony have no FOI laws at all, whereas states like Hamburg and Schleswig-Holstein lead the ranking with comparatively strong frameworks that include proactive transparency obligations. For more information, see here: [Informationsfreiheit in Deutschland - Das Transparenzranking](#).

(1) Jeder hat das Recht, seine Meinung in Wort, Schrift und Bild frei zu äußern und zu verbreiten und sich aus allgemein zugänglichen Quellen ungehindert zu unterrichten. Die Pressefreiheit und die Freiheit der Berichterstattung durch Rundfunk und Film werden gewährleistet. Eine Zensur findet nicht statt. (2) Diese Rechte finden ihre Schranken in den Vorschriften der allge-

Article 5, Glass Wall, Artwork by Dani Karavan "Grundgesetz 49", Berlin, Germany  
picture alliance / Bildagentur-online/Schoening | Bildagentur-online/Schoening

of the existing FOI law into a federal 'Transparency Law' as part of its coalition agreement, but no significant action was taken.

An actionable [Transparency Law](#) was already proposed by a coalition of civil society organisations in 2022. At its core, the proposal imposes a proactive duty to publish information and to clearly delineate what is covered by the law – such as public contracts spending more than 100.000 Euro of public money – and which are not. The proposal also prioritizes accessibility, mandating that FOI requests are free of charge and that initial responses are given within 15 days.

FragDenStaat runs Germany's largest platform for filing freedom of information requests, enabling thousands of people to submit inquiries each year. In 2024 alone, the platform registered 27,819 requests. Michelle Trimborn, Communications Officer at FragDenStaat, notes that the application of the FOI law is rarely straightforward in practice. For example, authorities may raise fees of up to 500 Euros, which can discourage citizens from going through with the process. Requests are also often rejected on the grounds of 'trade secrets', a justification that often cannot be independently verified unless challenged in court.

In 2024, the Federal Administrative Court issued a [ruling](#) that further restricted the accessibility of the FOI law. Now, authorities can request a postal address from applicants. This ruling raises concerns for the inclusion of marginalized groups, who may not have a registered postal address in Germany or who do not want to disclose it to the authorities. In addition, the Court alleged that requesters must accept that authorities send documents via post.

Another major challenge to the application of the FOI law is that German authorities frequently [fail to process and file information](#). This issue becomes particularly problematic as information is increasingly digitised. For example, exchanges between politicians via SMS or other messaging services are often neither saved nor documented, although in Germany key political communications have taken place through these channels before.



## Mapping Freedom of Information in Germany

The Mapping Media Freedom project has documented two prominent FOI cases in Germany – both involving transparency watchdog FragDenStaat – that are poignant examples of how journalists are prevented from accessing government information due to weak application of FOI in practice.

In a [first incident](#), a journalist of the Tagesspiegel requested information from the Federal Chancellery about background discussions that former chancellor Angela Merkel has had with media representatives back in 2016. Information requested included dates, place, participants, and topics discussed, with a particular request for information on talks about Brexit, the far-right Alternative für Deutschland (AfD) party, and the refugee 'crisis'. The case was [overturned](#) by the Berlin-Brandenburg Higher Administrative Court on 8 June 2022 – after almost five years of procedure. According to the ruling, the request was too general, the information was no longer available to the Chancellery, and the talks were confidential.

In a [second incident](#), Arne Semsrott, freelance journalist and director of FragDenStaat, addressed an FOI request to the press office of the Federal Chancellery. On 1 March 2022, Semsrott requested information about former Chancellor Gerhard Schröder's activities, specifically regarding meetings he held between 2019 and 2022 related to energy policy and partnerships such as Gazprom, Nord Stream 2, and Rosneft. After the initial request was rejected, FragDenStaat [appealed](#) to the Higher Administrative Court Berlin-Brandenburg.

The court dismissed the first appeal, and ruled that Semsrott could not be considered a member of the press as FragDenStaat operated online. In response, the organisation published [2000 print editions](#) of its most prominent investigations. Yet, after several rounds of court proceedings, Semsrott and FragDenStaat were never issued the requested information. The organisation has now [filed a complaint](#) for process fraud against the Federal Chancellery, pending answers.

# HUNGARY: DEMOCRATIC BACKSLIDING PUTS FREEDOM OF INFORMATION AT HIGH RISK

The [Hungarian Fundamental Law](#) guarantees Freedom of Information in Article VI (2):

*“Everyone shall have the right to the protection of his or her personal data, as well as to access and disseminate data of public interest.”*

In addition, the [Act CXII 2011 on the Right of Informational Self-Determination and on Freedom of Information](#) is the main law guarding the right to information in the country. Under the act, rejected access requests can be appealed by turning to the National Authority for Data Protection and Freedom of Information (NAIH). Crucially, the body can only issue non-binding recommendations. Therefore, the most effective route to appeal is to go to court.

While the scope of the Hungarian FOI legal framework [ranks](#) in midfield according to the Global Right to Information Rating – 84th place out of 140 assessed countries – Hungarian journalists and media organisations, as well as local and international watchdogs, have raised serious concerns about access to information in practice.

For example, the [Media Pluralism Monitor’s 2024 report on Hungary](#) identifies the right to information as facing a very high risk level.

These concerns go hand in hand with observations that press freedom in Hungary has decreased significantly under the rule of the party coalition FIDESZ-KDNP and Prime Minister Viktor Orbán, who have been in power since 2010. While the constitutional guarantees and the FOI Act remain in place, the government has introduced several restrictions to the law, such as limiting ‘excessive’ requests, and introducing a fee that specifically discourages citizens from exercising their right to information.

Tamás Bodoky, co-founder and director of investigative media outlet Átlátszó, says that authorities find creative ways of circumventing FOI requests. For example, authorities release data in inaccessible formats such as excel sheets or documents that have been photocopied multiple times until the information is no longer legible. Átlátszó runs the online portal [Ki Mi Tud?](#), the largest platform enabling citizens to pose FOI requests in the country.

If Átlátszó chooses to go to court in order to contest a rejected request, information is generally released if the organisation wins the case. However, in cases where a trial is lost, it is the plaintiff who has to cover the procedural costs. This significantly raises the stakes to appeal rejected or partially answered FOI requests not only for

journalists or organisations like Átlátszó, but also citizens who are unlikely to cover the financial burden.

In a 2024 report on media freedom in Hungary, [Human Rights Watch](#) also points to serious challenges journalists and media outlets face as the government fails to uphold the right to information. Authorities often delay or deny responses, and in some cases, refuse physical access to data of public interest, including opportunities to speak with government officials.

Recent legislative efforts to weaken independent media and civil society organisations pose one of the most serious threats to freedom of information in Hungary. In December 2023, a corresponding law established the [Sovereign Protection Office \(SPO\)](#). This is a body that has the power to launch investigations into organisations or individuals it considers a threat to the "constitutional identity" of Hungary, without any legal remedies available to protect or appeal the SPOs' actions.

In June 2024, SPO launched its first [investigation](#) into Átlátszó and Transparency International Hungary, and subsequently published a report targeting Átlátszó and claiming its FOI platform is "an opportunity to mask intelligence activities against the Hungarian state and its institutions, disguised as legitimate data gathering".

According to Tamás Bodoky, Átlátszó is seeing an increased number of examples where FOI requests are denied citing 'foreign funding' and potential threats to national security and sovereignty.

In May 2025, the FIDESZ party introduced a new draft law to parliament that threatens to further limit the number of independent media and civil society organizations operating in the country based on claims of "foreign influence and funding". The [bill](#) would grant the SPO extensive powers to 'blacklist' organisations it considers a threat to Hungarian sovereignty. As a consequence, blacklisted organisations may be barred from receiving foreign funding, including EU support, denied domestic tax benefits, or subjected to substantial fines.

Bodoky warns that the purpose of such legislation is effectively to put an end to civic and watchdog activities in Hungary. Átlátszó and its FOI platform are one of the main targets of the campaign.

While a wave of protests across the country and widespread international criticism has postponed the voting on the law until after the summer, it is likely that it will pass later this year due to the parliamentary majority of the FIDESZ-KDNP coalition.



## Mapping Freedom of Information in Hungary

Over the course of the monitoring period, Mapping Media Freedom documented a total of [six cases](#) related to freedom of information in Hungary. The collection of incidents represents FOI requests issued by four different Hungarian news outlets – Átlátszó, Direkt36, Magyar Hang, and HVG.

In one [example](#), an Átlátszó journalist filed a [request](#) to the National Sports Agency, in order to determine the price that the state had paid to purchase the publishing house of Prime Minister Viktor Orbán's favourite newspaper, Nemzeti Sport. The request was sent electronically on 1 October 2022, and was turned down on 17 October stating that this kind of data was not processed by the agency. Átlátszó then sent a further request to the Hungarian National Asset Management (HNAM), who [replied](#) that the requested information was a “trade secret”. Átlátszó subsequently decided to take the case to court and received a favourable ruling by the Metropolitan Court of Appeal in Budapest in June 2024. According to the [released information](#), the state spent 3.5 billion HUF – or about 8.8 million Euro – of tax payers money on the purchase of Nemzeti Sport.

In another prominent [FOI case](#), investigative medium Direkt36 addressed the Prime Minister's Cabinet Office to ask for written exchanges between minister Antal Rogán and Chinese stakeholders in relation to a planned chemical distribution hub to be built in Záhony, south-east Hungary, and Budapest' 23d district. Direkt36 first published an [article](#) on the planned Hungarian-Chinese project based on leaked government documents in June 2023. The request for letters between Minister Rogán and potential Chinese project partners was filed after the Prime Minister's Office claimed the project was still in the planning stages, despite evidence that Rogán had already agreed to its implementation. In the end, the information was not released to Direkt36 after the Capital Court of Justice ruled against the outlet in January 2024, citing that it could not provide enough evidence for the existence of the letter before the court.

Posing FOI requests can expose Hungarian independent media to governmental scrutiny, as demonstrated by a recent [case](#). Independent media Magyar Hang requested in February 2025 that Mária Schmidt, Director General of the Foundation for the Research of Central and Eastern European History and Society, provide details on how 3.9 billion HUF (around 9.75 million Euros) of taxpayers' money was used to establish the Puskás Museum, operated by the foundation. Instead of responding to the request, Schmidt referred the matter to the Sovereignty Protection Office, [questioning](#) whether FOI requests from 'foreign-funded' entities like Magyar Hang might serve foreign interests.



# MALTA: FREEDOM OF INFORMATION CONSTRAINT BY LEGAL DESIGN AND A CULTURE OF STATE SECRECY

Freedom of expression – including limited guarantees for Freedom of Information – are granted in Article 41(1) of the [Constitution of Malta](#):

*“Except with his own consent or by way of parental discipline, no person shall be hindered in the enjoyment of his freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.”*

Since 2008, there is also a [Freedom of Information Act \(Cap. 496\)](#) in place which sets out the legal guarantees for access to information and documents held at Maltese public authorities.

As [assessed](#) by the Global Right to Information Rating, Malta is ranked at 83d place out of 140 countries. Among other criticisms, the analysis points to broad exemptions in the Act, such as the exclusion of certain public institutions and documents. It also raises privacy concerns, since applicants must submit personal information, including a copy of their ID and postal address.

In a notable case, Access Info successfully [fought](#) for a reform of the FOI Act against the Ministry for Home Affairs and National Security. In August 2019, the Ministry had rejected an FOI request of an Italian citizen working for the NGO. The request was turned down, citing that the FOI Act restricts the right to information to persons that hold Maltese citizenship, or persons that hold EU citizenship and have been residing in the country for at least five years. In 2022, the Court of Appeals of Malta [extended](#) the Act to include all persons with citizenship rights under EU law, abolishing the five-year residency restriction.

Civil society watchdogs, academics, and government actors have widely identified FOI guarantees as a major issue within Malta’s press freedom landscape. The Media Pluralism Report 2024 [assesses](#) the right to information in Malta as ‘high-risk’, due to a slow reform process, significant delays in providing information, and “the general tendency of the government to sideline and ignore critical media.”

In September 2023, the Human Rights Commissioner of the Council of Europe directed an [open letter](#) at the Prime Minister of Malta, Robert Abela, voicing concerns about weak freedom of expression reforms, including “continuing instances of



A tattered Maltese flag.  
picture alliance / ZUMAPRESS.com | Sachelle Babbar

denial of access to information”, which implies “a pattern of unwarranted secrecy within state institutions regarding information.”

Michaela Pia Camilleri, Researcher and Advocacy Officer at the [Daphne Caruana Galizia Foundation](#) – a non-profit press freedom organisation operating [Amphora Media](#), a collaborative investigative journalism platform – echoes these concerns and highlights that the right to information in Malta is already restricted by design through the FOI Act.

Delays – which can range from weeks to years – are one of the major issues FOI requesters face in practice. The FOI Act allows for a response within 20 working days. Camilleri observes that authorities frequently delay responses by requesting extensions at the last moment, only to reject the request eventually after the second deadline has expired.

Further delays are caused by the informal complaint procedure. In theory, a rejected FOI request can be appealed by issuing an informal complaint to a dedicated FOI Officer within any given Maltese authority. However, in practice, the complaint is usually returned to the same person who rejected the request in the first instance, undermining the purpose of the appeal procedure.

As a consequence, an appeal is usually filed through the [Information and Data Protection Commissioner](#) (IDPC) and the Data Protection Appeals Tribunal. If requesters or authorities decide to appeal the decision of the IDPC and, subsequently, the Tribunal, the next step is to take the case to court – which can cause further delays and high court fees. While authorities fund their legal battles

through tax money, citizens, journalists, or grassroot organisations have to cover costs on their own.

The Daphne Caruana Galizia Foundation has only recently concluded a two-year legal battle against the Malta Film Commission to gain access to a single working contract that concerns British Comedian David Walliams, who was hired to host the 2022 Malta Film Awards. After gaining access, the Daphne Caruana Galizia Foundation [revealed](#) that Walliams was paid 120,000 Euro of taxpayers' money for his contribution to the Awards.

The Malta Film Commission withheld the document citing an NDA (non-disclosure agreement) that Walliams had signed, and also referred to Article 32 of the FOI Act. Article 32 allows for authorities to withhold documents in their entirety, if some information on these documents is exempt from disclosure. Therefore, instead of releasing at least part of the information, requesters have to resort to the available appeals procedures, further prolonging the process.

In some instances, information is not processed in the form of documents, and as a consequence, they cannot be requested under the FOI Act. This is especially problematic when the undocumented information is important for the general public. The Daphne Caruana Galizia Foundation recently requested documents on environmental instances and disasters that occurred between 2021 and 2023, as well as the costs to mitigate them. Authorities replied that no such list of documents existed, and the information request remained unanswered.

## Mapping Freedom of Information in Malta

The Mapping Media Freedom project has documented [four freedom of information cases](#) in Malta that reveal a troubling culture of secrecy and resistance by Maltese authorities toward journalists and independent media.

The independent investigative outlet The Shift News accounts for [three cases](#) on the platform, which is reflective of the outlets' relentless [effort](#) and commendable work to advocate for freedom of information in Malta. In one of the most far-reaching efforts, the outlet sent almost 30 different requests to inquire about contracts between public authorities and Saviour Balzan, co-owner of Malta Today, who is also affiliated with the ruling party. After multiple rejections from different authorities, The Shift News appealed to the IDPC, who ordered the release of the information.

In a clearly coordinated response, one by one, all 30 authorities issued appeals to the decision of the Data Commissioner in early 2022. As a result, the outlet was hauled into an almost two-year legal battle before the Maltese Appeals Tribunal and the Court of Appeals and had to turn to crowd-funding initiatives in order to cover the cost-extensive process. In January 2024, the news portal issued an [update](#) stating that it was able to win almost all cases against the various government agencies. However, not a single entity had released the information at the time of the update.

In a [more recent case](#) from May 2025, Times of Malta reported that Prime Minister Robert Abela blocked FOI requests about income and asset declarations by himself and other cabinet members. According to the newspaper, the Prime Minister's Office [responded](#) that asset declarations were covered by 'secrecy rules'. That same month, The Shift News reported that Prime Minister Abela had instructed all ministers and parliamentary assistants to [stop responding](#) to freedom of information requests, after the outlet contacted them seeking details on contracts with current advisors and consultants. According to The Shift, all requests were rejected on the grounds that they were "too vague", once again suggesting a coordinated effort to withhold information.



# UKRAINE: BALANCING INTERESTS OF NATIONAL SECURITY AND THE RIGHT TO INFORMATION

The [Constitution of Ukraine](#) protects the right to freedom of information in Article 34:

*“Everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his or her views and beliefs. Everyone has the right to freely collect, store, use and disseminate information by oral, written or other means of his or her choice. The exercise of these rights may be restricted by law in the interests of national security, territorial indivisibility or public order, with the purpose of preventing disturbances or crimes, protecting the health of the population, the reputation or rights of other persons, preventing the disclosure of information received confidentially, or supporting the authority and impartiality of justice.”*

In addition, the [Law of Ukraine on Access to Public Information](#) was introduced in 2011 and is considered one of the more comprehensive and robust FOI laws in Europe. The Global Right to Information Ranking [ranks](#) the Ukrainian law at 19th place out of 140 assessed countries.

Amongst other aspects, the law stands out by enshrining the active duty of authorities to grant access to information. In addition, the law sets a short standard timeframe of 5 days for an initial response, and even calls for a 48 hour response time in emergency cases. The Ukrainian Parliament Commission for Human Rights is assigned as the main oversight body, while the second route of appeal is to take a rejected request to court.

With the onset of the full-scale invasion of Ukraine by Russia on 24 February 2022, several reports highlight that access to information was [restricted](#) under martial law. Especially in the first months following the invasion, observers [noted](#) that previously public information was taken down, a vast number of state registries were closed, and FOI requests were denied citing martial law or ignored altogether – perhaps due to overwhelm, uncertainties of how to act, or fears of disclosing useful information to Russia.

Galyna Petrenko, director of the NGO [Detector Media](#), highlights that FOI requests are routinely rejected, and state registries closed, on the grounds of ‘martial law’ – even though the information is not always directly connected to matters of national security concerns.

In August 2025, a [draft law](#) was passed in parliament that limited access to some publicly available data in state registers “for the period of martial law and a year after its abolition”. The restricted data [concerns](#) the location of real-estate and

cadastral numbers of land plots. Press freedom groups have raised concerns that the law will make it more difficult for journalists to expose corruption in the future, as property attained through corrupt means is often linked to the names of public officials or related persons.

Petrenko sees a connection between restricted access to information under martial law and the governments' general resistance to anti-corruption measures. In July 2025, Ukraine saw its first wave of [public protests](#) against the government since the onset of the full-scale invasion, following a law that significantly threatened the independence of the two main corruption oversight bodies — the Specialised Anti-Corruption Prosecutor's Office (SAP) and Ukraine's National Anti-Corruption Bureau (NABU) — in Ukraine. In [response](#) to the protests, the law was passed in a different form that kept the independence of both anti-corruption authorities intact. However, Petrenko cautions that this attack on anti-corruption infrastructure was justified on national security grounds and was likely instrumentalised by the government to curtail anti-corruption efforts more broadly.

Journalists in Ukraine are aware of their dual roles as citizens and journalists. This awareness can hamper the right to information, as journalists might choose not to exercise it. Petrenko recalls that in the early days of the full-scale invasion, there were discussions about whether investigations into corruption within the military could hinder the war effort. While the consensus was that exposing corruption would have a net positive effect, journalists might lean towards self-censorship in such situations, driven by a sense of civic duty in times of war.

The [reinstatement](#) of live broadcasting at the Verkhovna Rada (parliament), which had been banned since the beginning of martial law, represents a more positive development. The ban was justified on grounds that leaked information could reach Russian intelligence or that parliament might become a missile target if the timing of its sessions became known. However, to fill the gap, Members of Parliament started broadcasting and [blogging live](#) from the parliament, narrowing the public to information selectively shared by the politicians themselves, and drawing the effectiveness of a media ban into question. The ban was revoked in August 2025, and journalists from the state-owned channel 'Rada' will be allowed to [broadcast live](#) from the parliament again from mid-September 2025 onwards.

Petrenko highlights that the current state of freedom of information in Ukraine remains a balancing act between national security concerns on the one hand, and press and media freedom on the other. Many of the issues discussed here – FOI requests left unanswered citing 'marshal law', the closure of state registries, or journalists banned from parliament – have to be considered in the context of a country at war.

## Mapping Freedom of Information in Ukraine

Ukraine is the country with the most documented cases of press freedom violations related to FOI on Mapping Media Freedom. In total, [17 cases](#) were documented on the platform. The majority of cases were documented in 2023 and 2024 and highlight the challenges of keeping up the fundamental right to information in a country at war.<sup>3</sup>

Authorities rejected FOI requests with reference to the state of war in [eight instances](#). In [six](#) of these cases, information was held back citing 'martial law', even though information requested differed widely, including inquiries about the salary of civil servants, contracts for road renovation, or foreign travel of Members of Parliament (MPs). In other instances, information was held back citing that it could potentially benefit Russia and [sabotage](#) Ukrainian defense capabilities, that computers with stored data had been [destroyed](#) in an attack, or that due to extended power outages capacities of authorities were greatly [reduced](#). While Ukrainian authorities operate under exceptional circumstances during the war, it remains essential for journalists to hold the government accountable and expose issues such as corruption and operational misconduct.

For example, in January and February 2024, the investigative outlet Slidstvo.Info posed [three](#) FOI requests to the Verkhovna Rada (parliament) in order to inquire about approved foreign travel of MPs since the start of the full-scale invasion. The outlet received three rejections citing various reasons, including that such travels were not documented, that the information was restricted under martial law and that a release posed a potential threat to national security. Slidstvo.Info had initially initiated the request following [reports](#) that a Ukrainian MP had been spotted in a luxury hotel on the Maldives whilst officially on a diplomatic mission.

During the reporting period, authorities also [infringed](#) on the right to information by simply ignoring FOI requests, or refusing them for formal or administrative reasons. In July 2024, a local journalist working for the outlet 061.ua was [refused](#) information on unfinished housing projects in the city of Zaporizhia, southern Ukraine. The city council first turned down an informal request for commentary, and then refused an FOI request on grounds that the journalist did not provide a signature for the request. After re-submitting the request with the signature, it was denied again citing the requested information was not public.

The platform also documented other instances where public authorities refused FOI requests claiming the information would not serve public interest. For example, in January 2024, journalist Oksana Petruks' request for information about salaries paid by the Ukrainian Forest Resource Agency was [turned down](#) for that reason.

<sup>3</sup> Author's note: Ukraine was only added as a monitoring country under the Media Freedom Rapid Response project in February 2022, when the country received EU candidate status. All prior cases have been added retrospectively.



## CONCLUSION

This report looked at the state of Freedom of Information in Europe for journalists in four different countries – Germany, Hungary, Malta, and Ukraine – examining relevant national legal frameworks, talking to FOI experts and defenders, and analysing violations of the right to information as documented on the Mapping Media Freedom database.

Journalists in all four European countries face challenges shaped by the individual national legal framework and the respective political situation. A primary issue that emerged for almost all case studies was the discrepancy between the law on paper, and how it was implemented in practice. The report notes that, despite constitutional and legal guarantees of the right to information in all four countries, journalists continue to face a broad spectrum of practical challenges.

Access to information requests were turned down, ignored, or rejected. In some instances, authorities went to great lengths to circumvent existing legislation. Documents were released in strange and inaccessible formats, requests were answered with significant delays, or journalists or press freedom organisations were drawn into lengthy and expensive legal proceedings.

For journalists to do their work effectively, the MFRR calls on European authorities to abstain from such practices. The right to information is an inescapable element of a functioning democracy. Journalists can use it to improve the free flow of information between the government and the public, contributing to increased transparency and public participation. Some of the journalistic investigations mentioned in this report demonstrate the importance of effective FOI legislation and practices that contribute greatly to strengthening democratic oversight and public trust.





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