

Act No. 572, 19 December 1985.

THE DANISH ACCESS TO
PUBLIC ADMINISTRATION FILES ACT.

Ministry of Justice,
Copenhagen, 1987.

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The Danish Access to Public Administration Files Act

We, Margrethe the Second, by the Grace of God Queen of Denmark,

Do Hereby Make Known:

The Folketing has passed and We by Our Assent have affirmed the below Act:

Part 1.

General Scope of the Act.

1.-(1) This Act shall apply to all activity exercised by the public administration, subject to the provisions of Sections 2 and 3 of this Act.

(2) This Act shall further apply to

1° any public utility generating, transmitting, or distributing electricity at voltages of 500 volts or more.

2° Any company, partnership, institution, association etc. carrying on the business of natural gas suppliers.

3° Any collective district heating plant falling under the Danish Heating Act and having a capacity of 10 MJ/s or more.

(3) Upon consultation with the Minister for Justice, the minister concerned may by Order provide that this Act shall apply also to specified companies, partnerships, institutions, associations etc. that cannot be classified as part of the public administration, provided that the operating expenses of such entities are mainly covered by central or local government funds or to the extent that by or pursuant to statutory provision they are empowered to make decisions on behalf of central or local governments. The minister concerned may under this provision lay down more detailed rules on filing etc. of documents.

2.-(1) This Act shall not apply to matters relating to criminal justice. Only the provisions of Section 6 of this Act shall apply to matters of appointment or promotion of public servants.

(2) This Act shall apply to matters relating to the making of laws, including any Act for the purpose of appropriations, subject to the Bill in question having been introduced in the Folketing.

(3) The minister concerned may by Order provide for public access to information stored in electronic data banks etc. to which the Danish Public Authorities' Registers Act does not apply. Such Order may give rules on fees payable.

Duty to Make Notes etc.

6.-(1) In any matter to be decided by an administration authority, an authority receiving information by word of mouth on facts of importance to the decision or in other manner having notice of such facts, shall make a note of the substance of such information, always provided that such information is not contained in the documents of the matter.

(2) In respect of specified fields of administration activity, the Minister for Justice may by Order lay down rules on filing etc. of data processed or transmitted electronically.

(3) Upon consultation with the Minister for Justice, the minister concerned may by Order lay down rules on the duty to make notes in specified groups of matters of administration activity other than that referred to in subsection (1) of this Section.

Part 3.

Exceptions to the Right of Access to Administration Files.

Exempt Internal Case Material.

7. The right of access to administration files shall not apply to an authority's internal case material. Internal case material shall be deemed to be

- 1^o any document prepared by an authority for its own use;
- 2^o correspondence between units within one and the same authority; and
- 3^o correspondence between a local government council and its committees departments and other bodies, or between these bodies.

8. Without prejudice to the provision of Section 7 of this Act, the right of access to files shall comprise internal case material available in final form, where such documents

- 1^o render exclusively the substance of the authority's final resolution on its decision in a matter;

(2) Upon consultation with the Minister for Justice, the minister concerned may by Order provide that the duty provided for by subsection (1) of this Section shall not apply to specified groups of factual administration activity.

Exempt Information.

- 12.-(1) The right of access to administration files shall not apply to
- 1^o information on the private circumstances of individual persons, including their finances;
 - 2^o information on technical plant or processes or on operating or business procedures or the like, provided it is of material importance to the economy of the person or enterprise that grant of the request be refused.

(2) Where the provisions of subsection (1) of this Section apply to only part of a document, the person requesting disclosure shall be apprised of the rest of the contents of that document.

- 13.-(1) The right of access to administration files may be subject to limitation where protection is essential with regard to
- 1^o the security of the State or the defence of the realm;
 - 2^o protection of Danish foreign policy or of Danish external economic interests, including relations with foreign powers or international institutions;
 - 3^o prevention and clearing-up of any infringement of the law, prosecution of offenders, execution of sentences and the like, and protection of persons accused, of witnesses or others in matters of criminal or disciplinary prosecution;
 - 4^o implementation of public supervision, control, regulation, or planning activities, or of measures planned under taxation law;
 - 5^o protection of public financial interests, including interests relating to public commercial activities; or
 - 6^o protection of private or public interests where secrecy is required because of the special nature of the matter.

(2) Where the provisions of subsection (1) of this Section apply to only part of a document, the person requesting disclosure shall be apprised of the rest of the contents of that document.

Part 5.

Commencement.

Other Statutory Provisions Etc.

17.-(1) This Act shall come into operation on 1 January 1987.

(2) The Public Access to Administrative Information Act No. 280, 10 June 1970, is hereby repealed.

(3) This Act shall not apply to documents issued or received by an authority before 1 January 1971, always provided that facts set out in such documents shall be subject to disclosure under the provisions of this Act if such documents have been included in a matter that has been or is being considered by an administration authority after 1 January 1971 and the information has been or is of relevance to such matter. The provision of head 4^o of Section 8 of this Act shall apply to documents used after 1 January 1987. The provision of Section 9 of this Act shall apply to hospital case records prepared after 1 January 1987 and to entries made after 1 January 1987 in hospital case records dating from before that date. The right of access to administration files pursuant to the provision of subsection (2) of Section 1 of this Act shall not apply to documents issued or received before 1 January 1987 by the companies, partnerships, institutions, associations, etc. listed in that provision.

(4) Provisions of other Acts on the right to be apprised of documents filed with public administration authorities shall be retained even if the scope of such provisions is narrower than that provided by this present Act.

18. This Act shall not apply to matters relating to Faeroese or Greenlandic affairs. This Act may by Royal Decree be made to apply to such matters, subject to such modifications as circumstances peculiar to the Faeroe Islands and Greenland may require. This provision shall however apply only to matters that have been or are being considered by National Government Authorities.

Given at Amalienborg Palace,

this nineteenth day of December One thousand nine hundred and eighty-five.

Under Our Royal Hand and Seal,

MARGRETHE R.

/ Erik Ninn-Hansen