

Act on the Openness of Government Activities 21.5.1999/621

(Unofficial translation)

*(Amendments up to 1060/2002 included;
amendments 2005/701, 2005/495, 2004/281 and 2003/684 not included)*

Chapter 1

General provisions

Section 1 — Principle of openness

Official documents shall be in the public domain, unless specifically otherwise provided in this Act or another Act.

There are specific provisions that apply to the right to attend Parliamentary plenary sessions, meetings of municipal councils and other municipal bodies, court hearings and meetings of ecclesiastical bodies.

Section 2 — Scope of application

This Act contains provisions on the right of access to official documents in the public domain, officials' duty of non-disclosure, document secrecy and any other restrictions of access that are necessary for the protection of public or private interests, as well as on the duties of the authorities for the achievement of the objectives of this Act.

Section 3 — Objectives

The objectives of the right of access and the duties of the authorities provided in this Act are to promote openness and good practice on information management in government, and to provide private individuals and corporations with an opportunity to monitor the exercise of public authority and the use of public resources, to freely form an opinion, to influence the exercise of public authority, and to protect their rights and interests.

Section 4 — Authorities

For the purposes of this Act, authorities are defined as:

- (1) State administrative authorities and other State agencies and institutions;
- (2) courts of law and the other bodies for the administration of the law;
- (3) State enterprises;
- (4) municipal authorities;
- (5) the Bank of Finland, including the Finance Supervision Authority, the National Pensions Institution and other independent institutions subject to public law; however, this Act applies to the documents of the Pensions Security Centre and the Agricultural Pensions Institute as provided in paragraph (2);

(6) Parliamentary agencies and institutions;

(7) ~land authorities, when performing the duties of State authorities in ~land;

(8) independent boards, consultative bodies, commissions, committees, working groups, investigators, as well as auditors of municipalities and federations of municipalities, and other comparable organs appointed for the performance of a given task on the basis of an Act, a Decree or a decision of an authority referred to in subparagraph (1), (2) or (7).

The provisions on an authority also apply to corporations, institutions, foundations and private individuals appointed for the performance of a public task on the basis of an Act, a Decree or a provision or order issued by virtue of an Act or a Decree, when they exercise public authority. Separate provisions apply to access to the documents of the Evangelical Lutheran Church.

Section 5 — Official document

For the purposes of this Act, a document is defined as a written or visual presentation, and also as a message relating to a given topic or subject-matter and consisting of signs which, by virtue of the use to which they are put, are meant to be taken as a whole, but are decipherable only by means of a computer, an audio or video recorder or some other technical device.

An official document is defined as a document in the possession of an authority and prepared by an authority or a person in the service of an authority, or a document delivered to an authority for the consideration of a matter or otherwise in connection with a matter within the competence or duties of the authority. In addition, a document is deemed to be prepared by an authority if it has been commissioned by the authority; and a document is deemed to have been delivered to an authority if it has been given to a person commissioned by the authority or otherwise acting on its behalf for the performance of the commission.

Subject to the exceptions provided in paragraph (5), the following are deemed not to be official documents:

(1) a letter or other document sent to a person in the service of an authority or to an elected official because of another task performed or position held by the recipient;

(2) notes kept by a person in the service of an authority or a person commissioned by an authority and such drafts which have not yet been released for presentation or other consideration;

(3) documents procured for in-service training, information retrieval or any other comparable internal activity of an authority;

(4) a document given to an authority for the performance of a task on behalf of a private party, or prepared for this purpose;

(5) a document left with or handed in to an authority as lost property.

This Act applies to documents prepared for negotiations or communications between persons in the service of authorities or between authorities and private individuals or corporations

acting on their behalf, or for other comparable internal activities of such authorities, only if the documents contain such information that, according to the archives legislation, they are to be archived. However, if the documents are archived, the authority may order that access to them may be granted only by permission of the authority.

The provisions on document secrecy in section 24 of this Act or in another Act apply also to documents referred to in paragraph (3)(2) and paragraph (4).

Chapter 2

When documents enter the public domain

Section 6 — When a document prepared by an authority enters the public domain

Unless otherwise provided on document publicity or secrecy or another restriction of access to information in this Act or another Act, a document prepared by an authority shall enter the public domain as follows:

(1) an entry in a continuously updated diary or comparable register enters the public domain when it is made; however, information on a suspect in the diary of a prosecutor enters the public domain only after the application for a summons or the prosecutor's summons has been signed or verified in a similar manner, or after the public prosecutor has decided to waive prosecution or the matter has lapsed;

(2) in cases other than those referred to in subparagraphs (3) and (4), an invitation to tender, to provide information or to comment, as well as a proposal, a proposition, a motion, a notification and a petition, including any appendices, enters the public domain when it has been signed or confirmed in another comparable manner;

(3) in cases relating to a service or procurement contract or any other contract based on tenders, a request for information supplementary to the tender and any other accounts and documents prepared for the consideration of such tenders enter the public domain when the contract has been awarded;

(4) the budget propositions of ministries and the agencies and institutions within their fields of competence enter the public domain when the Ministry of Finance has signed its first position on the budget proposition; thereafter, the propositions sent to the Ministry of Finance from the other ministries and the other propositions drafted for and included in the budget proposal enter the public domain when the budget proposal has been submitted to Parliament;

(5) studies and statistics, as well as other comparable accounts which, forming a coherent whole, contain information on the alternatives, reasons and impacts pertaining to a decision or plan of general importance, even when they otherwise concern unfinished business, enter the public domain when they are fit for their purpose;

(6) minutes enter the public domain when they have been scrutinised and signed or confirmed in a comparable manner, unless they have been kept for the preparation of a matter or for the internal use of the authority;

(7) a court order or judgment enters the public domain from the moment it is handed down or when it is made available to the parties;

(8) a decision, a statement, an instrument and a contractual commitment of an authority, as well as the pertinent memoranda, minutes and other documents not referred to in subparagraphs (1)—(3) or (5)—(7), enter the public domain when the decision, statement, instrument or contract has been signed or confirmed in a corresponding manner;

(9) a document not referred to in subparagraphs (1)—(3) or (5)—(7) enters the public domain when the consideration of the pertinent matter has been concluded by that authority.

Notwithstanding the provisions in paragraph (1), commission reports, discussion papers and other similar documents intended for general dissemination enter the public domain when they are in the possession of an authority for dissemination.

If an instrument or other document is to be issued, the authority shall, where necessary, make its best effort to provide the parties to the matter with information on the contents of the document before it enters the public domain.

Section 7 — When a document delivered to an authority enters the public domain

Unless otherwise provided on document publicity or secrecy or another restriction of access to information in this Act or another Act, a document delivered to an authority for the consideration of a matter or otherwise in connection with a matter within its jurisdiction or duties shall enter the public domain when the authority has received it.

Expert opinions and other such documents that are to be opened at a given time or after the lapse of a given period shall enter the public domain, subject to the restrictions referred to in paragraph (1), after the moment they have been opened. Procurement, service and other tenders that have been delivered to an authority on the basis of an invitation to tender and that result in a contract enter the public domain, subject to the restrictions referred to in paragraph (1), when the contract is awarded.

Unless otherwise provided in the rules of secrecy or some other restrictions of access, a document that can be deciphered only by means of a device enters the public domain at the earliest when it is available to an authority or a person acting on behalf of the authority.

Section 8 — General dissemination of a document

Statistics on the development of the national economy, initiatives and action plans of economic policy and other similar documents the contents of which could obviously have an impact on the capital and financial markets, shall be generally disseminated as soon as possible after the event referred to in sections 6 and 7.

Chapter 3

Right of access to a document

Section 9 — Access to a document in the public domain

Everyone shall have the right of access to an official document in the public domain.

Access to a document which is not yet in the public domain under sections 6 and 7 shall be granted at the discretion of the authority. The provisions in section 17 shall be taken into account when discretion is exercised.

Section 10 — Access to a secret document

No access to a secret document or its contents shall be granted, unless specifically otherwise provided in this Act. When only a part of a document is secret, access shall be granted to the public part of the document if this is possible without disclosing the secret part.

Section 11 — Parties' right of access

A petitioner, an appellant and any other person whose right, interest or obligation in a matter is concerned (a party) shall also have the right of access, to be granted by the authority which is considering or has considered the matter, to the contents of a document which is not in the public domain, if they may influence or may have influenced the consideration of his/her matter.

A party, his/her representative or counsel shall not have the right of access referred to in paragraph (1) above to:

- (1) a document, access to which would be contrary to a very important public interest, the interest of a minor or some other very important private interest;
- (2) a document produced or prepared in the course of a criminal investigation or police inquiry before the completion of the investigation or inquiry, if access would impede the clearing up of the case;
- (3) a presentation memorandum, a draft decision or a comparable document prepared by an authority for the preparation of a matter, before the consideration of the matter by that authority has been concluded; however, access to a paper written in a matriculation examination and to the identity of the moderator designated by the Matriculation Examinations Board to mark the paper shall not be granted until the Board has finalised the marks given for the papers;
- (4) a document prepared or procured by an authority acting as a litigant in a trial, if access would be contrary to the interests of the public corporation or the corporation, foundation, institution or person referred to in section 4(2) in the trial;
- (5) information compiled during enforcement proceedings and not relating to the economic situation of the debtor, unless it is necessary for a court action for the recovery of assets to a bankrupt estate;
- (6) information compiled in connection with an official invitation to tender and relating to the business or professional secret of another tenderer, with the exception of the tender price;
- (7) the address, telephone number or other comparable contact information of a witness, an injured party, another party to the matter or a person who has reported an offence, made a report referred to in section 40 of the Child Welfare Act (683/1983) or another report giving

rise to official action, if access would compromise the safety, interest or right of the witness, injured party, other party or the person making the report.

If a document forms a part of the documentation in a civil or criminal trial, a party shall have access to it regardless of the restrictions in paragraph (2), except for the case referred to in paragraph (2)(7). In so far as the document contains information on deliberations referred to in chapter 1, section 7 of the Code of Judicial Procedure, access to it shall be subject to the permission of the authority.

A person whose standing to appeal a decision is based on membership of a municipality or any other corporation shall have access to the decision by virtue of this section only in so far as it is in the public domain.

Section 12 — Access to a document pertaining to the individual

Unless otherwise provided in an Act, every individual shall have the right of access to information contained in an official document and pertaining to themselves, subject to the restrictions provided in section 11(2) and (3).

Chapter 4 Granting access to a document

Section 13 — Request for access to a document

A request for access to an official document shall be sufficiently detailed, so that the authority can determine which document the request concerns. The person requesting access shall be assisted, by means of official diaries and indexes, to specify the document to which access is being requested. The person requesting access need not identify himself/herself nor provide reasons for the request, unless this is necessary for the exercise of the authority's discretion or for determining if the person requesting access has the right of access to the document.

When requesting access to a secret document, a personal data filing system controlled by an authority or any other document, access to which can be granted only subject to certain conditions, the person requesting access shall, unless specifically otherwise provided, declare the use to which the information is to be put, as well as give the other details necessary for determining whether the conditions have been met and, where necessary, explain what arrangements have been made for the protection of the information.

Section 14 — Decision on access

Unless otherwise provided, the decision to grant access to an official document shall be made by the authority in possession of the document. The decision to grant access to a document commissioned by an authority or to a document issued in connection with a task performed on commission by any other authority shall be made by the commissioning authority, unless otherwise required by the nature of the commission.

Access to the contents of a document shall be granted by an official or employee who has been so designated by the authority or to whom the task otherwise belongs by virtue of his/her office or duties.

If the official or the other person referred to in paragraph (2) refuses to grant the requested access, he/she shall

- (1) inform the person requesting access of the reason for the refusal;
- (2) inform the person requesting access that he/she may have the matter decided by the authority;
- (3) ask a person who has filed a written request for access whether he/she wishes to have the matter forwarded to that authority; and
- (4) inform the person requesting access of the charges involved in the consideration of the request.

A matter referred to in this section shall be considered without delay, and access to a document in the public domain shall be granted as soon as possible, and in any event within two weeks from the date when the authority received the request for the document. If the number of the requested documents is large, if they contain secret parts or if there is any other comparable reason for the consideration and the decision of the matter requiring special measures or otherwise an irregular amount of work, the matter shall be decided and access to the document granted within one month of the receipt of the request for access by the authority.

Section 15 — Forwarding the request for a document to another authority

If access is requested to a document prepared by another authority or pertaining to a matter under consideration by another authority, the request may be forwarded to be dealt with by the authority that has prepared the document and is responsible for the consideration of the matter as a whole.

If access is requested to personal, business, real estate or vehicle data or other similar identification or address information which is entered into a register meant for public use by another authority, the request may be transferred for the consideration of the appropriate registration authority.

Section 16 — Modes of access

Access to an official document shall be by explaining its contents orally to the requester, by giving the document to be studied, copied or listened to in the offices of the authority, or by issuing a copy or a printout of the document. Access to the public contents of the document shall be granted in the manner requested, unless this would unreasonably inconvenience the activity of the authority owing to the volume of the documents, the inherent difficulty of copying or any other comparable reason.

Access to the public information in a computerised register of the decisions of an authority shall be provided by issuing a copy in magnetic media or in some other electronic form,

unless there is a special reason to the contrary. Similar access to information in any other official document shall be at the discretion of the authority, unless otherwise provided in an Act.

Access may be granted to a personal data filing system controlled by an authority in the form of a copy or a printout, or an electronic-format copy of the contents of the system, unless specifically otherwise provided in an Act, if the person requesting access has the right to record and use such data according to the legislation on the protection of personal data. However, access to personal data for purposes of direct marketing, polls or market research shall not be granted unless specifically otherwise provided or unless the data subject has consented to the same.

Chapter 5

Duty of the authorities to promote access and good practice on information management

Section 17 — Taking the right of access into account in decision-making

When making decisions under this Act and also otherwise when performing its duties, an authority shall see to it that, in view of sections 1 and 3, access to information on the activities of the authority is not unduly or unlawfully restricted, nor more restricted than what is necessary for the protection of the interests of the person protected, and that the persons requesting access are treated on an equal basis.

In the application of the provisions on document secrecy, attention shall also be paid to whether the secrecy obligation is independent of the case-by-case consequences of access (strict secrecy), whether any access to the document is based on the adverse consequences of access (secrecy based on putative access), or whether any access to the document requires that there manifestly are no adverse consequences of access (secrecy based on putative secrecy).

Section 18 — Good practice on information management

In order to create and realise good practice on information management, the authorities shall see to the appropriate availability, usability, protection, integrity and other matters of quality pertaining to documents and information management systems and, for this purpose, especially:

- (1) maintain an index of any matters submitted and taken up for consideration and any matters considered and decided, or otherwise make sure that their public documents can be easily located;
- (2) draw up and make available specifications on their information management systems and the public information contained therein, unless granting access to such information would be contrary to the provisions in section 24 or in some other Act;
- (3) when the introduction of information management systems or administrative or legislative reforms are being prepared, analyse the effect of the proposed reform on the publicity, secrecy and protection of documents and on the quality of the information contained therein, as well as undertake the necessary measures for the safeguarding of the rights pertaining to the information and its quality, and for the arrangement of the protection of the documents, the information management systems and the information contained therein;
- (4) plan and realise their document and information administration and the information management systems and computer systems they maintain in a manner allowing for the effortless realisation of access to the documents and for the appropriate archiving or destruction of the documents, the information management systems and the information contained therein, as well as for the appropriate safeguarding and data security arrangements for the protection, integrity and quality of the documents, the information management systems and the information contained therein, paying due attention to the significance of the information and the uses to which it is to be put, to the risks to the documents and the information management systems and to the costs incurred by the data security arrangements;
- (5) see to it that their personnel are adequately informed of the right of access to the documents they deal with and the procedures, data security arrangements and division of tasks relating to the provision of access and the management of information, as well as to the safeguarding of information, documents and information management systems, and that compliance with the provisions, orders and guidelines issued for the realisation of good practice on information management is properly monitored.

More detailed provisions on the measures necessary for the realisation of the obligations provided in paragraph (1) shall be issued by Decree. However, more detailed provisions on the diaries of the courts and prosecutors shall be issued by the Ministry of Justice. Provisions may be issued by Decree on the powers of the Government to issue more detailed orders and guidelines on the technical specifications for data security arrangements and procedures for the safeguarding of information management systems and the information contained therein, ensuring the integrity and quality of the information and the transfer of information by way of data networks, as well as on the classification, within the State administration, of the pertinent documents, information management systems and the information contained therein.

The provisions in the Archives Act (831/1994) and the provisions and orders issued on the basis of that Act apply to the duties of the archive service.

Section 19 — Duty of the authorities to provide access to information in pending matters

Unless otherwise follows from the secrecy provisions, an authority shall keep available the documents which contain information on

(1) the initiation of a legislative reform project, a commission relating to the same, a deadline set and the person in charge of the drafting; and

(2) plans, accounts and decisions on pending matters of general importance.

When requested to do so, the authority shall, orally or by another convenient means, provide access to information on the stage of consideration, alternatives and impact assessments relating to matters referred to in paragraph (1), as well as on the opportunities of private individuals and corporations to exercise an influence on the matters.

Section 20 — Duty of the authorities to produce and disseminate information

The authorities shall promote the openness of their activities and, where necessary for this purpose, produce guides, statistics and other publications, as well as information materials on their services and practices, as well as on the social conditions and developments in their field of competence. When the extent of this duty is being assessed, due consideration shall be given to the opportunities to obtain information on the activity of the authority by means of access to its documents or the general compilations of statistics in Finland.

The authorities shall publicise their activities and services, as well as the rights and obligations of private individuals and corporations in matters falling within their field of competence.

The authorities shall see to it that the documents or the pertinent indexes which are essential to the general public's access to information are available where necessary in libraries or public data networks, or otherwise easily accessible to the members of the public.

Section 21 — Production of sets of data on request

When requested to do so, an authority may compile and deliver a set of data formed from signs contained in one or more computerised information management systems and maintained for various purposes, if such delivery is not contrary to the provisions on document secrecy and the protection of personal data owing to the search criteria used, the volume or quality of the data or the intended use of the set of data.

Where permitted by the authorities concerned and subject to the provisions in paragraph (1), the set of data may be compiled also from information management systems maintained by different authorities.

Chapter 6
Secrecy obligations

Section 22 — Document secrecy

An official document shall be secret if it has been so provided in this Act or another Act, or if it has been declared secret by an authority by virtue of an Act, or if it contains information covered by the duty of non-disclosure, as provided in an Act.

A secret official document, a copy or a printout thereof shall not be shown or given to a third party or made available to a third party by means of a technical interface or otherwise.

Section 23 — Non-disclosure and prohibition of use

A person in the service of an authority and an elected official shall not disclose the secret content of a document, nor information which would be secret if contained in the document, nor any other information obtained in the service of the authority, where covered by a duty of non-disclosure provided in an Act. The provision on non-disclosure shall apply also after the service or the performance of the task on behalf of the authority has ceased.

The provision in paragraph (1) applies also where trainees or other temporary personnel, persons commissioned by the authority or persons in the service of such persons have acquired secret information by virtue of an Act or a permission based on an Act, unless otherwise provided in the Act or laid down in the permission. A party, his/her representative or counsel shall not disclose to third parties secret information obtained by virtue of party status and concerning other persons than the party himself.

A person referred to above in paragraph (1) or (2) shall not use secret information for personal benefit or the benefit of another, nor for the detriment of another. However, a party, his/her representative and counsel may use information concerning a person other than the party himself/herself, where the matter concerns the right, interest or obligation on which the access of the party to the information is based.

Section 24 — Secret official documents

Unless specifically otherwise provided, the following official documents shall be secret:

(1) the documents of the Government Foreign Affairs Committee, unless otherwise decided by the Committee, as well as the political assessments of the Ministry for Foreign Affairs and the Finnish missions abroad, the documents concerning political or economic negotiations with a foreign state and the coded messages in the field of foreign affairs administration, unless otherwise decided by the Ministry;

(2) the documents, other than those referred to in subparagraph (1), concerning the relationship of Finland with a foreign state or an international organisation; the documents concerning a matter pending before an international court of law, an international investigative body or some other international institution; as well as the documents concerning the relationship of the Republic of Finland, Finnish citizens, Finnish residents or corporations operating in Finland with the authorities, persons or corporations in a foreign state, if access to such documents could damage or compromise Finland's international relations or its ability to participate in international co-operation;

(3) the reports of offences made to the police and any other authorities carrying out criminal investigations, as well as to the public prosecutor and the authorities charged with responsibility for inspection and supervision; the documents obtained or prepared for purposes of criminal investigations or a decision on whether to bring charges, as well as the application for a summons, the summons and the defendant's response in a criminal case, until a decision has been made for a hearing in the case, the public prosecutor has decided to waive prosecution, or when the case has been abandoned, unless it is obvious that access to the documents will not compromise the clearing up of the offence, the achievement of the objectives of the investigation, or without a pressing reason cause injury or suffering to a party, or compromise the right of the court to order that the documents are to be kept secret on the basis of the Act on the Openness of Court Proceedings (945/1984);

(4) the registers maintained by the police, and any other authorities carrying out criminal investigations for purposes of crime prevention and clearing up of the particulars of offences; the reports prepared for the prevention of crime; as well as the photographs and other identifying information taken or obtained in administrative proceedings for the determination or verification of identity and the right to travel, and the special identification codes issued to a person or entered into his/her identity card or travel documents;

(5) the documents containing information on the tactical and technical plans and methods of the police, the frontier guard, the customs authorities and the prison authorities, if access would compromise the prevention of crime, the clearing up of offences or the maintenance of public order or the order of penal institutions;

(6) documents relating to a complaint before a decision has been made on the matter of the complaint, if access would compromise the resolution of the matter or without a pressing reason cause injury or suffering to a party;

(7) documents relating to or affecting the realisation of the security arrangements of persons, buildings, installations, constructions, and data and communications systems, unless it is obvious that access will not compromise the achievement of the objective of the security arrangements;

(8) documents concerning preparations for accidents and emergency conditions, civil defence and the investigation of accidents, if access would breach or compromise safety, the realisation of civil defence or the preparation for emergency conditions, compromise the investigation of accidents or violate the rights of the victims or the memory of the victims or cause distress to persons closely involved with them, unless the granting of access is necessary for the purpose of carrying out an official task;

(9) the documents of the security police and the other authorities concerning the maintenance of State security, unless it is obvious that access will not compromise State security;

(10) documents concerning military intelligence, the supply, formations, locations or operations of the armed forces, the inventions, facilities, installations and systems used in the armed defence of the country or other defence, the other matters significant to the defence of the country, as well as defensive preparations, unless it is obvious that access will not violate or compromise the interests of defence;

(11) documents containing information on decisions, measures or preparations in monetary policy or foreign exchange policy, as well as on the preparation of financial or income policy

or research into the need for decisions or measures in the fields of financial policy, income policy, monetary policy or foreign exchange policy, if access would be contrary to the interests of the state as a social partner or otherwise significantly compromise the achievement of the purpose of the decision or measure or hamper the proper conduct of financial, monetary or foreign exchange policy;

(12) the reports prepared for the performance of the statutory tasks of the authorities supervising the financial markets and insurance operators and the authorities charged with the functioning of the financial markets and the insurance systems, containing information on the functioning of the markets, the financial, insurance or pensions institutions, or their customers, if access would injure or compromise the credibility or functioning of the financial or insurance systems;

(13) statistics on the national economy, a financial policy initiative and operational plan, and other such documents containing information which obviously may influence the capital and financial markets, before they have been publicly disseminated as provided in section 8;

(14) documents containing information on endangered animal or plant species or the protection of important natural habitats, if access would compromise the protection of the species or the habitat;

(15) documents containing information on inspections or other supervisory tasks of the authorities, if access would compromise the inspection or the achievement of its objectives, or without a pressing reason cause injury or suffering to a party;

(16) the basic data for research and statistics, where these have been voluntarily handed over to the authority for the express purpose of research or statistical operations;

(17) documents containing information on any business or professional secret of the State, a municipality, some other public corporation or a corporation, institution or foundation referred to in section 4(2), as well as documents containing other comparable business information, if access would cause economic loss to the corporations, institutions or foundations referred to above or improve the competitive position of another public corporation or private person pursuing the same or a competing activity, or reduce the opportunities of the public corporation or a corporation, institution or foundation referred to in section 4(2) for procurement, investment, financing or debt service on favourable terms;

(18) documents containing information compiled or obtained by the State, a municipality or some other public corporation as a labour partner or a party to a labour dispute, if access would be contrary to the interests of the public corporation as an employer; documents containing information compiled or obtained by the representatives of the State for negotiations on agricultural subsidies, if access would be contrary to the interests of the State as a negotiating party;

(19) documents prepared or obtained by an authority acting as a litigant in a trial for purposes of preparing for the trial, if access would be contrary to the interests of the public corporation or a corporation, institution, foundation or individual referred to in section 4(2) in the trial;

(20) documents containing information on a private business or professional secret, as well as documents containing other comparable private business information, if access would cause

economic loss to the private business, provided that the information is not relevant to the safeguarding of the health of consumers or the conservation of the environment or for the promotion of the interests of those suffering from the pursuit of the business, and that it is not relevant to the duties of the business and the performance of those duties;

(21) documents concerning the basic materials for a dissertation or other scientific study, technological or other development project, or the assessment of the same, unless it is obvious that access will not cause inconvenience to the completion of the dissertation, study or development project or their exploitation, its appropriate assessment or the person carrying out the research, nor to the person commissioning the study or development project;

(22) documents containing information on an entrance examination or other examination or test, if access would compromise the achievement of the objectives of the examination or test, or prevent the future use of the test;

(23) documents containing data on the annual income or net worth of a person, data on the income and assets on which a subsidy or benefit is based, or data that otherwise describes the economic situation of a person: however, an enforcement application, the decision of the bailiff and the minutes of the enforcement proceedings, with the exception of the minutes of the evaluation of the assets and liquidity of the debtor, shall be in the public domain;

(24) documents concerning a refugee or a person seeking asylum, residence permit or visa, unless it is obvious that access will not compromise the safety of the refugee, the applicant or a person closely involved with them;

(25) documents containing information on a recipient of welfare or an individual client of the labour administration and a benefit, support measure, social service or service of the labour administration for individual clients given to him/her, or information on the state of health or handicap of a person, the medical care or treatment given to him/her, or information on his/her sexual behaviour and preferences; (1060/2002)

(26) documents containing sensitive information on the private life of the suspect of an offence, an injured party or another person involved in a criminal matter, as well as documents containing information on the victim of an offence, if access would violate the rights or the memory of the victim or cause distress to those close to him/her, unless the granting of access is necessary for the performance of an official task;

(27) documents containing information on a psychiatric examination of the suspect of an offence, a character examination of a young offender or a study of the feasibility of community service as an alternative to a custodial sentence;

(28) administrative documents and registers containing information on convicts, prisoners or other persons deprived of their liberty, unless it is obvious that access will not compromise the future livelihood of the person, his/her rehabilitation into society or his/her safety and if there is a justifiable reason for providing access to the information;

(29) documents containing information on a psychological test or aptitude test on a person or the results thereof, or on the assessments for the assignment of conscripts, the selection of employees or the establishment of a basis for a salary;

(30) documents on student welfare and exemptions from teaching, the test results of students and candidates and the school diplomas and other documents containing a verbal assessment of the personal characteristics of the student, as well as documents indicating the Matriculation Examination Board's division of moderators among the schools putting forward candidates for the matriculation examination, until one year has passed from the examination round in question;

(31) documents containing information on a secret telephone number given by a person or information on the location of a mobile communications device, and documents containing information on the person's domicile, place of residence or temporary place of residence, telephone number or other contact information, if the person has asked for the information to be kept secret and he/she has a justified reason to believe that his/her own health or safety or that of his/her family are in jeopardy; (1151/2001)

(32) documents containing information on the political convictions or the privately expressed views of a person, or information on a person's lifestyle, participation in voluntary associations, interests, family life or other comparable personal circumstances of the person; however, documents containing information on the activity of a person in political or other elected office, or his/her seeking such office, as well as the participation of a person in the establishment or registration of a political party, or the establishment of an electoral association are in the public domain.

The provisions in section 17 shall be taken into account in the application of the provisions on document secrecy in paragraph (1) or in another Act.

Section 25 — Seal of secrecy and classification

A secret official document, which is given to a party and secret in the public interest or the interest of a third party, shall be put under seal. Also other secret documents may be put under seal. The seal of secrecy shall indicate the part of the document that is secret and the basis for its secrecy. If the secrecy is based on a provision involving strict secrecy, the seal of secrecy need not indicate more than the provision on which the secrecy is based.

A document shall be marked with a data security classification, if the Government has so ordered as provided in section 18(2).

Chapter 7

Derogations from secrecy and declassification

Section 26 — General principles for granting access to secret information

An authority may provide access to a secret official document, if:

- (1) there is a specific provision on such access or on the right of such access in an Act; or
- (2) the person whose interests are protected by the secrecy provision consents to the access.

Notwithstanding the secrecy provisions, the authority may grant access to information on the economic status or business or professional secret of some other person, information on a

recipient of health care or welfare, as referred to in section 25(1)(25), information on the private life of a person, as referred to in section 25(1)(32), or comparable information that is secret under another Act, if access is necessary:

(1) for the realisation of a private person's or some other authority's statutory duty of information; or

(2) for the realisation of a payment or any other claim that is to be taken care of by the authority granting access.

An authority requesting executive assistance or the performance of a task on commission by it or otherwise on its behalf may grant access to a secret document, if such access is indispensable for the assistance or the performance of the task. For such tasks, access to secret information may be granted also if the removal of the secret information is obviously not feasible owing to its large volume or for any other comparable reason. The authority shall ensure in advance that the arrangements for the secrecy and the protection of the information are appropriate.

Section 27 — Access to archival documents

Access may be granted to a secret official document which has been archived in accordance with the Archives Act for research or another approved purpose, unless otherwise ordered by the authority which has sent the document to be archived. When a decision on access is made, due consideration shall be given to the safety of the freedom of scientific research.

The person who has gained access to the document shall undertake in writing not to use the document to the detriment or defamation of the person whom it concerns, nor to the detriment or defamation of a person close to him, nor in violation of those other interests protected by the secrecy provision.

Section 28 — Official permission to gain access to a secret document

Unless otherwise provided in an Act, an authority may, on a case-to-case basis, grant permission to gain access to a secret document for purposes of scientific research, statistical compilations or the preparation of official plans or studies, if it is obvious that access will not violate the interests protected by the secrecy provision. When a decision on access is made, due consideration shall be given to the safety of the freedom of scientific research. If the information in the document has been handed over to the authority on the consent of the person whose interests are protected by the secrecy provision, the permission may be granted only subject to the conditions for use and access laid down in the consent. If permissions are required for documents in the possession of a number of authorities within the purview of the same ministry, the ministry shall decide on the permission, where necessary, after having heard the authorities.

A permission referred to in paragraph (1) above may be granted for a fixed period; the conditions necessary for the protection of the public and private interests involved shall be attached to the permission. The permission may be withdrawn, if this is deemed to be necessary.

Section 29 — Granting access to secret information to some other authority

An authority may grant access to a secret document to some other authority, if

- (1) there is a specific provision on access or the right of access in an Act;
- (2) the person whose interests are protected by the secrecy provision consents to the same;
- (3) the document is necessary for the consideration of a matter pertaining to an advance tax assessment, a preliminary ruling, an appeal or a complaint against, or a submission of, a decision by an authority, or a complaint made to an international body for the administration of justice or investigation;
- (4) the information is required for the performance of a specific monitoring or inspection task by the authority.

An authority may grant another authority access to an address or other contact information which is secret by virtue of section 24(1)(31).

An authority may open a technical interface for another authority, to access from its personal data filing system information which the latter authority must take into account in its decision-making under a specific statutory obligation. If there is a provision on the secrecy of personal data, the interface may be used only for retrieving information on persons who have consented to the same, unless specifically otherwise provided on access to secret information.

Section 30 — Granting access to secret information to the authority of a foreign state or to an international institution

In addition to the specific statutory provisions on the same, an authority may grant access to a secret official document to an authority of a foreign state or to an international institution, if an international agreement binding on Finland contains a provision on such co-operation between Finnish and foreign authorities, or there is a provision to this effect in an act binding on Finland, and if the Finnish authority in charge of the co-operation could under this Act have access to the document.

Section 31 — Declassification

An official document shall no longer be secret when the period of secrecy provided in an Act or ordered on the basis of an Act has ended or when the authority which has ordered the secrecy of the document has repealed that order.

The period of secrecy for official documents is 25 years, unless otherwise provided or ordered. A document which is secret for the protection of private life, as provided in section 24(1)(24)—(32), or a comparable document which is kept secret by virtue of another Act or an order based on another Act shall be kept secret for 50 years after the death of the person whom the document concerns or, if the time of death is unknown, for 100 years.

If it is obvious that the declassification of the document would, even after the period provided in this section, cause significant harm to the interests protected by the secrecy provision, the Government may extend the period by at most 30 years.

The period of secrecy of an official document shall run from the date on the document or, if the document bears no date, from the day of its completion. The period of secrecy of a document handed in by a private person shall run from the day when the authority has received the document.

Section 32 — Application to the duty of non-disclosure

The provisions in this chapter on secrecy and declassification apply, where appropriate, also to information subject to the duty of non-disclosure.

Chapter 8 Miscellaneous provisions

Section 33 — Appeal

The decision of an authority shall be subject to appeal, as provided in the Act on Administrative Judicial Procedure (586/1996), unless otherwise provided in paragraph (2). A decision of an authority other than those listed in section 7 of the Act on Administrative Judicial Procedure shall be appealed before the Supreme Administrative Court. However, an appeal against the decision of a local or regional authority and a decision of a institution, corporation, foundation or private individual exercising public authority, as referred to in section 4(1)(8) and 4(2), shall be lodged with the Administrative Court which has jurisdiction under section 12 of the Act on Administrative Judicial Procedure.

If a party to the case requests access to a document related to a pending trial, the pertinent court order shall be subject to appeal in accordance with the procedure for appeals in the main issue. In addition, the provisions on the Act on the Openness of Court Proceedings apply to the right of appeal.

Section 34 — Charges

A copy of a document and the provision of access to information in the form of a printout or by means of a technical interface, otherwise electronically or in a comparable manner, as well as the retrieval and delivery service provided by an authority, may be subject to a charge, as specifically provided elsewhere. Other access provided by virtue of this Act shall be free of charge.

Section 35 — Penal provisions

A breach of the document secrecy provision in section 22 or the provision on nondisclosure and prohibition of use in section 23 shall be punished in accordance with chapter 40, section 5 of the Penal Code, unless the act is punishable under chapter 38, section 1 or 2 of the Penal Code or unless a more severe penalty has been provided in another Act.

Also a violation of the commitment referred to in section 27 and the order referred to in section 28(2) shall be considered a breach of the secrecy provision referred to in paragraph (1).

Section 36 — Power to issue Decrees

More detailed provisions on the implementation of this Act shall be issued by Decree. The secrecy provisions contained in Decrees shall be specifically repealed by Decree.

Section 37 — Entry into force

This Act enters into force on 1 December 1999.

However, the provisions in section 14(4) on the time limits for granting access to documents apply only as from 1 January 2003. Until that time, matters referred to in section 14 shall be dealt with without delay and access to a document in the public domain granted as soon as possible, with the time limits of two weeks and one month in section 14(4) being replaced by one month and two months, respectively.

This Act repeals the Act on the Publicity of Official Documents (83/1951), as amended. However, while the Parliament Act (7/1928) remains in force, the repealed Act continues to apply to parliamentary documents, as provided in section 28 of the repealed Act. The secrecy provisions contained in other Acts shall be specifically repealed.

The secrecy orders based on the Act on the Publicity of Official Documents shall remain in force.

Information compiled on the consent of the person concerned before the entry into force of this Act may be used and access to it may be granted regardless of the provisions in section

28, if it is obvious that such use and access are not essentially different from the purposes for which the information was given.

Section 38 — Transitional provision (636/2000)

The indexes and specifications referred to in section 18(1)(1) and 18(1)(2) shall be drawn up within one year of the entry into force of this Act. Information management systems taken into use before the entry into force of this Act shall be protected and the arrangements required in this Act for the safeguarding of the protection, integrity and quality of the information shall be in place within five years of the entry into force of the Act.
