

# ACT ON THE OPENNESS OF GOVERNMENT ACTIVITIES, 21.5.1999/621

(amendments up to 7.8.2015, 907/2015 included)

## Chapter 1 — General provisions

### Section 1 — *Principle of openness*

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

(2) Specific provisions apply to the right to attend plenary sessions of Parliament, meetings of municipal councils and of 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 and 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*

(1) 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 law;

(3) State enterprises;

(4) municipal authorities;

(5) the Bank of Finland, including the Finance Supervision Authority, the National Pensions Institution of Finland 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 subsection 2;

(6) Parliamentary agencies and institutions;

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

(8) independent boards, consultative bodies, committees, commissions, 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 paragraph 1, 2 or

7.

(2) 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***

(1) 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.

(2) 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.

(3) Subject to the exceptions provided in subsection 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.

(4) 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.

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

## **Chapter 2 — When documents enter the public domain**

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

(1) 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 of the suspect has been signed or verified in a similar manner, or after the public prosecutor has decided to waive prosecution or the case has been withdrawn; (458/2011)

(2) in cases other than those referred to in paragraphs 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 paragraphs 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 paragraphs 1—3 or 5—7 enters the public domain when the consideration of the pertinent matter has been concluded by that authority.

(2) Notwithstanding the provisions in subsection 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.

(3) 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***

(1) 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.

(2) Opinions of an expert witness 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 subsection 1, when they have been opened. Tenders, offers and other documents related to public procurement enter the public domain, subject to the restrictions referred to in subsection 1, when the contract is awarded. (701/2011)

(3) 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***

(1) Everyone has the right of access to an official document in the public domain.

(2) 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 provided otherwise 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***

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

(2) A party, his or her representative or counsel shall not have the right of access referred to in subsection 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, subsection 2 in the trial;

(5) information in an enforcement case before the levying of execution and the taking of possession of property, if provision of the information would significantly hinder execution, nor to information other than regarding the economic situation of the debtor, unless the information is necessary for court action for the recovery of assets to a bankrupt estate or for the bringing of the action referred to in Chapter 2, section 26 of the Execution Code; (713/2007)

(6) information compiled in public procurement relating to a business or professional secret of another tenderer or offerer; however, information on the pricing and on other factors used in comparing the tenders shall always be provided; (701/2011)

(6)(a) an application for a decision on providing evidence anonymously or documentation relating to the preparation of such a decision nor documentation relating to a case concerning the revealing of the identity of an anonymous witness nor such secret information contained in trial documentation on these matters, on the basis of which the identity of an anonymous witness or someone who has been requested to be an anonymous witness may be revealed, unless provided otherwise in Chapter 5, section 11(d) of the Criminal Procedure Act (689/1997); (756/2015)

*[subsection 6(a) enters into force on 1 January 2016]*

(7) the address, telephone number or other comparable contact information of a witness, an injured party, party 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 provision of the information would endanger the safety, interest or right of the witness, injured party, other party or the person making the report.

*[paragraph 7 is amended as of 1 January 2016 to read as follows:*

*(7) the secret address, telephone number and other comparable contact information of a witness other than one referred to in paragraph 6(a), an injured party or a party or of a person reporting an offence, making a report referred to in section 25 of the Child Welfare Act (417/2007) or making another report requiring action by the authorities, if provision of the information would endanger the safety, interests or rights of the witness, injured party or party or the person making the report; (756/2015)]*

(8) the secret part of the document that is at issue in the question on

public access. (385/2007)

(3) If a document forms part of the documentation in a civil or criminal trial, the provisions on access of a party contained in the Publicity of Court Proceedings in General Courts (370/2007) and the Publicity of Proceedings in Administrative Courts (381/2007) apply to the right of a party to access. The provisions of Chapter 4, section 15 of the Criminal Investigation Act (805/2011) apply to the right of a party in a criminal investigation to access to information regarding a document produced or drafted in the criminal investigation. (825/2014)

(4) What is provided in this section regarding parties does not apply to a person whose right of appeal is based solely on membership in a municipality or other association. (385/2007)

### **Section 12 — *Access to a document pertaining to the individual***

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

## **Chapter 4 — Granting access to a document**

### **Section 13 — *Request for access to a document***

(1) 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, in specifying the document to which access is being requested. The person requesting access need not identify himself or 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.

(2) 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***

(1) Unless otherwise provided in section 15, subsection 3 or elsewhere in law, the decision to grant access to an official document shall be made by the authority in possession of the document. However, a municipal council may, in municipal regulations, provide a municipal body serving as an authority as referred to in this Act the right to transfer to a subordinate official, to the extent it decides, the public authority to decide on access. 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.

(495/2005)

(2) 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 or her office or duties.

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

- (1) inform the person requesting access of the reason for the refusal;
- (2) inform the person requesting access that he or she may have the matter decided by the authority;
- (3) ask a person who has filed a written request for access whether he or 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.

(4) 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***

- (1) 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.
- (2) If access is requested to data identifying or providing the address of a person, corporation, real estate or vehicle or other data for identification or provision of address that is recorded by another authority for public use, the request may be forwarded to the appropriate register authority for consideration.
- (3) If access is requested to a document which, in accordance with section 25, is required to bear a security classification and which has been drafted by another authority, the request shall be transferred for the consideration of the authority that had drafted the document. A matter concerning a document classified as secret as referred to in the Act on International Security Classification Obligations (588/2004) shall be transferred to the authority to which the document has been submitted by the contractual party. (495/2005)

### **Section 16 — *Modes of access***

- (1) 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.
- (2) 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. However, a copy may be provided of a video recording or other corresponding recording that contains a hearing or other event recorded by an authority in which a person is heard, only if the person heard in the recording consents to this or if with consideration to the contents of the recording it is apparent that the provision of a copy would not violate

his or her privacy. (385/2007)

(3) 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 provided otherwise 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***

(1) 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 persons requesting access are treated on an equal basis.

(2) 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*).

(3) In considering the provision to a specified recipient of information that is to be kept secret from the public within the scope of secrecy based on putative access and secrecy based on putative secrecy, care shall be taken that the recipient has the obligation of confidentiality in accordance with this Act and that information is provided to other than the authorities and to those working in such authorities, only if there is an important general reason for the provision of the information. (495/2005)

### **Section 18 — *Good practice on information management***

(1) 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.

*[subsection (2) has been repealed; 635/2011)*

(3) 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***

(1) 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.

(2) When requested to do so, the authority shall, orally or by other suitable means, provide access to information on the stage of consideration, alternatives and impact assessments relating to matters referred to in subsection 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***

(1) 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.

(2) 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.

(3) 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***

(1) 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.

(2) Where permitted by the authorities concerned and subject to the provisions in subsection 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***

(1) 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 on the basis of an Act, or if it contains information covered by the duty of non-disclosure, as provided in an Act.

(2) 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 obligation and prohibition of use***

(1) 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 confidentiality obligation provided in an Act. The provision on confidentiality shall apply also after the service or the performance of the task on behalf of the authority has ceased.

(2) What is provided in subsection 1 applies also to a person serving as a trainee or otherwise in an authority or commissioned by the authority or in the service of a person commissioned by the authority or who has acquired secret information on the basis of an Act or a permission based on an Act, unless otherwise provided in the Act or laid down in the permission. Also a person to whom an authority has, within the scope of secrecy based on putative access or secrecy based on putative secrecy, provided information that is to be kept secret from the public, has a confidentiality obligation. A party, his or her representative or counsel shall not disclose to third parties secret information obtained on the basis of party status and concerning other persons than the party himself or herself. (495/2005)

(3) A person referred to above in subsection 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 or 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***

(1) Unless specifically provided otherwise, 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 paragraph 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 other criminal investigation authorities, the prosecutor and the authorities charged with responsibility for inspection and supervision; the documents obtained or prepared for purposes of criminal investigations or the consideration of charges, as well as the application for a summons, the summons and the defendant's response in a criminal case, until the case has been heard in court or the prosecutor has decided to waive prosecution or the case has been withdrawn, unless it is apparent that access to the documents will not compromise the clarification of the offence, the achievement of the objectives of the investigation, or without a pressing reason cause harm 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 Publicity of Court Proceedings in General Courts (370/2007); (458/2011)

(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 or 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 in accordance with the Safety Investigation Act (525/2011), if access would breach or compromise safety or the promotion of safety, the realisation of civil defence or the preparation for emergency conditions, compromise the safety investigations or the purpose of such investigations, endanger the securing of information for investigation or violate the rights of the victims of an accident, an incident or an exceptional event or the memory of such victims or distress persons closely involved with them; (528/2011)

(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 that contain information that, in accordance with the Act on a Candidate's Election Funding (273/2009), contain campaign accounts that are to be submitted to the National Audit Office of Finland, and corresponding other accounts of election campaign financing and the expenses of an electoral campaign, as well as documents

containing information in inspections or other statutory supervisory tasks of an authority, if access would compromise the performance of the inspection or its purpose, or without a weighty reason would be conducive to causing harm to a party; (274/2009)

(16) documents provided to the statistical authority for the compilation of statistics as well as documents that have been voluntarily given to an authority for the purpose of research or the compilation of statistics; (281/2004)

(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, subsection 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, subsection 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, subsection 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, as well as documents of the execution authority in so far as they contain information which, had it been entered into the execution register would be secret on the basis of the Execution Code, as well as information on natural persons as debtors in execution and the minutes of the evaluation of the assets and liquidity of the debtor; (713/2007)

(24) documents concerning a refugee or a person seeking asylum, a residence permit or a 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 or her, or information on the state of health or handicap of a person, the medical care or treatment given to him or her, or information on his or 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 or her, unless the granting of access is necessary for the performance of an official task;

(27) documents containing information on a forensic psychiatric examination of the suspect in an offence, a social enquiry report prepared regarding a young offender, a plan for the term of a juvenile penalty, an assessment of the feasibility of community service as an alternative to a sentence of imprisonment, an assessment of the prerequisites for a monitoring sentence and a plan for enforcement, an adjusted plan for enforcement, a plan for the term of a sentence, a plan for release from prison, a plan for supervision, and a statement issued in respect of the release procedure for a long-term prisoner; (333/2011)

*[paragraph 27 has been amended as of 1 January 2016 to read as follows:*

(27) documents containing information on a forensic psychiatric examination of the suspect in an offence, an assessment of the suitable sanction for a young person suspected of an offence, a plan for the term of a juvenile penalty, an assessment of the feasibility of community service or a monitoring sentence as an alternative to a sentence of imprisonment, an assessment of the prerequisites for a monitoring sentence, a plan for the term of a sentence, a plan for release from prison, a plan for supervision, and a statement issued in respect of the release procedure for a long-term prisoner; (405/2015)

(28) administrative documents and registers containing information on convicted persons or on persons who have been imprisoned or otherwise deprived of their liberty, unless it is obvious that access will not compromise the future livelihood of the person, his or her reintegration into society or his or her safety and if there is a justifiable reason for providing access to the information; other secret information is information

entered into the criminal records, the register of fines, the national information system for the administration of justice and the register on prohibitions to raise livestock, information contained in the register on witness protection programmes and other information regarding a witness protection programme, as well as information collected by the Institute of Criminology and Legal Policy for research and follow-up purposes; (91/2015)

(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 the 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 or she has a justified reason to believe that his or her own health or safety or that of his or her family are in jeopardy; (1151/2001)

(31)(a) an application for a decision on an anonymous witness and the documents connected with the preparation of the application as well as the documents connected with a case concerning revelation of the identity of an anonymous witness as well as the trial documents that concern these cases, unless provided otherwise in Chapter 5, section 11(d) of the Criminal Procedure Code; (756/2015)

*[paragraph 31(a) enters into force on 1 January 2016; 756/2015]*

(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 or leisure-time activities, 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 or 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.

(2) What is provided in section 17 shall be taken into account in the application of the provisions on document secrecy in subsection 1 above or in another Act.

### **Section 25 — Stamp of secrecy and classification (495/2005)**

(1) A secret official document which is given to a party and which is to be kept secret in the public interest or the interest of a third party shall be stamped to indicate that it is secret. The party shall be informed of his or her secrecy obligation also when secret information is provided orally.

(2) The stamp may be affixed also to other than the secret documents referred to

in subsection 1. The stamp of secrecy shall indicate the part of the document that is secret and the basis for its secrecy. However, if the secrecy is based on a provision involving strict secrecy, the stamp of secrecy need not indicate more than the provision on which the secrecy is based.

(3) A document may be stamped in order to indicate the security classification obligations are to be followed in dealing with the document (security classification stamp). Documents referred to in the Act on International Security Classification Obligations shall be stamped with the security classification as provided in said Act. A security classification stamp shall be made also if so provided in a Government Decree on the basis of section 36 of the present Act.

## **Chapter 7 — Derogations from secrecy and declassification**

### **Section 26 — *General principles for granting access to secret information***

(1) 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.

(2) Notwithstanding the secrecy provisions, the authority may grant access to information on the economic status or business or professional secret of another person, information on a recipient of health care or social welfare, information on the private life of a person, as referred to in section 24, subsection 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 may grant access to a secret document in order to carry out executive assistance and for the performance of a task that is commissioned by it or otherwise to be performed on its behalf, 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***

(1) 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.

(2) 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 or her, nor in violation of the other interests protected by the secrecy provision.

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

(1) 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 after, where necessary, having heard the authorities.

(2) A permission referred to in subsection 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***

(1) 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 advance information, a preliminary ruling, an appeal or a complaint against a decision by an authority, an appeal for nullification or a submission regarding a measure taken 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.

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

(3) An authority may open a technical interface for another authority in order 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 of an official document* (495/2005)**

(1) 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 revoked that order.

(2) The period of secrecy for official documents is 25 years, unless otherwise provided or ordered on the basis of law. A document which is secret for the protection of private life, as provided in section 24, subsection 1, paragraphs 24-32, or a comparable document which is kept secret on the basis 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.

(3) A document which contains information that is classified in accordance with the Act on International Security Classification Obligations, or information on real estate, a building, a construction, a system, a device or a procedure that is in use even after the 25 year period referred to in subsection 2, as well as a plan and assessment that has been prepared for national defence or civil defence or for preparedness for exceptional circumstances, the information in which is contained in a corresponding and valid plan, shall remain secret even after the period referred to in subsection 1, if access to the document would continue to cause the consequence referred to in section 24, subsection 1, paragraph 2, 7 and 8 or 10 of this Act. Such documents become public when the real estate, installation or device is no longer used for the purpose for which the document was to be kept secret, or the information is no longer contained in a valid plan or the security classification has been cancelled.

(4) 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. What is provided above however, does not apply to documents referred to in subsection 3.

(5) The period of secrecy of an official document shall run from the date indicated in the document or, if the document bears no date, from the day of its completion. The period of secrecy of a document submitted to an authority 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***

(1) A decision of an authority referred to in this Act is subject to appeal to the Administrative Court, unless otherwise provided in subsection 2. However, a decision of the Office of Parliament, of the Council of State and of a Ministry as well as of an organ of the Bank of Finland and the Social Insurance Institution of Finland or of an authority that is part of their central administration, appointed by Parliament, is subject to appeal to the Supreme Administrative Court. The provisions of the Act on Administrative Judicial Procedure (586/1996) otherwise apply. (701/2005)

(2) The provisions of the Act on the Publicity of Court Proceedings in General Courts and the Act on the Publicity of Proceedings in Administrative Courts apply to appeal in a case that concerns the publicity of court proceedings. (385/2007)

(3) If a person required to pay a charge considers that an error has occurred in imposing the charge on the basis of section 34 of this in accordance with the Act on Criteria for Charges Payable to the State (150/1992), he or she may within six

months of the imposition of the charge request that the authority which has imposed the charge rectify it. The decision on the request for rectification is subject to appeal as provided in the Act on Administrative Judicial Procedure by appeal to the Administrative Court with has jurisdiction on the basis of section 12 of the Act on Administrative Judicial Procedure. The decision of the Administrative Court is not subject to appeal. (495/2005)

*[section 33 has been amended as of 1 January 2016 to read as follows; 907/2015]*

**[Section 33 — Appeal**

*(1) If the person liable for a charge considers that an error has been made in the imposition of a charge in accordance with the Act on Criteria for Charges Payable to the State (150/1992) on the basis of section 34 of the present Act, he or she may request rectification of the charge in the manner provided in the Administrative Procedure Act (434/2003). Rectification shall be requested within six months of the imposition of the charge.*

*(2) Other decisions and a decision given on the basis of a request for rectification are subject to appeal to the Administrative Court as provided in the Act on Administrative Judicial Procedure (586/1996).*

*(3) A decision of the Administrative Court in a matter referred to in subsection 1 is not subject to appeal. Other decisions of the Administrative Court are subject to appeal only with leave of appeal from the Supreme Administrative Court.*

*(2) The provisions of the Act on the Publicity of Court Proceedings in General Courts and the Act on the Publicity of Proceedings in Administrative Courts apply to appeal in a matter that concerns the publicity of court proceedings.]*

**Section 34 — Charges (495/2005)**

(1) No charge is levied for the provision of access to a document on the basis of sections 9 and 11, when:

(1) information regarding the document is provided orally;

(2) the document is provided for reading and copying at the office of the authority;

(3) a public, electronically recorded document is sent by electronic mail to the person requesting information;

(4) an electronically recorded document is sent to a party by electronic mail;

(5) provision of access to the requested document belongs within the ambit of the obligation of the authority to provide advice, to hear persons or to give notices.

(2) However, in the cases referred to above in subsection 1, paragraphs 1–4 a charge is levied that corresponds to the costs of obtaining the information when access is requested to a document which cannot be specified and found in the manner referred to in section 13, subsection 1 from document registers of the authority maintained in accordance with this Act using the document classification to be used in such registers, the identifying code of the document nor from computerized registers using their search functions.

(3) A charge is levied for the provision of access on the basis of sections 9 and 11 in the form of a copy or print-out, with said charge corresponding to the amount of costs incurred by the authority in providing access, unless a lower charge is provided in law or a lower charge is decided on the basis of the Municipal Act (365/1995). The charge is levied and collected as decided on the basis of the Municipal Act or as provided for the charges referred to in section 7, subsection 2 of

the Act on Criteria for Charges Payable to the State.

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.

(4) In the levying of a charge for a copy or print-out in the cases referred to in subsection 3, an average charge per page or other average charge per unit may be levied which can be defined separately for ordinary requests for access to a document, and for requests for access to a document that require special measures.

Ordinary requests for access to a document are deemed to be requests for access to a document other than one referred to in subsection 2, that is fully public or from which the secret parts can be deleted without difficulty. In the case of ordinary requests for access to a document, the costs of retrieval of the document and of the deletion of the secret parts of the document are not to be assessed as costs in calculating the basis for the charge to be levied as referred to in sections 1 and 10 of the Act on Criteria for Charges Payable to the State.

(5) The authorities referred to above in section 4 shall determine in advance the charges to be levied in the situations referred to in subsection 3 for the provision of a copy and print-out and publish these in public data networks, unless publication is to be deemed obviously unnecessary.

(6) A charge is levied for the provision of access to a document on the basis of this Act in cases other than those referred to in sections 9 and 11, in accordance with what is provided in the Act on Criteria for Charges Payable to the State or other legislation or with what is decided on the basis of the Municipalities Act. Those authorities referred to in section 4 which are not subject to the Municipalities Act or the Act on Criteria for Charges Payable to the State may, when levying charges, apply the grounds for charges provided in the Act on Criteria for Charges Payable to the State, unless provided otherwise in law.

### **Section 35 — *Penal provisions***

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

(2) Also a violation of the commitment referred to in section 27 and the order referred to in section 28, subsection 2 is deemed a breach of the secrecy provision referred to in subsection 1.

### **Section 36 — *Power to issue Decrees (495/2005)***

Provisions may be issued by a Government Decree on the following for the implementation of the obligations provided in Chapter 5 within the administration of government:

(1) the obligation of an authority to clarify and assess information materials in its possession and the procedures for processing such materials in accordance with good information management;

(2) information to be entered into diaries of entries and other document registers as well as into information system reports;

(3) the classification of information materials in order to implement the appropriate security classification measures;

(4) the obligation to stamp documents with the security classification where their unjustified disclosure could harm national defence, the security of the State, international relations or other public interests in the manner referred to in section 24, subsection 1, paragraphs 2 and 7-10;

(5) the security classification requirements for different security grades, including the requirements for the security of facilities and the application of the requirements on security classification to secret documents and the information contained in them, as well as to documents and the information contained in them where access to such documents is otherwise restricted on the basis of law or the information contained in which may, according to law, be used only for a specific purpose;

(6) the fulfilment of the openness of activities through the planning and arrangement of communications.

(635/2011)

Provisions on information to be contained in the diary of entries and other document registers maintained by the court and the prosecutor may be issued by a Decree of the Ministry of Justice.

### **Section 37 — *Entry into force***

(1) This Act enters into force on 1 December 1999.

(2) However, the provisions in section 14, subsection 4 of this Act 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, subsection 4 being replaced by one month and two months, respectively.

(3) This Act repeals the Act on the Publicity of Official Documents (83/1951), as amended. However, as long as 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. Separate provisions shall be enacted on the repeal of secrecy provisions contained in other Acts.

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

(5) Information compiled with 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, subsection 1, paragraphs 1 and 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.