



MINISTRY OF JUSTICE AND THE POLICE



Rules , 20.06.2003

The Freedom of Information Act

PREFACE

This unofficial translation of the Freedom of Information Act of 19 June 1970 No. 69 (*offentlighetsloven*) has been revised and updated to 20 June 2003. The revision was done by Ronald Walford in close co-operation with Sandra Hamilton and subject to the approval of the Ministry of Justice.

Any comments on the terminology used or other aspects of the translation would be welcome and should be addressed to:

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Translation from Norwegian

Act of 19 June 1970 No. 69 relating to public access to documents in the public administration as subsequently amended, most recently by Act of 20 June 2003 No. 45 (short title: Freedom of Information Act)

§ 1. The general scope of the Act

This Act applies to such activities as are conducted by administrative agencies unless otherwise provided by or pursuant to statute. For the purposes of this Act, any central or local government body shall be considered to be an administrative agency. A private legal person shall be considered to be an administrative agency in cases where such person makes individual decisions or issues regulations.

This Act applies to Svalbard unless otherwise prescribed by the King.

This Act does not apply to cases dealt with pursuant to the statutes relating to the administration of justice.

This Act does not apply to the Storting, the Office of the Auditor General, the Storting's Ombudsman for Public Administration or other institutions of the Storting. Rules concerning the public disclosure of documents for these bodies shall be prescribed by special statutory provisions or by a plenary resolution of the Storting.

As regards the right to require information concerning the environment, the Environment Information Act and the Product Control Act also apply.

§ 2. The main provisions of the Act

The case documents of the public administration are public insofar as no exception is made by or pursuant to statute.

Any person may demand of the pertinent administrative agency to be apprised of the publicly disclosable contents of the documents in a specific case. The same applies to case registers and similar registers and the agenda of meetings of publicly elected municipal and county municipal bodies. The administrative agency shall keep a register pursuant to the provisions of the Archives Act and its regulations.

Notwithstanding that a document may be exempted from public disclosure pursuant to the provisions of this Act, the administrative agency shall consider whether the document should nevertheless wholly or partly be made public.

§ 3. The concept of a document for the purposes of this Act

The case documents of the public administration are documents which are drawn up by an administrative agency as well as documents which have been received by or submitted to such an agency. A logically limited amount of information stored in a medium for subsequent reading, listening, presentation, or transfer shall be regarded as a document.

A document is considered to be drawn up when it has been dispatched, or if this does not occur, when the public agency has concluded its handling of the case.

§ 4. Deferred public disclosure in special cases ¹The 2nd paragraph is translated from Norwegian by the Ministry of Justice and the Police

The pertinent administrative agency may decide in a particular case that public disclosure shall first take place at a later stage in the preparation of the case than that stipulated in section 3, if it finds that the documents then available give a directly misleading impression of the case and that public disclosure could therefore be detrimental to obvious public or private interests.

For case documents drawn up by or for the Office of the Auditor General in cases that it is considering presenting to the Parliament as part of the constitutional control, public disclosure can first take place when the case has been received by the Parliament or when the Office of the Auditor General has notified the administrative agency concerned of the conclusion of the handling of the case, cf. section 18 second paragraph of the Office of the Auditor General Act of 7 May 2004 no. 21.

§ 5. Exemptions in respect of internal documents

Documents drawn up by an administrative agency for its internal preparation of a case may be exempted from public disclosure.

The same applies to documents in respect of an agency's internal preparation of a case which are drawn up

- a. by a subordinate agency
- b. by special advisers or experts
- c. by a ministry for use in another ministry

The exemption also covers any document concerning the acquisition of such a document. It does not apply to documents obtained as part of the general procedure of inviting comments on draft statutes, draft regulations or similar general matters.

The provisions of the first and second paragraphs do not apply to case documents with enclosures presented to a publicly elected municipal or county municipal body.

§ 5 a. Exemptions in respect of information subject to a statutory duty of secrecy

Information that is subject to a duty of secrecy imposed by or pursuant to statute is exempted from public disclosure.

The rest of the document is public if the remaining parts alone do not give a clearly misleading impression of the contents or if the inaccessible information does not constitute the main part of the contents of the document. Legally classified documents may be exempted in their entirety.

§ 6. Exemptions on the basis of the document's contents

The following documents may be exempted from public disclosure:

- 1) Documents containing information which, if it were to be disclosed, could be detrimental to the security of the realm, national defence or relations with foreign states or international organizations
- 2) Documents for which exemption is necessary
 - a) in the interests of proper execution of the financial, pay or personnel management of the central or local government or the pertinent agency
 - b) in the interests of proper execution of general financial agreements with business and industry.
 - c) because public disclosure would counteract public regulatory or control measures or other necessary administrative orders or prohibitions, or endanger their implementation

3) The minutes of the Council of State

4) Documents in cases concerning appointments or promotions in the civil service. This exemption does not apply to lists of applicants. Lists of applicants shall be drawn up as soon as possible after the final date for submitting applications and shall, in addition to the name of each applicant, contain the applicant's age, position or professional title, and place of residence or municipality where he or she works. Information concerning an applicant may, however, be exempted from public disclosure if the applicant himself or herself so requests. The list of applicants shall state how many applicants there have been for the post and their sex.

5) Complaints, reports and other documents concerning breaches of the law

6) Answers to examinations or similar tests and entries submitted in connection with competitions and the like

7) Documents prepared by a ministry in connection with annual fiscal budgets or long-term budgets

8) Photographs of persons entered in a personal data register. The term personal data register denotes registers, inventories etc. in which photographs of persons are systematically stored so as to enable an individual person's photograph to be retrieved.

9) Documents containing information obtained by continual or regularly repeated personal surveillance.

When a case document is exempted from public disclosure, the entire case may be exempted from public disclosure if the remaining case documents would give a clearly misleading impression of the case and public disclosure might be detrimental to public or private interests.

§ 6 a. Exemption to prevent commission of criminal acts

Information that needs to be exempted because public disclosure would facilitate the commission of criminal acts may be exempted from public disclosure. The same applies to information that needs to be exempted because public disclosure would facilitate the commission of acts that may harm parts of the environment that are particularly vulnerable or threatened with extinction.

The rest of the document is public if the remaining parts alone do not give a clearly misleading impression of the contents or if the inaccessible information does not constitute the main part of the contents of the document.

§ 7. Public disclosure on the basis of lapse of time etc.

The King may decide that documents which come under section 6 shall be publicly disclosable when, because of the lapse of time or for other reasons, it is obvious that the considerations which have justified exemption from public disclosure no longer apply

If a case document has been deposited in public archives, this decision shall be made by the head of the archives.

§ 8. How a document is to be disclosed

The administrative agency shall, with due regard for the proper conduct of the case, decide how a document is to be disclosed to the person who has requested to examine it, and shall within reasonable limits provide, on request, a transcript, print-out or copy of the document.

If the person who has requested to examine the document is entitled to see only parts of the document, disclosure may be effected by providing excerpts thereof.

Transcripts, print-outs and copies shall be provided free of charge. The King may, however, prescribe regulations concerning payment for transcripts, print-outs or copies. The King may also prescribe regulations concerning payment for documents made available in electronic form.

§ 9. Procedure and appeal

Requests to examine documents pursuant to section 2, second paragraph, shall be decided without undue delay.

If an administrative agency refuses a request made pursuant to section 2, second paragraph, it shall indicate the provision pursuant to which the refusal is made, and shall inform the applicant of the right of appeal and the time limit for lodging an appeal. If the grounds for refusal are to be found in section 5 a of this Act, the administrative agency shall also indicate the provision or provisions on which the duty of secrecy is based.

A person whose request to examine a document has been refused may appeal against the refusal to the administrative agency that is immediately superior to the administrative agency that has made the decision. If the refusal is made by a municipal or county body, the County Governor shall be the appellate instance. The appeal shall be decided without undue delay. In connection with the appeal proceedings, the appellate instance may decide that the document shall wholly or partly be disclosed in accordance with section 2, third paragraph. If the King is the appellate instance, an appeal may be brought only on the question whether there is power to exempt the document from public disclosure.

Otherwise, the provisions of chapter VI of the Public Administration Act concerning appeals shall apply insofar as they are appropriate.

§ 10. Consent to public disclosure of documents

If the request concerns a document containing information that is subject to a duty of secrecy, cf. section 5 a, and this duty of secrecy ceases when the consent of the person entitled to secrecy has been obtained, the request shall on application be submitted to the person concerned for comment within an appropriate time limit. Failure by the person concerned to reply shall be considered a denial of consent.

§ 11. Regulations pursuant to this Act

The King may prescribe necessary regulations concerning the implementation of this Act, including rules as to what kinds of cases or documents may be exempted from public disclosure pursuant to the provisions of sections 5, 5 a and 6. He may also prescribe regulations concerning what should in cases of doubt be considered to be an administrative agency. Furthermore, he may prescribe regulations to the effect that certain private legal persons shall be equated with administrative agencies for the purposes of this Act.

In sectors in which the great majority of the documents could be exempted from public disclosure pursuant to the provisions of sections 5, 5 a and 6, the King may make regulations prescribing that all the documents may be exempted. Such regulations may be prescribed only when particularly weighty reasons so indicate.

§ 12

This Act enters into force from the date prescribed by the King.²From 1 July 1971 pursuant to the Royal Decree of 11 June 1971. The King may prescribe that the Act shall enter into force in specified sectors of the administration by successive stages.

§ 13

This Act does not apply to documents prepared or drawn up by, or received or submitted to a public agency prior to its entry into force.