

Decree on the Openness of Government Activities and on Good Practice in Information Management

(1030/1999; amendments up to 380 / 2002 included)

On the submission of the Ministry of Justice, the following is enacted on the basis of sections 18 and 36 of the Act on the Openness of Government Activities, given on 21 May 1999 (621/1999):

Chapter 1 – Ensuring good practice in information management

Section 1 – Assessments in support of good practice in information management

- (1) In order to plan and implement the measures referred to in section 18, paragraph 1, subparagraph 4 of the Act on the Openness of Government Activities (621/1999), and utilising the archive formation plan referred to in the Archives Act (831/1994), the authority shall clarify and assess the significance of its documents and information system and the data stored therein as well as its document and information management. In the assessment of the need for measures, attention shall be paid to how the following can be secured:
 - (1) the right of access to official documents in the public domain;
 - (2) the obligation to produce and disseminate information and to provide information on pending matters;
 - (3) the protection of personal data, in particular sensitive data;
 - (4) the protection of documents which under law should be kept secret;
 - (5) restrictions on the purpose for which data can be used;
 - (6) the usability, integrity and quality of the data in the performance of the functions of the authority and in co-operation among authorities;
 - (7) the quality of the data in particular when they are used as the basis for decisions regarding individuals or corporations or as indicators of rights and obligations.
- (2) In addition, in order to implement good information management practice, an assessment and evaluation shall be made of risks to the availability, usability, quality and protection of data as well as to the security of information systems, of methods available to decrease and eliminate such risks, and of the costs as well as other effects of these measures.

- (3) On the basis of the assessments referred to in subparagraphs 1 and 2 the authority shall assess and implement the measures necessary to achieve goods information management practice.

Section 2 – *Classification of specially protected information material*

- (1) Secret documents and the information contained therein as well as documents and the information contained therein that are otherwise restricted by law or the information content of which may, according to law, only be used for a specific purpose (*specially protected information material*), may be classified, unless otherwise indicated by the special needs of the administrative sector of the authority, into three separate categories in accordance with what processing, protection and other information security demands are to be followed in creating, using, conveying, transferring, archiving, destroying or otherwise processing the information material.
- (2) If the unauthorised revelation and use of information material would seriously endanger the public interests referred to in section 24, subsections 1, 2, 5 and 8 through 11 of the Act on the Openness of Government Activities, said information material may be classified in the first specially protected information material category.
- (3) If the unauthorised revelation and use of information material would significantly affect the interests for which the restrictions have been enacted, said information material may be classified in the second specially protected information material category.
- (4) If the unauthorised revelation and use of information material would damage or compromise the ability of the authority to function or business and professional secrets or the protection of personal data, said information material may be classified in the third specially protected information material category.

Section 3 – *General data security measures regarding specially protected information material*

- (1) In processing specially protected information material, the appropriate measures corresponding to the category shall be implemented so that
 - (1) the facilities for the processing and storage of the information material are sufficiently supervised and protected;
 - (2) access to the information systems is supervised and unauthorised entry into them is prevented through available means;

- (3) only persons whose functions include consideration of the matter use, alter and otherwise process the information material, and rights of use also otherwise are appropriately restricted and use is sufficiently supervised;
 - (4) data are provided from the material only by persons who are assigned with this function;
 - (5) data that are transferred through information systems are kept secret as necessary.
- (2) Section 18, paragraph 1, subparagraph 4 of the Act on the Openness of Government Activities contains provisions on how the costs incurred by the measures are to be taken into consideration.

Section 4 – *Instructions, supervision and monitoring*

- (1) In planning the measures referred to in section 18, paragraph 1, subparagraph 5 of the Act on the Openness of Government Activities, particular attention shall be paid to the following:
- (1) the authority to grant access to documents is defined;
 - (2) sufficient instructions are given on the registration of matters and documents and on the proper processing and protection of documents, data systems and the information contained in them at the different stages of consideration;
 - (3) lists and documents that describe pending matters as well as lists and documents that have been prepared to implement the obligation to provide information on such matters are kept up to date.
- (2) The implementation of instructions and measures shall be monitored to the extent necessary, their suitability as well as the need for reform shall be assessed at suitable intervals, and steps shall be taken to correct any defects noted.

Chapter 2 – Fulfilling and promoting the rights to obtain information

Section 5– *Document registers*

- (1) In order to follow up on matters under its consideration, the authority shall maintain information on what diaries, lists, directors and other document management registers (*document registers*) it has or on how information regarding the public documents that the authority has can otherwise be obtained.
- (2) The authority shall ensure that the relationship between document registers is clarified and that, if possible, a matter under consideration is registered only once and that with the help

of the document registers the orders given on the basis of the Archives Act regarding the registration and listing of documents can be followed.

Section 6 – Information to be recorded in document registers

- (1) Entries shall be made in the document register, in respect of matters given to or taken by the authority for consideration, on:
 - (1) who submitted the matter, the date on which the document arrived or, if the document has been prepared by the authority, the date on which it was prepared, and on the nature of the matter;
 - (2) interim measures that have been taken, such as proceedings as well as requests for clarification and comment as well as the related documents;
 - (3) final measures in the matter and the related documents.
- (2) In planning and preparing the document register care shall be taken that the document register can be used effortlessly to provide information on the public notations made in it.
- (3) Separate provisions and orders apply to the archive list and court diaries as well as other document registers.

Section 7 – Maintaining public access to document registers

- (1) The public shall be allowed access to document registers and the archive formation plan referred to in section 8 of the Archives Act in the registry or other public service point of the authority.
- (2) The diary scheme in use and the other bases for organizing documents shall be appended to the document register.

Section 8 – Information system descriptions

- (1) The authority shall prepare a description of the information system it maintains, indicating the purpose of the information system and the data contained therein. The public shall be provided access to the description in the registry or other public service point of the authority, unless indicated otherwise by the secrecy provisions. The description may also be incorporated as part of the archive formation plan.
- (2) Separate provisions apply to the register description that is to be prepared on personal data files.

Chapter 2 a – **Communication in State administration** (23 May 2002/380)

Section 8 a – *The purpose of communication by State authorities* (23 May 2002/380)

- (1) The purpose of information, publishing and other communication by State administrative authorities, other State offices and institutions as well as courts and other judicial authorities (*State authorities*) is to promote openness and produce and distribute information that provides individuals and corporations with opportunities to formulate as true a picture as possible of the activity of the authorities, to influence matters of general importance that are pending before the administrative authorities, and to protect their interests and rights.
- (2) In planning and implementing communication by State authorities consideration shall be given to the significance of communication in the effective performance of the statutory functions of the authority and in co-operation between the authority and non-governmental organisations as well as interest groups.

Section 8 b – *The planning of communication* (23 May 2002/380)

- (1) The State authority shall, with consideration to its statutory duties and the assessments referred to in section 1, assess and plan measures in order to fulfil the obligations contained in sections 19 and 20 of the Act on the Openness of Government Activities (*communication plan*).
- (2) In preparing the communication plan, particular attention shall be paid to how the following can be achieved:
 - (1) ensuring the ability of individuals and corporations to obtain information on pending matters of general importance and to present their views at different stages of the proceedings;
 - (2) providing general advice on the services provided by the authorities and matters pending before the authorities, so that to the extent possible said advice reaches those who are entitled to such services as well as others who are in need of the advice;
 - (3) attending to the needs of the Swedish-speaking population for receiving information on matters related to the life, health and safety of the individual and in order to secure their rights;
 - (4) attending to the different special information needs of various population groups, non-governmental organisations, corporations and the mass media towards the activity of the authority;

- (5) carrying out communication in co-operation with other authorities and private corporations;
 - (6) arranging the monitoring of communication.
- (3) The communication plan shall be reviewed sufficiently often.

Section 8 c – **The arrangement of communication** (23 May 2002/380)

The authority shall ensure that the prerequisites for communication have been secured in order to achieve openness in the authority's activity. For this purpose particular care shall be taken that:

- (1) the ability of those responsible for public information to obtain information at a sufficiently early stage on matters coming to the authority, matters pending before the authority and other matters requiring communication is secured;
- (2) the co-operation between those attending to communication duties has been properly arranged;
- (3) officials responsible for presentation and preparation have been sufficiently trained and instructed on how to participate in the planning and implementation of communication.

Chapter 3 – **Miscellaneous provisions**

Section 9 – *Entry into force*

This Decree shall enter into force on 1 December 1999.

Section 10 – *Transitional provisions* (23 May 2002/380)

The document registers referred to in section 5 above and the information system descriptions referred to in section 8 shall be prepared at the latest on 30 November 2000, the reports referred to in section 1 at the latest on 30 November 2001 and the communication plan referred to in section 8 b at the latest on 31 May 2003. Data systems and their data protection arrangements and instructions that were taken into use before 1 December 1999 shall be brought into accord with this Decree at the latest on 30 November 2004.

Entry into force and application of the amending provisions:**23 May 2002/380:**

- (1) This Decree shall enter into force on 1 June 2002.
- (2) Measures required for the implementation of this Decree may be undertaken before the Decree enters into force.