

INFORMATION ACT

No. 50/1996

CHAPTER I

Scope.

Article 1

Scope.

This Act shall apply to state and municipal administration.

Furthermore, the Act shall apply to the activities of private parties insofar as they have been entrusted with official power to take decisions regarding people's rights or obligations.

Article 2

Scope vis-à-vis other statutes and international agreements.

This Act shall not apply to registrations, enforcement proceedings, the arrest of property, attachments, injunctions, sales in execution, moratoria on debts, compositions, liquidations, divisions of estates at death and other official divisions, or to investigations or prosecutions in criminal cases.

The Act shall not apply to access to information under the Administrative Procedure Act and the Personal Data Act; nor shall it apply in cases where other provisions are made in international agreements to which Iceland is a party.

The provisions of other statutes which prescribe more extensive access to information shall retain their force. General statutory provisions on confidentiality shall not restrict access to materials according to this Act.

CHAPTER II

Public Access to Information.

Article 3

The right to information.

Government authorities shall be obliged on request to grant the public access to materials concerning specific matters with the exceptions stated in Articles 4–6.

The rights of access to materials shall apply to:

1. all documents concerning the matter, including copies of letters sent by the government authorities, providing it may be assumed they were delivered to the recipients;
2. all other materials concerning the matter, e.g. drawings, plans, maps, pictures, microfilms and materials stored in a computer;
3. diary entries concerning the materials relating to the matter, and lists of materials in the matter.

Government authorities may grant more extensive access to materials than is prescribed in this chapter unless statutory provisions on confidentiality prevent this.

Article 4

Materials exempted from the right to information.

Public right of access to materials shall not extend to:

1. minutes of meetings of the Council of State and the cabinet, memoranda recorded at ministerial meetings and documents which have been prepared for such meetings;
2. correspondence between government authorities and experts for use in court cases or in investigating whether or not such cases should be initiated;
3. working documents which a government authority has written for its own use; however, access shall be granted to working documents if they contain a final decision on the handling of a matter or information which is not available from any other source;
4. applications for employment positions with the state or the local authorities and all related materials; however, information concerning the names, addresses and employment designations of applicants shall be disclosed when the deadline for submitting applications has expired.

Article 5

Restrictions on the right to information due to private interests.

The public may not be granted access to materials concerning individuals' private or financial affairs which it is reasonable or natural to keep secret, unless the person concerned gives his approval. The same restrictions shall apply to access to materials which concern important financial or commercial interests of enterprises or other legal persons.

Article 6

Restrictions on the right to information due to public interests.

Public access to materials may be restricted when this is demanded by important public interests, providing that the materials contain information about:

1. the security or defence of the state;
2. relations with other states or international organizations;
3. commercial activities of institutions or enterprises owned by the state or the local authorities insofar as they are in competition with other parties;
4. measures to be carried out, or examinations to be held, under the auspices of the state or the local authorities, if they would be rendered meaningless or would not produce their intended result if they were known to the general public.

Article 7

Access to part of a document.

If the provisions of Articles 4–6 apply only to part of a document, the public shall be granted access to other contents of the document. The same principle shall apply to other materials.

Article 8

Unrestricted access after a specific period.

Access shall be granted to the materials covered by item 4 of Article 6 as soon as the measures or examinations are completed in full, except where Article 5 or items 1–3 of Article 6 apply.

Access shall be granted to other materials covered by Articles 4–6 when thirty years have elapsed since the creation of the materials, except in the case of information concerning individuals' private affairs; first access shall be granted to such materials eighty years after they were created.

CHAPTER III

Access to information concerning the parties themselves.

Article 9

Right to information.

Government authorities shall be obliged, upon request, to grant parties access to documents and other materials concerning a specific case if they contain information concerning the parties themselves.

The provisions of paragraph 1 shall not apply, however:

1. to the materials listed in Article 4;
2. to materials which contain information on matters of great public interest which ought to be kept secret under Article 6.

Access to materials may also be denied if they also contain information about the private affairs of other individuals, providing that the interests which argue for keeping the information secret are weightier than those of the parties requesting access to the materials.

Patients' access to medical records shall be determined under the Rights of Patients' Act.

The provisions of Articles 3, 7 and 8 shall apply, as appropriate, to access to information by these parties.

CHAPTER IV

Procedure.

Article 10

Requests for access to information.

The party requesting access to information shall specify the materials which he desires to examine. He may also request permission to examine information about a specific matter without specifying individual materials concerning the matter.

Government authorities may require requests for information to be made in writing, and also to be submitted on forms provided by them.

When access is requested to materials concerning a matter in which a decision is to be taken, or has been taken, concerning rights or obligations, the request shall be submitted to the government authority which has taken the decision, or is due to take it. In other cases, applications shall be submitted to the authority which has the materials in its possession.

Article 11

Speed and procedure.

Government authorities shall take a decision as soon as possible on whether or not to comply with a request for access to materials. If a request has not been processed within seven days of its receipt, the party concerned shall be given reasons for the delay and told when a decision may be expected.

In other respects, procedure shall be as specified in the Administrative Procedure Act.

Article 12

Photocopies or duplicates of original materials.

Government authorities shall decide whether the original materials requested shall be shown, or whether photocopies of documents or duplicates of other materials shall be provided, if this is possible.

Where photocopies of documents are requested, such requests shall be complied with unless the documents are of such a nature, or their number so great, that this would entail problems.

In cases where large numbers of documents are involved, the government authority may decide to entrust their photocopying to another party. The same shall apply if the government authority does not have facilities for photocopying documents. In such cases the party requesting the photocopies shall pay the costs involved.

The prime minister may issue a scale of charges stating the rates to be paid for photocopies under this Act.

The rules of paragraphs 2–4 shall also apply, as appropriate, to materials other than documents.

Article 13

Notification of decisions.

A government authority's decision to reject a request for access to materials, or for a photocopy or copy of materials, shall be announced in writing if the request was made in writing.

CHAPTER V

The Information Committee.

Article 14

Right of appeal.

Appeals against refusals by government authorities to grant access to materials under this Act may be referred to the Information Committee, which shall deliver rulings on disputes. The same shall apply to refusals by government authorities to furnish photocopies of documents or copies of other materials.

The committee shall function independently and its rulings under this Act may not be referred to other government authorities.

Article 15

The Information Committee.

The prime minister shall appoint three persons to the Information Committee for terms of four years, and an equal number of substitutes. Two of the committee members and their substitutes shall meet the requirements set for working as District Court judges. One of them shall be the chairman of the committee and the other the vice-chairman. Members of the committee may not be permanent employees of the Icelandic government ministries.

The committee may call in experts for advice and assistance if it considers this necessary.

Article 16

Procedure.

Matters under paragraph 1 of Article 14 shall be referred to the Information Committee in writing not more than 30 days after the announcement of the decision to the party requesting access to the materials.

The committee may give the government authority concerned a short period in which to present its view of the matter, with reasons, before a final decision is taken.

When the members of the committee do not agree, the majority view shall determine the outcome. If the votes are evenly divided, the chairman shall have a casting vote.

In other respects, procedure observed by the Information Committee shall be subject to Chapter VII of the Administrative Procedure Act.

Article 17

Notification of rulings.

The Information Committee shall notify the party who requested access to the information, and the government authority involved, of its decision as soon as possible.

If the committee approves an application for access to materials, the government authority shall grant access to them as soon as the ruling has been announced, unless it is requested that its legal effect be deferred under Article 18.

Article 18

Deferment of legal effect of a ruling.

At the request of a government authority, the Information Committee may decide to defer the legal effect of its ruling if it considers there is a special reason for so doing. A request to this effect shall be made not more than three days after the ruling has been announced. Deferment of the legal effect of a ruling shall be subject to the condition that the authority refer the matter to a court within seven days of the announcement of the ruling and request that it receive priority treatment.

Article 19

Publication of rulings.

The Information Committee shall publish its rulings, or summaries thereof, each year.

CHAPTER VI

**Access to materials in the National Archives of Iceland
and other public archives.**

Article 20

Access to materials after they have been presented to archives.

When materials covered by this Act have been presented to the National Archives of Iceland or another public archive, the archive concerned shall take a decision on whether materials which have been requested shall be shown, or photocopies of documents or copies of other materials made available where this is possible.

If there is doubt concerning the right of access to materials, the archive may obtain an opinion, backed with reasons, from the government authority which presented the materials to the archive before taking its decision.

Article 21

Right of appeal.

Appeals against refusals to grant access to materials or to provide photocopies of documents or copies of materials under Article 20 may be referred to the Information Committee under Article 14.

CHAPTER VII

Registration of cases, etc.

Article 22

Registration of cases.

Government authorities shall be obliged to register cases which they handle in a systematic manner and to preserve materials relating to such cases so that they are accessible.

The prime minister may, on receipt of the opinion of the director of the National Archives, issue a regulation specifying how documents are to be managed in government administration, including the type of computer software to be used.

Article 23

Registration of data on the facts of a case.

In the processing of cases in which decisions are to be taken concerning individuals' rights and obligations under paragraph 2 of Article 1 of the Administrative Procedure Act, government authorities shall record data which they

are given orally regarding the facts of the case if they are of substantial importance for the resolution of the case and are not to be found in other records in the case.

CHAPTER VIII

Commencement, etc.

Article 24

Commencement of this Act.

This Act shall take effect on 1st January 1997.

The provisions of this Act shall apply to all materials, irrespective of when they were created or when they came into the possession of the government authorities.

Article 25

Amendments to other statutes.

The following statutory provisions shall be amended as prescribed below when this Act takes effect:

...