

## Chapter 2. On the public nature of official documents

**Art. 1.** Every Swedish citizen shall be entitled to have free access to official documents, in order to encourage the free exchange of opinion and the availability of comprehensive information.

**Art. 2.** The right of access to official documents may be restricted only if restriction is necessary having regard to

1. the security of the Realm or its relations with another state or an international organisation;
2. the central fiscal, monetary or currency policy of the Realm;
3. the inspection, control or other supervisory activities of a public authority;
4. the interest of preventing or prosecuting crime;
5. the economic interest of the public institutions;
6. the protection of the personal or economic circumstances of private subjects;
7. the preservation of animal or plant species.

Any restriction of the right of access to official documents shall be scrupulously specified in a provision of a special act of law, or, if this is deemed more appropriate in a particular case, in another act of law to which the special act refers. With authority in such a provision, the Government may however issue more detailed provisions for its application in a statutory instrument.

The provisions of paragraph two notwithstanding, the Riksdag or the Government may be empowered, in a regulation under paragraph two, to permit the release of a particular document, having regard to the circumstances.

**Art. 3.** Document is understood to mean any written or pictorial matter or recording which may be read, listened to, or otherwise comprehended only using technical aids. A document is official if it is held by a public authority, and if it can be deemed under Article 6 or 7 to have been received or drawn up by such an authority.

A recording under paragraph one is deemed to be held by a public authority, if it is available to the authority using technical aids, which the authority itself employs, for communication in such form that it may be read, listened to, or otherwise comprehended. A compilation of information taken from material recorded for automatic data processing is however regarded as being held by the authority only if the authority can make it available using routine means.

A compilation of information taken from material recorded for automatic data processing is not however regarded as being held by the authority if the compilation contains personal information and the authority is not authorised in law, or under a statutory instrument, to make the compilation available. Personal information is understood to mean any information which can be referred back directly or indirectly to a private person.

**Art. 4.** A letter or other communication which is directed in person to an official at a public authority is deemed to be an official document if it refers to a case or other matter falling within the authority's purview, and if it is not intended for the addressee solely in his capacity as incumbent of another position.

**Art. 5.** The Riksdag and any local government assembly vested with decisionmaking powers is equated with a public authority for the purposes of this Chapter.

**Art. 6.** A document is deemed to have been received by a public authority when it has arrived at the authority or is in the hands of a competent official. A recording under Article 3, paragraph one, is instead deemed to have been received by the authority when it has been made available to the authority by another in the manner indicated in Article 3, paragraph two.

Competition documents, tenders and other such documents which it has been advertised shall be delivered under sealed cover and are deemed not to have been received before the time appointed for their opening.

Measures taken solely as part of the technical processing or technical storage of a document which a public authority has made available shall not be construed to mean that the document has been received by that authority.

**Art. 7.** A document is deemed to have been drawn up by a public authority when it has been dispatched. A document which has not been dispatched is deemed to have been drawn up when the matter to which it relates has been finally settled by the authority, or, if the document does not relate to a specific matter, when it has been

finally checked and approved by the authority, or has otherwise received final form.

The provisions of paragraph one notwithstanding, a document of the nature referred to below is deemed to have been drawn up

1. in the case of a day book, ledger, and such register or other list as is kept on an ongoing basis, when the document has been made ready for notation or entry;
2. in the case of a court ruling and other decision which shall be pronounced or dispatched under relevant provisions of law, and records and other documents insofar as they relate to such a decision, when the decision has been pronounced or dispatched;
3. in the case of other records and comparable memoranda held by a public authority, when the document has been finally checked and approved by the authority or has otherwise received final form, but not the records of Riksdag committees, auditors of local authorities, official commissions of inquiry or local authorities where they relate to a matter dealt with solely in order to prepare the matter for decision.

**Art. 8.** If a body which forms part of, or is associated with, a public authority or other similar organisation for the public administration has transferred a document to another body within the same organisation, or has produced a document for the purpose of transferring it in this manner, the document is not deemed thereby to have been received or drawn up, other than if the bodies concerned act as independent entities in relation one to the other.

**Art. 9.** Neither shall a memorandum which has been prepared at a public authority, but which has not been dispatched, be deemed to be an official document at that authority after the time at which it would be deemed to have been drawn up under Article 7, unless it has been accepted for filing and registration. Memorandum is understood to mean any aide memoire or other note or record produced solely for the preparation or oral presentation of a matter, but not such part of it as contributes factual information to the matter.

Preliminary outlines or drafts of decisions or written communications of a public authority and other like documents which have not been dispatched are not deemed to be official documents unless they have been accepted for filing and registration.

**Art. 10.** A document held by a public authority solely for the purpose of technical processing or technical storage on behalf of another is not deemed to be an official document held by that authority.

**Art. 11.** The following documents are not deemed to be official documents:

1. letters, telegrams, and other such documents delivered to or drawn up by a public authority solely for the purpose of forwarding a communication;
2. notices or other documents delivered to or drawn up by a public authority solely for the purpose of publication in a periodical published under the auspices of the authority;
3. printed matter, recordings of sound or pictures, or other documents forming part of a library or deposited by a private person in a public archive solely for the purpose of care and safe keeping, or for research and study purposes, and private letters, written matter or recordings otherwise transferred to a public authority solely for the purposes referred to above;
4. recordings of the contents of documents under point 3, if such recordings are held by a public authority, where the original document would not be deemed to be an official document.

The provisions of paragraph one, point 3, concerning documents forming part of a library do not apply to recordings held in databases to which a public authority has access under an agreement with another public authority, if the recording is an official document held by that authority.

**Art. 12.** An official document to which the public has access shall be made available on request forthwith, or as soon as possible, at the place where it is held, and free of charge, to any person wishing to examine it, in such form that it can be read, listened to, or otherwise comprehended. A document may also be copied, reproduced, or used for sound transmission. If a document cannot be made available without disclosure of such part of it as constitutes classified material, the rest of the document shall be made available to the applicant in the form of a transcript or copy.

A public authority is under no obligation to make a document available at the place where it is held, if this presents serious difficulty. Nor is there any such obligation in respect of a recording under Article 3, paragraph one, if the applicant can have access to the recording at a public authority in the vicinity, without serious inconvenience.

**Art. 13.** A person who wishes to examine an official document is also entitled to obtain a transcript or copy of the document, or such part

thereof as may be released, in return for a fixed fee. A public authority is however under no obligation to release material recorded for automatic data processing in any form other than a printout except insofar as follows from an act of law. Nor is a public authority under any obligation to provide copies of maps, drawings, pictures, or recordings under Article 3, paragraph one, other than in the manner indicated above, if this would present difficulty and the document can be made available at the place where it is held.

Requests for transcripts or copies of official documents shall be dealt with promptly.

**Art. 14.** A request to examine an official document is made to the public authority which holds the document.

The request is examined and approval granted by the authority indicated in paragraph one. Where special grounds so warrant, it may however be laid down in a provision under Article 2, paragraph two, that in applying this rule, examination and approval shall rest with another public authority. In the case of a document of central significance for the security of the Realm, it may also be laid down in a statutory instrument that only a particular authority shall be entitled to examine and approve questions relating to release. In the aforementioned cases, the request shall be referred to the competent authority forthwith.

No public authority is permitted to inquire into a person's identity on account of a request to examine an official document, or inquire into the purpose of his request, except insofar as such inquiry is necessary to enable the authority to judge whether there is any obstacle to release of the document.

**Art. 15.** Should anyone other than the Riksdag or the Government reject a request to examine an official document, or release such a document with a proviso restricting the applicant's right to disclose its contents or otherwise dispose over it, the applicant may appeal against the decision. An appeal against a decision by a minister shall be lodged with the Government, and an appeal against a decision by another authority shall be lodged with a court of law.

The act referred to in Article 2 shall set out in greater detail how an appeal against a decision under paragraph one shall be lodged. Such an appeal shall always be examined promptly.

Special provisions apply to the right to appeal against decisions by authorities under the Riksdag.

**Art. 16.** A note concerning obstacles to the release of an official document may be made only on a document covered by a provision under Article 2, paragraph two. Such a note shall refer to the relevant provision.

**Art. 17.** It may be laid down in law that the Government, or a local government assembly vested with decision-making powers, may determine that official documents relating to the activities of a public authority which are to be taken over by a private body may be transferred into the safe keeping of that body, if it requires the documents for its work, without the documents ceasing thereby to be official. Such a body shall be equated with a public authority in respect of documents so transferred when applying Articles 12 to 16.

It may also be laid down in law that the Government may determine that official documents may be transferred to the Church of Sweden, or any part of its organisation, for safe keeping, without the documents ceasing thereby to be official. This applies to documents received or drawn up no later than 31 December 1999 by

1. public authorities which no longer exist and which performed tasks relating to the activities of the Church of Sweden; or
2. decision-making assemblies of the Church of Sweden.

In applying Articles 12 to 16, the Church of Sweden and any part of its organisation shall be equated with a public authority in respect of documents so transferred.

**Art. 18.** Basic rules concerning the storage of official documents, weeding and other disposal of such documents are laid down in law.