

Consultation of the Parties

Council of Europe Convention on Access to Official Documents (CETS No. 205)

Conclusions and recommendations on the implementation of the Council of Europe Convention on Access to Official Documents by Slovenia

The Consultation of the Parties to the Council of Europe Convention on Access to Official Documents (CETS No. 205) (hereinafter referred to as “the Convention”), acting under the terms of Article 12, paragraph 2, sub-paragraphs a and b, of the Convention,

Bearing in mind the provisions of Article 11, paragraph 1, of the Convention concerning the role of the Council of Europe Access Info Group (AIG) in monitoring the implementation of the Convention;

Bearing in mind the overarching obligation under Article 2, paragraph 2, of the Convention on each Party to take the necessary measures in its domestic law to give effect to the provisions for access to official documents set out in this Convention;

Having regard to the Rules of Procedure of the Consultation of the Parties;

Having examined the baseline evaluation report concerning the implementation of the Convention by Slovenia adopted by the AIG at its 9th meeting (14–16 May 2025) (the AIG report), which focuses on the Public Information Access Act, as well as the comments of the Slovenian government received on 16 June 2025,

1. Welcomes the following elements of the Public Information Access Act:

- 1.1. its application to the widest range of public authorities covered by the Convention and to information recorded in any form and held by them;
- 1.2. its guarantee of the right of access to official documents held by public authorities to everyone, on request, without discrimination in compliance with Article 2, paragraph 1, of the Convention;
- 1.3. the compliance of nearly all the limitations on the right of access with the requirements of Article 3 of the Convention, notably the general principle that an overriding public interest test should be applied on a case-by-case basis to such limitations;
- 1.4. the implementation of the requirements of Article 4 of the Convention regarding requests for access to official documents;
- 1.5. its compliance with the obligations of Article 5, paragraphs 1 to 3, 5 and 6, of the Convention regarding the processing of requests for access to official documents;
- 1.6. the implementation of the requirements of Articles 6 and 7, paragraph 2 of Convention respectively on forms of and charges for access to official documents;
- 1.7. the implementation of the requirements of Article 8 of the Convention as regards appeals of access denials;
- 1.8. its measures to implement Article 9 and Article 10 of the Convention regarding respectively complementary measures and documents made public at the initiative of the public authorities;

2. Recommends that Slovenia take the following measures identified on the basis of the AIG’s report:

- 2.1. ensure the compliance of the exemption from the right of access provided for by Article 6(1)(11) of the Public Information Access Act, concerning information drawn up in connection with internal operations or activities of bodies, with Article 3, paragraph 1, sub-paragraph k, of the Convention (see paragraphs 24, 25 and 70 of

the AIG report);

- 2.2. revise, in compliance with Article 5, paragraph 4 of the Convention, the time limits for deciding on access requests provided by the Public Information Access Act, with a view to ensuring that when public authorities do not rely on legal exemptions of access, they decide on them as soon as reasonably practicable and that when exemptions are engaged, a reasonable extension of time is applied, enabling a determination of whether or not there is an overriding public interest in the disclosure of the requested information (see paragraphs 44-46 and 73 of the AIG report);.
 - 2.3. ensure that inspection of documents to which partial access is permitted in the premises of a public authority is free of charge, in line with Article 7, paragraph 1 of the Convention (see paragraphs 52, 54 and 74 of the AIG report).
3. Requests the government of Slovenia to report to the Consultation of the Parties on the measures taken to improve the implementation of the Convention pursuant to point 2 of the present conclusions within one year of their transmission to it.