

TC-CP(2024)05
3 October 2024

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 Iceland

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 Iceland adopted by the AIG at its 6th meeting (29-31 May 2024) which focuses on the Information Act as well as the comments of the Icelandic government received on 4 September 2024;

1. Welcomes the following elements of the Information 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. guaranteeing 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 the limitations on the right of access with the requirements of Article 3, paragraph 1, of the Convention;
- 1.4. the implementation of the principles and requirements of Article 4, paragraphs 2 and 3, of the Convention regarding requests for access to official documents;
- 1.5. its compliance with the obligations of Article 5 of the Convention regarding the processing of requests for access to official documents;
- 1.6. the general implementation of the requirements of Articles 6 and 7 of Convention respectively on forms of and charges for access to official documents;
- 1.7. the implementation of the requirements of Article 8, paragraph 1, of the Convention as regards appeals on denials of access to the Information Committee and courts;
- 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 Iceland take the following measures identified on the basis of the AIG's report:

- 2.1. ensure the compliance of Article 4§2 of the Information Act with Article 1, paragraph 2, sub-paragraph b, of the Convention and regulate the legitimate public interests in preserving the confidentiality of information related to international relations in accordance with Article 3, paragraph 1, sub-paragraph a, of the Convention (see paragraphs 17 and 62 of the AIG report);

- 2.2. ensure full compliance of the limitations set out in Articles 6, 7 and 10 the Information Act with the overriding public interest principle enshrined in Article 3, paragraph 2, of the Convention (see paragraphs 27 and 65 of the AIG report);
 - 2.3. ensure full compliance of Article 15§4 of the Information Act with Article 2, paragraph 1, and Article 4, paragraph 1, of the Convention (see paragraphs 19-20, 29,63 and 66 of the AIG report);
 - 2.4. stipulate in the Information Act the principle that the applicant has the right to choose to inspect the official document or to always receive a copy in a format of his/her choice, unless the preference expressed is unreasonable, pursuant to Article 6, paragraph 1, of the Convention (see paragraphs 39 and 68 of the AIG report);
 - 2.5. ensure full compliance of Article 18 of the Information Act with the requirements of Article 7, paragraph 2, of the Convention according to which no staff or service costs are charged on applicants (see paragraphs 43 and 69 of the AIG report);
 - 2.6. ensure that the time limit of 150 days set in Article 23 of the Information Act for proceedings before the Information Committee on appeals of access denials is respected in practice (see paragraphs 48 and 70 of the AIG report);
3. Requests the government of Iceland 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 by 6 October 2025.