



AIG(2025)01REV2

09/04/2025

Council of Europe Access Info Group (AIG)

Draft Baseline Evaluation Report on the implementation of the Council of Europe Convention on Access to Official Documents (CETS No.205) –

Slovenia

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I. Introduction

1. The Council of Europe Convention on Access to Official Documents (CETS No.205, hereinafter “the Convention”) entered into force on 1 December 2020. It is the first binding international legal instrument to recognise a general right of access to official documents held by public authorities.

2. The Convention lays down minimum obligations for its Parties on the scope of the right to access official documents upon request, the balancing exercise between the protection of the public interest in transparency and the protection of other legitimate rights and interests, the procedures for handling a request for access and the review of decisions. It also sets out other measures to ensure the transparency of public authorities’ activities such as those relating to the management of documents and publication of official documents at the authorities’ own initiatives.

3. An important added value of the Convention is its monitoring mechanism, which consists of the Council of Europe Access Info Group (“the AIG”) and the Consultation of the Parties. The AIG is composed of a minimum 10 and a maximum of 15 independent and impartial experts appointed on the basis of their recognised expertise in the field of access to official documents. On 31 March 2022, the Consultation of Parties elected 10 members for a period of four years, renewable once. The AIG’s task is to monitor the implementation of the Convention by the Parties, notably reporting on the adequacy of the measures in law and practice taken by the Parties to give effect to the provisions set out in the Convention.

4. This report is part of the baseline evaluation carried out by the AIG on the basis of the report submitted by Slovenia pursuant to Article 14, paragraph 1, of the Convention ([AIG/Inf\(2024\)22](#), 12 November 2024). As a first step, the Party responded to a Questionnaire on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Access to Official Documents ([Doc AIG\(2022\)01](#), adopted by the AIG on 17 November 2022). In the spirit of dialogue with the Parties to the Convention, the AIG requested comments from Slovenia in the elaboration of the present report which were considered before its adoption. This report will be published together with any further comments received by the Party after its adoption.

5. The baseline evaluation focuses on the legislative act whose main objective is to regulate the right to access official documents, that is the Public Information Access Act. Other specialised legislation, such as that on archives or legislation which may contain provisions that regulate access to specific types of information, for example, information containing personal data, information of relevance to national or public security, or information belonging to the banking sector, is not analysed in the present baseline evaluation. Such analysis would have required more complete information by the Party and an in-depth examination of numerous other laws which was not feasible in the current evaluation round carried out by the AIG covering all Parties to the Convention. The AIG, therefore, plans to evaluate the implementation of the Convention by its Parties in specific sectors in its subsequent evaluation rounds in accordance with its Rules of Procedure. Having considered the different approaches taken by the Parties, the AIG will adopt its position on the concept of “drawn up” provided for in Article 1, paragraph 2, of the Convention after its baseline evaluation.

6. This report is intended to assist the Party in its efforts to ensure compliance with the Convention.

II. Article 1 – General Provisions

The meaning of public authorities

7. Slovenia has adopted a comprehensive definition of public authorities in the Public Information Access Act, which largely integrates not only the authorities required under Article 1, paragraph 2, sub-paragraph, a, i, of the Convention but also those that Parties may opt to include in the definition under Article 1, paragraph 2, sub-paragraph, a, ii. Slovenia has done so without submitting a declaration under the latter provision.

8. All the administration at the national and local level as well as legislative, judicial and independent bodies, without distinction as regards their administrative and other functions, fall within the scope of the Public Information Access Act.

9. Natural and legal persons who exercise public authority as well as service providers (contractors/operators) who perform a public service based on a concession granted by state or local government authorities are subject to the Act as regards information they hold which relates to the activities directly linked to the exercise of the public authority or provision of the public service (Article 1(1)).

10. Companies owned or controlled by the state or by other public entities are also subject to the Act, whether or not they perform a public service (Article 1a(1)(2)). These companies will fall under the scope of application of the Public Information Access Act if they are registered in the public register of legal persons liable under the Act (Article 3b(5)), which according to the information provided by the Party, is the Agency of the Republic of Slovenia for the Public Legal Records and Related Services. The obligation to register and the data that the registry should contain are regulated in detail by the Act. The Agency obtains on its own initiative the necessary information for the registration of legal persons from records of courts, securities' registration or other official records (Article 3c(1)). Ministries and authorities of self-governing local communities are under an obligation to submit information to the Agency whenever legal persons with public authority or public service operators are established, within 15 days of their establishment (Article 3č).

11. The Public Information Access Act is fully in line with the definition of public authorities of Article 1, paragraph 2 of the Convention.

The meaning of official documents

12. The Public Information Access Act applies to public information that is held by public authorities and the entities which fall under its scope of application.

13. As regards state bodies, local government authorities as well as natural or legal persons which exercise public authority or public functions, public information is defined as information originating from the field of work of the public authority and occurring in the form of a document, case, a dossier, a register, a record or other documentary material – referred to as the document – drawn up or received from other persons (Article 4 (1)).

14. As regards companies which are owned or controlled by the state or public authorities, public information is defined in a detailed manner with reference to their legal transactions, contracts and agreements (transactions on physical assets; supply, work, service or consulting contracts; sponsorship, donor or copyright agreements), supervisory structures and remuneration of representatives and management (Article 4a).

15. The AIG takes note of the information provided by the Party that the criterion included in Article 4 (1) of the Act according to which the information must originate from the field of work of the public authority is interpreted broadly. According to a recent decision of the Information Commissioner (August 2024), a public authority must provide access to information in the entire field of operation, not only in the field in which it exercises its authority. The case law of the Supreme Court had previously established (2007 and 2012) that the expression “field of work” in Article 4(1) of the Act must be interpreted broadly. In practice, this means that all documents in the possession of public authorities, whether produced or acquired by them in the course of their work, are considered as public information.¹ Information held by legal persons or entities which falls under the scope of application of the Act is also considered as public information to the extent that it is connected to the exercise of public authority assigned to these persons or entities. According to a decision of the Information Commissioner (2016), as well as subsequent jurisprudence of the Administrative Court of Slovenia, legal persons and entities bear the burden of proof in demonstrating that the information they hold is not connected to their other activities (e.g. commercial activities).²

16. The AIG considers that Article 4(1) of the Act complies with Article 1, paragraph 2, sub-paragraph b, of the Convention.

III. Article 2 – Right of access to official documents

17. The Constitution guarantees the right of everyone to obtain access to public information (Article 39). This right is also guaranteed by the Public Information Access Act in Articles 1(1) and 5(2) without any discrimination as to the citizenship of the applicant.

18. Article 17(3) of the Act explicitly provides that the applicant is not obliged to state the legal grounds for his/her request. Therefore, the right of access is guaranteed to all applicants irrespective of their motives and intentions.

19. These provisions are in compliance with Article 2, paragraph 1, of the Convention.

IV. Article 3 – Possible limitations to access to official documents

20. Generally, the exceptions to the right of access which are provided by the Public Information Access Act correspond to the legitimate aims provided for by Article 3, paragraph 1, of the Convention. The exception/s provided for in:

- Article 5a(1) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraphs c and e, of the Convention;
- Article 5a(2) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph e, of the Convention;
- Article 5a(3) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph f, of the Convention
- Article 6(1)(1) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph a and b, of the Convention;

¹ AIG/Inf(2025)06

² Ibid.

- Article 6(1)(2) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph g, of the Convention;
- Article 6(1)(3) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph f, of the Convention;
- Article 6(1)(4) and Article 6(1) (5) correspond to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraphs f and g, of the Convention;
- Article 6(1)(6) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph c, of the Convention;
- Article 6(1)(7) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraphs d and e, of the Convention
- Article 6(1)(8) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph i, of the Convention;
- Article 6(1)(10) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph j, of the Convention.

21. Article 6(1)(9) of the Public Information Access Act provides for an exemption from the right of access for “information from the document that is in the process of being drawn up and still subject of consultation by the body, and the disclosure of which would lead to misunderstanding of its contents.” According to the Party, this exemption relates to a document which has not been signed and dispatched or otherwise finalised by an official authority empowered to take a decision in accordance with applicable rules. According to the Information Commissioner’s case law, this exemption protects the thought process of the public authority and the drafting of a specific document. The public authority would have to demonstrate in concrete terms how the disclosure of the requested information would lead to a misunderstanding of its contents.³

22. The AIG considers that the exemption set out in Article 6(1)(9) of the Act relates to interests protected by Article 3, paragraph 1, sub-paragraph k, of the Convention, that is “the deliberations within or between public authorities concerning the examination of a matter.” The aim of this provision is to protect the confidentiality of proceedings and to preserve the quality of the decision-making process by allowing a certain free “space to think” (see the Explanatory Report to the Convention, §34). This is different from the objective stated in Article 6(1)(9) of the Act, that is to avoid potential misunderstanding of the content of a document produced in drafting or consultation processes. This legal provision appears to allow a very wide discretion to the public authority in two accounts. Firstly, the public authority appears to decide who is the party who would misunderstand the content of the document, that party being the applicant, the public at large, or both. Secondly, the legal provision itself does not set out criteria on the basis of which such misunderstanding could be established. The AIG recommends that Article 6(1)(9) of the Act be reviewed with the aim of reflecting in the law the jurisprudence of the Information Commissioner, according to which the interest protected by the limitation is the thinking space of the public authority and the drafting process. This would ensure full compliance of the provision in question with Article 3, paragraph 1, sub-paragraph k, of the Convention.

³ AIG/Inf(2025)06

23. Article 6(1)(11) of the Public Information Access Act provides for an exemption from the right of access for “information from the document drawn up in connection with internal operations or activities of bodies, and the disclosure of which would cause disturbances in the operations or activities of the body.” The Party has informed the AIG that this exemption relates to documents for the internal use of a public authority which set out its procedure or way of working and its internal policies. The purpose of this exemption is to prevent, in a reasonable manner and on a case-by-case basis, damage to the quality of the authority’s decision-making and internal deliberations. The notion of “disturbances in the operations or activities of the public body” means that the quality of such operations and activities would be substantially decreased if the requested document were to be disclosed. Both the Information Commissioner and the Administrative Court of Slovenia have in their respective jurisprudences adopted a restrictive interpretation of the notion of “information constituting internal official deliberations.” They have also affirmed that the burden lies with that authority to prove beyond reasonable doubt that the disclosure of the requested information would disrupt the internal operations of a public authority.⁴

24. The AIG considers that the exemption set out in Article 6(1)(11) of the Act relates to interests protected by Article 3, paragraph 1, sub-paragraph k, of the Convention, that is “the deliberations within or between public authorities concerning the examination of a matter.” The AIG recalls that the aim of Article 3, paragraph 1, sub-paragraph k, of the Convention is to protect the confidentiality of proceedings and to preserve the quality of the decision-making process by allowing a certain free “space to think” (see the Explanatory Report to the Convention, §34). The phrase of the provision in question – “which would cause disturbances in the operations or activities of the body” – does not reflect that aim. To avoid potential misinterpretations of Article 6(1)(11) of the Act, the AIG recommends that it be reviewed with to the aim of reflecting in the law the position of the Party, namely that the interest protected by the limitation is the confidentiality of internal deliberations or a decision-making. This would ensure full compliance of the provision in question with Article 3, paragraph 1, sub-paragraph k, of the Convention.

25. For most of the limitations of the right of access laid down in the Public Information Access Act, the evaluation of harm that would be caused by the disclosure of information to which they relate appears to be done by the legislator. Some of the limitations are subject to a case-by-case harm test, for example those relating to the protection of personal data (Article 6(1)(3)); the protection of criminal or civil proceedings (Article 6(1)(6)-(8)); and the protection of information in the process of being drawn up or relating to internal consultations and operations of public authorities (Article 6(1), sub-paragraphs (9) and (11)).

26. Article 6(2) of the Public Information Access Act lays down the general principle that an overriding public interest test is carried out on a case-by-case basis for limitations of the right of access.

27. Several limitations of the right of access are, however, not subject to this test. These include all the limitations provided by Article 5a concerning confidential information in the context of court and administrative proceedings (sub-paragraph (1))⁵; information regarding supervision procedures by the Bank of Slovenia, or the securities market supervisory authority or the

⁴ AIG/Inf(2025)06

⁵ For example, secret wiretaps in the context of pre-trial proceedings.

insurance market supervisory authority until the supervision procedures are over (sub-paragraph 2)⁶; and information concerning the protection of whistleblowers (sub-paragraph 3).

28. In addition, the overriding public interest test does not apply to limitations set out in Article 6(2) of the Public Information Access Act. These are concerned with information classified in the two highest levels of secrecy the Act governing confidential data as regards, and information classified by another country or international organisations according to international agreements; tax information provided by a body of a foreign country; personal information in the context of statistics; personal information in the context of tax procedures, unless the procedure is final or the taxable person disclosed the liability in the tax return and failed to pay tax within the required time limit.

29. The overriding public interest test is carried out on a case-by-case basis when the applicant invokes the prevailing public interest in the disclosure of the requested information or if the head of the public authority deems that the provision of the Act concerning the test applies (Article 21(2)). In these two cases the head of the public authority makes a proposal which is decided upon by the Government if the public authority concerned is a state administration body, the Public Prosecutor's Office, the State Prosecutor's Office, the State Attorney's Office, a public law entity founded by the State, a legal person exercising public authority or a public service contractor at the state level. The Supreme Court decides when the public authority concerned is a court. Councils of local government authorities decide in respect of their bodies, public law entities that they have founded, or public service contractors at the local government level. In all other cases the public authority receiving a request decides on the request (Article 21(2)).

30. The AIG recalls that the harm test and the balancing of interests test required by Article 3, paragraph 2, of the Convention may be carried out for each individual request for access or by the legislator, in the latter case when formulating the limitations. Legislation could, for example, set down varying requirements for carrying out harm tests. These requirements could take the form of a presumption for or against the release of the requested document or an unconditional exemption for extremely sensitive information. When such requirements are set down in legislation, the public authority should make sure that the conditions of the statutory exceptions are fulfilled when they receive a request for access to an official document. Absolute statutory exceptions should be kept to a minimum (see the Explanatory Report to the Convention, §38).

31. The AIG welcomes the general principle that an overriding public interest test is applied on a case-by-case basis. As regards the limitations to which no such test is applied, the AIG notes that the limitations laid down in Article 5a of the Act are concerned with extremely sensitive information and appear to apply to narrowly circumscribed timeframes and circumstances. The limitations laid down in sub-paragraph (1) appear to be applicable only for the duration of the relevant court or administrative proceedings. The limitation laid down in Article 5a, sub-paragraph (2) is applicable in principle for the duration of the supervisory procedure carried out by the relevant authorities. The limitation provided for in Article 5a, sub-paragraph (3) applies only to the identity of the whistleblower and not the content of the information relevant to the whistleblowing. Similarly, the limitations laid down in Article 6(2) of the Act appear to be concerned with extremely sensitive information and are kept to a minimum. The AIG considers these provisions of the Act to be in compliance with Article 3, paragraph 2, of the Convention.

⁶ When the supervision procedure is over, the authority may deny access to the requested information if its disclosure could harm another person or could seriously jeopardise the implementation of other legal tasks by the supervisory authority that conducted the procedure.

32. Lastly, the AIG welcomes that the Public Information Access Act provides for mandatory disclosure of information relating to the use of public funds or the exercise of public functions or the employment relationship of a public employ (Article 6(3))⁷.

V. Article 4 – Requests for access to official documents

33. As mentioned in paragraph 18 of the present report, Article 17(3) of the Act explicitly provides that the applicant is not obliged to state the legal grounds for his/her request. This is in line with Article 4, paragraph 1, of the Convention.

34. The applicant must identify himself/herself and provide his/her address (Article 17(2)). Although the Act does not provide for anonymous requests, it is recalled that this is not an obligation under Article 4, paragraph 2, of the Convention. The Party notes that anonymous requests are possible when made orally.

35. The applicant is not obliged to indicate specifically that his/her request is a request for access to information. If from the nature of his request it is evident that it relates to access to public information the competent public authority shall consider the request pursuant to the Public Information Access Act (Article 17(3)).

36. When a request is made orally, for example by telephone, access to the requested information will be granted only if the limitations of access provided for in Article 5a and Article 16 of the Act do not apply (Article 14(1)(4)). If such limitations of access apply, the public authority, on the basis of Article 18 of the Act, invites the applicant to complete his/her request with the elements required for a written request, namely the applicant's identification and address, the information that he/she wishes to access, and the manner in which he/she wishes to access the information. The applicant may submit a written request which shall then be treated as a formal request.⁸ The applicant has no right to appeal a decision denying access to an oral request (Article 14(1)(4)).

37. The AIG notes that according to the Public Information Access Act, only a written request will be considered as an access request when limitations of access apply to the requested information. Under Article 4, paragraph 3, of the Convention, formalities for requests shall not exceed what is essential in order to process the request. Each Party is free to lay down its own procedures, but they should be as few and simple as possible and for every formality there must be a valid reason. This Convention standard allows for submission of access requests only in writing or orally, with written procedures applying only when a partial or total denial of access is considered (see Explanatory Report to the Convention, §43). The AIG considers the requirements of Article 14 of the Act to submit an access request in writing when certain of its limitations apply as justified for purposes of documenting the denial of access and enabling its appeal.

38. Written requests must contain an indication of the public authority to which they are sent, the identity of the applicant or his representative, the address of the applicant or his

⁷ Such information will be disclosed except in cases when certain limitations of access apply, notably those laid down in Article 6(1), sub-paragraphs 1, and sub-paragraphs 5 to 8. These include limitations of access to classified data, personal information in the context of tax procedures, information acquired or drawn up for the purposes of criminal prosecution, an administrative procedure and a civil procedure or other court proceedings. Similarly, information related to environmental emissions, waste, hazardous substances in a plant, information contained in a safety report and other information provided for by the Act governing environmental protection must be disclosed without a case-by-case evaluation.

⁸ AIG/Inf(2025)06

representative, the information that he/she wishes to access, and the manner in which he/she wishes to access the information (Article 17(1)(4)). Although the Act provides that requests submitted in electronic form are subject to the provisions of the Act on electronic commerce and signature (Article 16(2)), the Party has noted that this Act does not contain specific requirements about the electronic signature of an access request. In fact, the relevant Governmental Decree on administrative operations provides that electronic requests may be submitted without a qualifying electronic signature in procedures which is only required if the authenticity of the application is in doubt.⁹ In practice, electronic requests are considered to be formal even in the absence of a secure electronic signature, provided that they contain all the mandatory elements to enable the receiving authority to examine their substance.

39. The AIG considers that the Act implements the principles and the requirements of Article 4, paragraph 3, of the Convention.

VI. Article 5 – Processing of requests for access to official documents

40. There is a duty to provide appropriate assistance to the applicant to complete his/her application when it cannot be considered by the public authority in the form in which it is presented (Article 18(2)). This duty is discharged by the public official assigned to deal with the request in each public authority pursuant to Article 9 of the Act. These provisions are in line with Article 5, paragraph 1, of the Convention.

41. If the public authority receiving a request for access does not have the requested information, it shall forward the request to the authority which, in terms of the contents of the request, is competent for answering the request. The applicant is notified of this transmission without delay but no later than three working days from the date of receipt of the request (Article 20). This provision is in line with Article 5, paragraph 2, of the Convention.

42. Although the Act does not lay down a principle that all requests shall be dealt with on an equal basis, the Party reports that in practice no distinctions between requests are made according to the nature of the request or the status of the applicant. This is in line with Article 5, paragraph 3, of the Convention.

43. As a general rule the public authority receiving a request for access shall decide on it without delay, and in any case no later than 20 working days after receipt (Article 23). When more time is needed to provide access to the requested information because of the comprehensive nature of the requested information¹⁰ or because access can be granted only partially due to applicable restrictions of access, the public authority may decide to extend the time limit by no more than 30 working days (Article 24(1)). In this case, the public authority issues a decision on the extension within 15 days of receipt of the request and informs the applicant. Additionally, when the public authority decides to apply the overriding public interest test on its own initiative or at the request of the applicant, the time limit for adopting a decision is of 30 working days (Article 24(4)). The public authority receiving the request submits within 15 days of its receipt a proposal to the decision-making body (Government, Supreme Court, or the council of the local government authority (see Article 21(2)), which in turn decides within 15 working days of receiving the proposal (Article 24(4)).

⁹ Ibid.

¹⁰ Ibid. The Party has clarified that “comprehensive nature of the requested information” means a request for a large number of documents or a voluminous document.

44. The Party has provided information on the reasons justifying a maximum time limit of 20 working days for deciding on an access request. These include, *inter alia*, the obligations of the public authority dealing with such a request to ascertain the material truth of the document concerned, to consult parties that might be affected by the disclosure, to review the document if there are grounds for denying access or for giving partial access. It is also noted that the requested document may be very long and kept in archives.¹¹

45. The AIG considers that the requirement of Article 23 of the Act that access requests are dealt with without delay is in line with Article 5, paragraph 4, of the Convention. However, it should be reasonably practicable to decide in a shorter time than 20 working days on requests for access to documents which are not voluminous or when the public authority does not rely on the exemptions of access laid down in Articles 5(a) or 6(1) of the Act. The reasons given by the Party to justify this general time limit appear to be the same as those for extending it by an additional 30 working days under Article 24(1), which, when applied, would bring the total length of the procedure to a maximum of 50 working days. Moreover, it is not clear how an evaluation by a public authority of a limitation of access under Article 23 of the Act is different from the evaluation to be carried out under Article 24(4) of the Act. Therefore, the AIG recommends that the Party revises the general time limit for deciding on access requests 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. When exemptions are engaged, a reasonable extension of time which enables a determination of whether or not there is an overriding public interest in the disclosure of the requested information should be applied. The extension should be used for the purposes of this determination and not as additional time to consider whether the exemptions themselves should be engaged.

46. The Public Information Access Act provides that if the applicant does not complete his/her access request, for example with specifications of the requested information, within the time limit set by the receiving public authority, despite the assistance provided by that authority, the latter shall issue a rejection decision (Article 19). The AIG is satisfied with the explanations of the Party that rejection under this provision of the Act constitutes an administrative decision by the public authority concerned¹² and considers this to be in compliance with Article 5, paragraph 5, subparagraph i, of the Convention.

47. A decision rejecting access in whole or in part is always made in writing and includes a statement on the grounds of the rejection and legal remedies (Article 22(1)(5)). These provisions are in line with Article 5, paragraph 6, of the Convention.

VII. Article 6 – Forms of access to official documents

48. The Act lays down the general principle that the applicant whose access request has been accepted has the right to inspect the requested document on the site, or to obtain a transcript, or copy or an electronic record thereof (Article 25(1)). The specific modalities for choosing the form of access are regulated by the Government Decree on communication and re-use of public sector information. Inspection of the requested information on the premises of the public authority is ensured during working hours, at a time previously agreed with the applicant. If the information exists in both electronic form and as a hard copy, the applicant may choose the form in which he/she wishes to receive it. If the information exists only in electronic form or only as a hard copy, the applicant may choose the form for receiving it if the public

¹¹ Ibid.

¹² Ibid.

authority has the technological means for ensuring the conversion. These provisions of the Act and of the Decree are in line with Article 6, paragraph 1, of the Convention.

49. The Act stipulates the principle that if limitations of access apply to parts of the requested information, the remainder of the information must be made available to the applicant without jeopardising the confidentiality of the document (Article 7). The Government Decree on communication and re-use of public sector information sets criteria for determining when the removal of the restricted information from a document, whether in physical or electronic form, does not jeopardise its confidentiality. For example, it shall be deemed that information cannot be removed from a document if it can be deduced from other information contained in the remainder of the document.¹³ Pursuant to Article 22(5) of the Act, the operative part of a decision refusing or partially refusing access to requested information must also specify to which part of the information access is declined and the reasons for this. The AIG considers that the Act is in line with Article 6, paragraph 2, of the Convention.

50. The principle that the public authority may give access to the requested information by referring the applicant to the website, where available, is stipulated in Article 22(4) of the Act. This is in line with the principle of Article 6, paragraph 3, of the Convention.

VIII. Article 7 – Charges for access to official documents

51. Inspection of official documents on the premises of the public authority is free of charge. When only partial access is granted to a document due to the application of limitations of access, inspection may incur the costs of copying the document made ready for inspection (Article 34(1)). When access is granted by means of providing a transcript, photocopy or electronic record, the public authority may charge the applicant for the material costs of transmission; no fees will be charged if the costs of providing the information do not exceed EUR 20 (Article 34(2)).

52. The schedule of costs is set out in detail in the Government Decree on communication and re-use of public sector information. As regards printed copies of official documents, a fee of EUR 0,06 per A4 page is charged, which in practice means that around 330 A4 pages are provided free of charge. In the case of providing the requested information in electronic form, the costs may include the costs of a compact disc (EUR 2.09) or DVD (EUR 2.92), a single USB stick (at the price paid by the public authority), and the cost of conversion from physical format to electronic form (EUR 0,08 or 0.020 respectively for A4 and A3 documents).

53. The AIG considers that these provisions are in line with Article 7 of the Convention.

IX. Article 8 – Review procedure

54. Complaints against denials of access, lack of a decision on an access request within the legal time limits or against the form of access in which information is provided must be lodged with the Information Commissioner (Article 27 of the Public Information Access Act). In accordance with the Information Commissioner Act, the Information Commissioner is elected by the National Assembly on a proposal of the President of the Republic for a period of five years, renewable once (Article 6). The Information Commissioner is an independent and autonomous body. Its review procedure is governed by the General Administrative Procedures Act.

¹³ Ibid.

55. The Commissioner has the power to demand the public authority or other legal entities to which the Act applies to provide all the documents concerning the matter or to state the reasons for the lack of a decision within the statutory time limits. The Commissioner's decision is binding for the public authority concerned; it may invalidate the latter decision, amend it, set it aside in whole or partially, require the public authority to reconsider its position in a repeated procedure, or dismiss the appeal. A decision of the Commissioner or failure to do so may be appealed before an administrative court, which has the power to invalidate the Commissioner's decision and refer the case back to it for a new decision or may revoke the decision and decide on the case itself.

56. The Commissioner must issue a decision on an appeal as soon as possible and, at the latest, within two months from the day of receipt of the complaint. The Party has informed the AIG that the average time for deciding on an appeal by the Commissioner in 2023 was 28 days. In 2023, the Commissioner issued 353 decisions of which only 36 related to procedures initiated before that year. No fees are charged for lodging an appeal with the Commissioner. In accordance with the Court Fees Act, a fee of €148 is charged for appeals against decisions of the Commissioner before an administrative court. Applicants have the possibility to claim, on financial incapacity grounds, an exemption from or deferral of payment of this fee or to pay it in installments. The court decides on such claims.¹⁴

57. The AIG considers that the Public Information Access Act implements the principles and requirements of the Article 8 of the Convention.

X. Article 9 – Complementary measures

58. The Ministry of Public Administration is tasked by the Public Information Access Act (Article 32) to inform the public about the manner and conditions for access to public information and to promote access to public information. To fulfil these tasks, this Ministry has published a model request for access to information which can be used by the applicants; it provides opinions and clarifications to both applicants and entities which are bound by the Act; and it organises awareness raising events on the transparency of the public administration. The Information Commissioner has also published a manual for both legal entities bound by the Act and applicants which contains information on the most relevant questions of the practical implementation of the Act. The Commissioner has also published model forms for submitting requests for access to information from legal entities bound by the law, for appeals against their refusals or lack of decisions within the legal time limit, for appeals against the provision of information other than that requested, and for appeals where excessive costs are allegedly charged. These measures contribute to the obligation contained in Article 9, 1st sentence, of the Convention, regarding information to the public about its right of access to official documents.

59. All public officials designated to deal with requests for access to information in each public authority are trained on access to information. This is part of their compulsory training by the Administrative Academy, which falls under the remit of the Ministry of Public Administration. Moreover, this Academy provides guiding material on the application of the Public Information Access Act, training courses, notably on open data and public sector management data. These measures contribute to the implementation of Article 9, paragraph a, of the Convention.

60. Based on Articles 8 and 10 of the Act, a public authority must publish in its official bulletin and on the internet a set of information which is further detailed by Article 2 of the Government

¹⁴ Ibid.

Decree on communication and re-use of public sector information. This includes the authority's organisational chart comprising all its units and their contact details; the contact details of the public official responsible for dealing with access to information requests; consolidated texts of regulations relating to the field of work of the authority; programmes, strategies, views, opinions, and instructions that are of general significance or are relevant for the operation of the authority relating to natural persons and legal entities or for decision-making concerning their rights and obligations; proposals for regulations, programmes, strategies, and other similar documents relating to the field of work of the authority; all public procurement and tender documentation for the allocation of funds, grants, loans, and other forms of funding from the state budget or municipal budgets; and information on their activities and administrative, judicial and other services. The Public Information Access Act (Article 10a) contains detailed regulation of the collection and publication of information concerning legal entities which are bound by it, notably public utility institutes, public companies established in accordance with the Act governing services of general economic interest, and business entities fully owned by public law entities. These measures are in line with Article 9, paragraph b, of the Convention.

61. The Party has informed the AIG that the management of all information held by state bodies will be done by a single documentary record system (KRPAN). The functions of this technology-based system will include capturing of all material in digital form, management, indexing, access to the documents, access to data on the documents, document retrieval, document discarding, selection and archiving of records. The project to make this system operational is underway. These measures will contribute to the implementation of Article 9, paragraph c, of the Convention.

62. The Protection of Documents and Archives and Archival Institutions Act lays down the rules for public authorities' retention and destruction of documents. The Party notes that the rules aim at ensuring the accessibility, usability, integrity, authenticity and durability of documentary and archival material. A specific set of rules govern retention periods for documentary material by local self-government bodies and legal and natural persons bound by the Public Information Access Act. These measures contribute to the implementation of Article 9, paragraph c, of the Convention.

XI. Article 10 – Documents made public at the initiative of the public authorities

63. Various requirements of Article 10 of the Public Information Access Act and of the Decree on communication and re-use of public sector information contribute to the implementation of this provision of the Convention. For example, the information on all public procurement and tender documentation for the allocation of funds, grants, loans and other forms of funding from the state budget or municipal budgets; a list of the public records managed by the public authority; a list of other computerised databases maintained by the authority; and a list of the most frequently requested information, including databases.

64. The AIG notes that the Party has taken measures to implement Article 10 of the Convention.

XII. Conclusions and recommendations

65. All public authorities which fall within the scope of the Convention according to its Article 1, paragraph 2, sub-paragraph a, i, including as regards their other activities pursuant to its Article 1, paragraph 2, sub-paragraph a, ii, of the Convention, are bound by the rules on access to official documents in Slovenia.

66. Article 4(1) of the Public Information Access Act complies with Article 1, paragraph 2, sub-paragraph b, of the Convention.

67. The Public Information Access Act guarantees the right of everyone, without any discrimination on any ground, to have access, on request, to official documents held by public authorities in compliance with Article 2, paragraph 1, of the Convention.

68. Generally, the exceptions to the right of access which are provided by the Public Information Access Act correspond to the legitimate aims provided for by Article 3, paragraph 1, of the Convention. The exception(s) provided for in:

- Article 5a(1) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraphs c and e, of the Convention;
- Article 5a(2) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph e, of the Convention;
- Article 5a(3) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph f, of the Convention
- Article 6(1)(1) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph a and b, of the Convention;
- Article 6(1)(2) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph g, of the Convention;
- Article 6(1)(3) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph f, of the Convention;
- Article 6(1)(4) and Article 6(1) (5) correspond to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraphs f and g, of the Convention;
- Article 6(1)(6) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph c, of the Convention;
- Article 6(1)(7) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraphs d and e, of the Convention
- Article 6(1)(8) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph i, of the Convention;
- Article 6(1)(10) corresponds to the legitimate aims provided for in Article 3, paragraph 1, sub-paragraph j, of the Convention.

69. To ensure their full compliance with Article 3, paragraph 1, sub-paragraph k, of the Convention, the AIG recommends that Article 6(1)(9) and Article 6(1)(11) of the Act be reviewed in order to reflect the jurisprudence of the Information Commissioner and the position of the Party, according to which the interests protected by the limitation are respectively the thinking space of the public authority and the confidentiality of deliberations or decision-making.

70. Some limitations of access set out in the Public Information Access Act include a harm test on a case-by-case basis, while for certain other limitations the legislator has carried out the harm test. The AIG welcomes the general principle that an overriding public interest test is applied on a case-by-case basis. As regards the limitations to which no such test is applied, the AIG notes that the limitations laid down in the Act are concerned with extremely sensitive information and appear to apply to narrowly circumscribed timeframes and circumstances. The relevant provisions of the Act are in line with Article 3, paragraph 2 of the Convention.

71. The AIG considers that the Act implements the principles and the requirements of Article 4, paragraph 3, of the Convention.

72. The AIG considers that the requirements and principles of Article 5, paragraphs 1 to 3 and 5, of the Convention are sufficiently guaranteed in the Public Information Access Act. In respect of paragraph 4 of this provision of the Convention, the AIG recommends that the Party revises the general time limit for deciding on access requests 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. When exemptions are engaged, a reasonable extension of time which enables a determination of whether or not there is an overriding public interest in the disclosure of the requested information should be applied.

73. The AIG considers that the requirements and principles of Articles 6, 7 and 8 of the Convention are sufficiently guaranteed in the Public Information Access Act.

74. The AIG considers that Slovenia has taken the necessary measures to implement Articles 9 and 10 of the Convention.