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

Consultation of the Parties

Comments of Finland on the conclusions and recommendations of the Consultation of the Parties on the implementation of the Council of Europe Convention on Access to Official Documents by Finland

The Government of Finland has been requested to report to the Consultation of the Parties on the measures taken to improve the implementation of the Council of Europe Convention on Access to Official Documents (CETS No. 205) ('the Convention') pursuant to point 2 of the conclusions of the Consultation of the Parties on 3 October 2024 (TC-CP(2024)03).

The Consultation of the Parties has recommended that Finland takes the following measures identified on the basis of the AIG's report:

- 2.1. reconsider the qualification "for the consideration of a matter or otherwise in connection with a matter within the competence or duties of the authority" contained in the definition of official documents in §5(2) of the Act with a view to ensuring its compliance with Article 1, paragraph 2, sub-paragraph b, of the Convention (paragraphs 11 and 58 of the AIG report);
- 2.2. stipulate the overriding public interest principle of Article 3, paragraph 2, of the Convention in its legislation (see paragraphs 24-25 and 61 of the AIG report).

Moreover, the Consultation of the parties requested that the government of Finland reports in writing 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 10 October 2025.

In respect of the conclusions, Finland submits the following comments as an update on the reform process in Finland.

The work on reforming the Act on Openness in Finland has started already before the Consultation of the Parties gave its recommendations to improve the implementation of the Convention on 3 October 2024. The working group tasked with preparing a proposal on reforming the Act on the Openness of Government Activities finished its work in late 2023, and the working group report has been published. The report was sent for wide consultation during spring 2024. A lot of feedback was received in the public consultation. Most of the feedback related to the proposals of the working group to expand the institutional scope of the Act to private parties responsible for certain public administrative duties and also to corporations or foundations controlled by a public body. Along with comments on the proposals in the report, the feedback emphasized the need to evaluate potential changes to the Act's secrecy provisions. Particular attention was drawn to security-related aspects.

A summary of the consultation feedback has been published.

When the working group was established, a broader review of secrecy provisions and potential reforms was deferred for later. However, due to changes in the security environment, the need for amendments to the Act's secrecy provisions will now be assessed before any changes to the Act are proposed. This ensures that reform needs of the Act are viewed as a whole, taking into account recent developments in the security environment. The review of the need for changes to the secrecy provisions began by gathering feedback during the spring of 2025. Following this, it will be assessed whether additional external studies are needed. Once sufficient information on the reform needs has been collected, the working group process will begin.

The objective is to prepare a government proposal that balances the need for transparency in government activities with secrecy requirements. In preparing the overall proposal, the aim is to evaluate and reconcile the earlier report's proposals with the need for changes to the secrecy provisions, taking into consideration the altered security situation. The complete government proposal is planned to be finalized during the next government term. The recommendations of the Consultation of the Parties will be taken into consideration in the process of the reform.