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Council of Europe Group on Access to Information (AIG)

Report submitted by Iceland pursuant to Article 14, paragraph 1 of the Council of Europe Convention on Access to Official Documents (CETS No.205)

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General information regarding the preparation of the report

1. The existence or not of a State body/agency responsible for the preparation of the report as well as the State bodies/agencies which contributed to the report by providing relevant information.

This report was prepared by Department of Constitutional and Administrative Affairs in the Prime Minister's Office of the Government of Iceland. The office is responsible for the implementation of the Information Act No. 140/2012, which is the main legal framework relating to public access to official documents. It is also responsible the Administrative Procedure Act No. 37/1993, which contains provisions regarding access to documents of individuals in cases concerning their rights and obligations.
Information conveyed in this report is partly obtained from the Icelandic Information Committee's annual reports. The committee operates pursuant to Chapter 5 of the Information Act.

2. The involvement, participation or consultation with relevant non-state stakeholders including NGOs, civil society, and any other relevant stakeholder in the implementation of the Convention.

As stipulated in the explanatory notes to Act No. 140/2012, an extensive consultation was undertaken with stakeholders during the preparation of the bill, both at earlier stages and during its treatment in the parliament (Althingi). Meetings were held with stakeholders, a draft bill was presented on the Prime Ministry's website and the public was encouraged to send in comments on the bill. The same procedure was followed when the Act was amended, see further amending Acts No. 82/2015 and 72/2019.

Legislative and other measures taken to give effect to the provisions of The Tromsø Convention

1. Article 1 – General provisions

1.1. The definition of "public authorities" as adopted in national legal and/or policy frameworks relating to access to official documents, including specifications and/or examples of authorities covered by this definition.

According to of Article 2 paragraph 1 of Act No. 140/2012, the Act applies to all government activities. In the explanatory notes accompanying the Act it is stated that this definition encompasses all activities of the executive branch. Public authorities are therefore all administrative authorities at national, regional and local level, for example, central government, town councils and other municipal bodies, the police, public health and education authorities, public records offices, etc.

Paragraph 2 of Article 2 further expands the scope of the Information Act to include all operations of legal persons that are at least 51% publicly owned. However, the provision stipulates that the Act does not apply to legal entities which have applied for or received an official listing of shares according to the Act on Stock Exchanges, or to their subsidiaries.

Paragraph 3 of Article 2 states that if the operations of a legal person falling under the second paragraph operates almost entirely in market competition, the Prime Minister may, upon receiving a proposal from the appropriate minister or local authority as well as comment from the Competition Authority, decide that this legal person shall not fall under the scope of the Act, and may also withdraw such a decision. The Prime Minister's office shall keep an official list of

the legal entities which have received an exemption according to this paragraph, and the exemptions of individual entities shall be reviewed every three years. Decisions pursuant to this paragraph shall enter into force upon publication in Section B of the *Law and Ministerial Gazette*.

With the advent of Act No. 72/2019, amending the Information Act no. 140/2012, paragraphs 4 and 5 were added to Article 2. These paragraphs expanded the scope of the Act to include the administrative functions of the legislative and judicial branches of government. As stated in paragraph 4, the Act applies to the executive management of parliament, Althingi, and is further defined in the Act on Parliamentary Procedures and in the rules of the Althingi Administration Committee that are set on their grounds. The provisions of the Act do not apply to the Ombudsman of the Althingi, the Icelandic National Audit Office (INAO) or the investigative committees according to Act No. 68/2011 on Investigative Committees. Accessing information with these institutions is subject to the stipulations of law about said information or according to the rules set on their grounds. The provisions of Chapter V-VII do not apply to the Althingi or its institutions.

The parliament issued, on 20 January 2020, rules on the right of access to documents concerning its administrative functions. Articles 3 and 4 of the rules stipulate which activities of the parliament are considered administrative functions and which activities do not fall under the scope.

According to paragraph 5 of Article 2, the Information Act applies to the courts and the judiciary except for the provisions of Chapters V-VII. [1] However, the Act does not apply to data in their possession regarding the handling of individual lawsuits and copies from the Register of Judgments, the Register of Procedure and journals, and the Court Register. Public access to documents in custody of the judiciary is granted with the Code of Criminal Procedure No. 88/2008 and the Code of Civil Procedure No. 91/1991, with the limitations stipulated in these Acts.

According to Article 3, the Information Act also applies to private sector entities, whether these are in public ownership or not, to the extent that these entities have been assigned through legislation or a decision or agreement based on a statutory authorisation to take government decisions or perform services which by law are to be performed by a government authority or which are otherwise considered an element of a government authority's official role.

1.2. The definition of “official documents” as adopted in relevant national legal and/or policy frameworks, including specific information as to whether this definition covers information stored electronically or in databases.

According to Article 5, paragraph 2, of the Information Act, the right of access to documents applies to all material related to a matter, including copies of correspondence sent by a government authority or other entity according to Chapter I of the Act, if this correspondence may be expected to have reached the recipient, diary entries concerning material relating to the matter, and lists of case materials.

The explanatory notes further explain “documents” as traditional written documents such as letters, memos and minutes but also other types of data such as pictures, drawings, films, audio files, video recordings etc. All material stored in various computerised forms is considered as a document.

As stated in the explanatory notes the right of access to information does generally not apply to

[1] Chapter V states the rules regarding the Information Committee; chapter VI states the rules of records of cases¸chapter VII states the rules of access to information about the environment.

databases or registries. However, as further discussed in the explanatory notes it is important to provide access to databases if possible, bearing in mind that they can be reused. In this light, Article 13 of the Act is important as it emphasizes that the government shall work systematically to develop the right to information by making information available to the public. The government has made several databases accessible on a special website, opingogn.is, where 117 databases have been made accessible.

2. Article 2 – Right of access to official documents

2.1. The legal and/or policy framework guaranteeing the right of access to official documents, including specific information on relevant domestic laws, regulations and policies recognising the right of access to official documents.

The Information Act No. 140/2012 guarantees the public right of access to official documents. The Act was approved by the Parliament at the end of the year 2012 and came into force on 1 January 2013. It replaced the Information Act No. 50/1996.

According to Article 1 of the Act its objective is to guarantee transparency in government administration and in the handling of public interests, inter alia with the purpose of strengthening the following aspects:

1. right to information and freedom of expression,
2. public participation in a democratic society,
3. checks and balances provided by the media and the public on government authorities,
4. media coverage of public affairs,
5. public trust in government administration.

The Act does not apply to property registrations, enforcement proceedings, the arrest of property, attachments, injunctions, forced sale, payment moratoria, compositions, liquidations, estate settlements or other administrative settlements, nor to investigations or prosecutions in criminal cases, as stated in Article 4, paragraph 2.

The Act does not cover access to information under the Administrative Procedures Act No. 37/1993, see further Article 4, paragraph 2. Article 15 of the Administrative Procedures Act secures the right of a party to acquaint himself with the documentation and other material bearing on a case where a decision is made about their right or duty. Duplicates or photocopies must be given, upon request, unless the documents are of such nature or so voluminous that this presents a considerable difficulty. As stated in Article 15, paragraph 2, the laws on secrecy shall not limit the duty to grant access to material under this Article. Articles 16 and 17 of the Administrative Act state the possible restrictions of the right provided for in Article 15.

As stated in Article 4, paragraph 1, of the Information Act No. 140/2012, the Act does not apply to information which is to be kept confidential according to an international agreement to which Iceland is party. Paragraph 3 further states that provisions in any other statute which authorise more extensive access to information shall remain in force. General statutory provisions on confidentiality shall not restrict any access to material pursuant to the Act.

The Act applies to access to documents for 30 years after they have been created. This time is based on the last entry or last correspondence in a closed matter. After this time, access is subject to the Act on the Public Archives No. 77/2014, see further Article 4, paragraph 4.

The main principle on the public right of access to documents is described in Article 5 of the Information Act No. 140/2012. Upon request, public access is to be granted to the available material on any specific matter, subject to the restrictions stated in Articles 6–10. The same applies to requests for access to specific available documents. Nonetheless, parties falling

within the scope of the Act are not required to prepare new documents or further material, in excess of what can be inferred from the paragraph 3 of Article 5. Paragraph 3 of Article 5 states that if the provisions of Articles 6–10 on limitations to the right to information only apply to part of the material, access shall be granted to other parts of it.

Article 14 of the Act concerns each party's access to information about itself, when this information does not fall under the Administrative Procedure Act No. 37/1993. According to paragraph 1 any party so requesting must be provided with personal access to available material if it contains information about this party, with the restrictions set forward in paragraph 2 and 3 of Article 14.

2.2. Specifications as to whether the right of access to official documents is guaranteed to everyone, including non-nationals of the Party.

The right of access to official documents is guaranteed to everyone, independent of their nationality.

2.3. Whether the Party guarantees the right of access to official documents irrespective of the use of the information received by the requestors of access.

The general public has a right of access to official documents irrespective of the use of the information and there is no provision that gives the public authorities a right to not process a request unless a reason of use is stated. This has been confirmed by the Information Committee, see further ruling A-525/2014.

However, according to Paragraph 4 of Article 15 of the Information Act a request for access may be refused, in exceptional cases, if there are strong indications of the request being presented for an illegitimate purpose. The Information Committee, that serves as a ruling committee on access on information in case a request is denied by public authorities, has never ruled that access should be denied on these grounds, see further chapter 5.1.

3. Article 3 – Possible limitations to access to official documents The Parties

3.1. Whether the Party has introduced limitations to the right of access to official documents, including specific information on such limitations, whether they are set by law and whether the relevant legal and/or policy frameworks provide for limitations of the right of access to official documents which pursue aims not listed in Article 3(1), and if so, specifying which ones.

As the basic principle is the right of access to documents, see further Article 5 of the Information Act No. 140/2012, limitation of that right must be prescribed by law.

Act No. 140/2012 prescribes such limitations but they can also be prescribed by other statutes of law; i.e. so-called "special provisions" on confidentiality can limit the right of access according to the Information Act, if certain information is considered to fall under the provision. Two examples of such provisions can be mentioned:

Article 41 of the Act on the Central Bank of Iceland, No. 92/2019, prescribes a duty of confidentiality regarding all matters concerning the Central Bank's customers; transactions and operations of supervised entities, related parties, or others; and the affairs of the Bank itself; as well as other matters of which they may become aware in the course of their work and which should remain secret in accordance with law or the nature of the case, unless a judge rules that information must be disclosed in court or to law enforcement officers, or there is a legal obligation to provide the information.

Article 17 of the Act on Healthcare Professionals, No. 34/2012, stipulates that healthcare workers, including students and non-healthcare professionals, shall maintain the utmost confidentiality regarding anything of which they become aware in their work about a patient's health, condition, diagnosis, prognosis and treatment, and other personal information. This does not apply where other provisions are made by law, or where reasonable cause exists to breach confidentiality for reasons of urgent necessity.

Material exempted; Article 6
Article 6 of the Information Act defines material exempted from the right to information. The public right of access to material shall not extend to:

1. minutes of State Council meetings and Cabinet meetings, memoranda at ministerial meetings, or the material prepared for such meetings,
2. documents prepared by local authorities, their associations or their bodies when the document concerns joint preparations, formulations of proposals or negotiations of these parties with the State on the financial interests of local authorities,
3. correspondence with experts for use in legal proceedings or in exploring whether or not to initiate such proceedings,
4. material related to personnel matters, cf. Article 7,
5. working documents, cf. Article 8.

Material related to personnel matters; Article 6(4), see Article 7
Article 7 further describes material related to personnel matters.

According to paragraph 1 of Article 7, the right of the public to access material concerning matters of personnel employed by the entities covered by the Act shall not include material in matters regarding job applications, career advancement or other aspects of the employment relationship. Moreover, the public information right does not apply to data containing information about advice by the Prime Ministry or another competent party, to the national authorities or their employees regarding the interpretation of codes of conduct.

As stated in the explanatory notes with the Act, material regarding other aspects of the employment relationship mainly concerns decisions about rights and obligations of employees, such as sanctions entailing expulsions and cautions. This has been the interpretation of the Information Committee in recent cases, see rulings No. 1070/2022, No. 1059/2022 and No. 918/2020.

Paragraph 2 states that when other limitations to the right to information under the Act do not apply information must be provided on the following points regarding public employees:

1. names and professional designations of job applicants, once the application deadline has passed,
2. names of employees and their areas of responsibility,
3. terms of fixed remuneration of employees other than senior managers,
4. total remuneration terms of senior managers,
5. the education of senior managers, as well as their job priorities and the results which they are required to achieve, as stated in their employment contracts or other material.

Paragraph 3 states that information may be provided on employment sanctions to which senior managers have been subjected, including sanctions entailing expulsions and cautions, on condition that no more than four years have passed since the decision in question.

According to paragraph 4 the public must be provided with the following information relating to the employees of legal entities falling under the Act:

1. names of employees and their areas of responsibility,
2. the education of senior managers, as well their terms of remuneration.

As for information falling under the second and fourth paragraphs, the public has a right to access it from the employer involved, even if this information is not found in the material pertaining to a specified matter.

Working document; Article 6(5), see Article 8
Article 8 defines working documents. Working documents are considered as material written or prepared by government authorities or legal entities, in the sense of Articles 2 and 3, for their own use while preparing a decision or some other resolution of a matter. When such material has been turned over to another party, it shall no longer be regarded as working documents, unless it was only sent to a supervisory authority due to legal obligations.

Working documents also include the following material, provided it meets the requirements of the first paragraph in other respects:

1. material transmitted between parties that fall undier the Act's sphere when a person carries out secretarial duties or comparable work for another another,
2. material prepared by committees or working groups with a fixed role which have been set up through a formal decision by a government authority,
3. material sent between a party pertaining to sub-paragraph 2 and other government authorities when the personnel of these authorities are members of the committee or group.

Notwithstanding sub-paragraph 5 of Article 6, working documents must be handed over if any of the following applies:

1. the documents include a final decision on the handling of a matter,
2. the documents include information which a government authority is obligated to file, according to the first paragraph of Article 27,
3. the documents include information on the circumstances of a case which does not appear anywhere else,
4. the documents include a description of guidelines or administrative practice in a particular field.

Private or financial affairs; Article 9
According to Article 9, public access to information in official documents is prohibited concerning any information about an individual's private or financial affairs which would be reasonable or appropriate to keep secret, unless the person concerned gives consent. The same restrictions cover access to material which concerns any important and active financial or commercial interests of businesses or other legal entities.

Important public interests; Article 10
According to Article 10 public access to material may be restricted if such restriction is necessitated by important public interests because of the material containing information on:

1. state security or defence issues,
2. relations with other States or international organisations,
3. economically significant State interests,
4. the business of State-owned or municipally owned institutions or companies insofar as they are competing with other bodies

5. planned arrangements or examinations under public auspices, if these arrangements or examinations would lose their meaning or not achieve their intended results upon becoming common knowledge,
6. environmental matters such as the location of rare minerals, fossils or rock formations, or the habitats of rare species of organisms, if revealing this material might seriously affect the protection of the environmental aspects to which the information relates.

According to Article 11 of the Act access to material may be granted to a greater degree than required by the Act, insofar as doing so is not barred by any other rules of law, inter alia legislative provisions on confidentiality and the protection of privacy. When government authorities refuse a request for access to material on the basis of sub-paragraphs 2–5 in Article 6 or of Article 10, a stand shall be taken on whether access should be granted to a greater degree than required.

Article 12 of the Act prescribes time of cessation of limitations to the right to information. The first paragraph states that if no other limitations apply according to the Act, access shall be granted to the following:

1. material covered by sub-paragraphs 1–3 and 5 of Article 6, once eight years have passed since this material came into being,
2. material covered by sub-paragraph 5 of Article 10, as soon as the arrangements or examinations are completely finished,
3. material covered by sub-paragraph 6 of Article 10, when there is no longer any reason to expect that communicating the information might have a damaging effect on the environment.

When 30 years have passed since material came into being, the cessation of other limitations shall be subject to the provisions of the Act on the Public Archives, see paragraph 4 of Article 12.

The limitations outlined in articles 6 to 10 of the Information Act pursue the same aims listed in Article 3(1) of the Convention (see further in chapter 3.2).

3.2. Specification as to why the limitations to the right of access to official documents are necessary and as to their proportionality to the aims listed in Article 3, paragraph 1.

Minutes of State Council meetings and Cabinet meetings, memoranda at Ministerial meetings, or the material prepared for such meetings; Article 6(1)

Minutes of State Council meetings and Cabinet meetings, memoranda at ministerial meetings, or the material prepared for such meetings are exempted from the right to information, see Article 6(1) of the Information Act. As stated in the explanatory notes with the Act this rule is intended to preserve the potential of the government for political policy-making and internal consultation. An important public interest lies in giving the government the opportunity to formulate policies and prepare important decisions, including to discuss unpopular content and to handle sensitive information. The interests protected by this provision are consistent with Article 3(1) k of the Convention.

The abovementioned authorities can decide to publish the documents if other limitations do not apply.

As stipulated in Article 12(1) sub-paragraph 1, access shall be granted to abovementioned material once eight years have passed since it came into being.

Documents prepared by local authorities, their associations or their bodies when the document concern joint preparations, formulations of proposals or negotiations of these parties with the State on the financial concerns of local authorities; Article 6(2)

It is considered important that municipalities are given the opportunity to jointly formulate their positions and share information with each other in connection with discussions with the state on the municipalities' financial affairs and proposals in that connection, as explained in the explanatory notes with Act No. 140/2012. This limitation reflects the aims in Article 3(1) g and k of the Convention.

As stipulated in Article 12(1) sub-paragraph 1, access shall be granted to abovementioned material once eight years have passed since it came into being.

Correspondence with experts for use in legal proceedings or in exploring whether or not to initiate such proceedings; Article 6(3)
In the explanatory notes with the Act, it is explained that this limitation is based on the view that the public sector can, in the same way as any other party to a court case, seek the advice of expert parties without the information thus obtained becoming known to the other party. The provision should be interpreted in such a way that it ensures equality of all parties in court cases. The exemption will only be applied to data that is created or obtained explicitly for this purpose and therefore does not extend to the opinions or reports of experts obtained in the course of administrative proceedings in general. This aim is consistent with Article 3(1) i of the Convention.

As stipulated in Article 12(1) sub-paragraph 1, access shall be granted to the abovementioned material once eight years have passed since it came into being.

Material related to personnel matters; Article 6(4), see Article 7
Material related to personnel matters is partly exempted from the right of information in Article 6(4) and the limitation is further outlined in Article 7 of the Information Act, as has previously been outlined (see chapter 3.1.).

As stated in the explanatory notes, information about which employees work in the public service, how such jobs are paid and how they are performed is generally not considered entirely to be a private affair of the employee in question or his employer. In part, this may be important information about the activities of those entities that the Information Act covers. For this reason, it is not unnatural for the public to have access to certain information about the way in which jobs created for the public service are carried out, including the education of senior management and the job titles of the employees concerned. On the other hand, it is acknowledged that certain interests of the government and employees, e.g. that maintaining trust and confidence in the professional relationship can be a legitimate reason of restricting the public right to information. This aim is in accordance with Article 3(1) f of the Convention.

Working documents; Article 6(5), see Article 8
Working documents are exempted from the right to information according to Article 6(5) of the Information Act No. 140/2012. As further explained in Article 8, working documents are documents that the government authority has written or prepared for its own use in the preparation of a decision or other outcome of a case. When documents are handed over to others, they can no longer be considered working documents unless they were only handed over to a supervisory body on the basis of a legal obligation (see chapter 3.1.)

The reason for this limitation is that the government is legally responsible for making various decisions that are based on evaluation and for formulating proposals for plans or other actions. The government may also need to prepare various other decisions, such as agreements with private parties. When the government is faced with such tasks, it often must weigh and

evaluate different points of view and then take a decision on what basis a case should be resolved. As a result, it sometimes takes some time to form a position on existing issues, and during that period different points of view may have different weights and they can also change, e.g. if new information emerges. The information generated in such a process need not accurately reflect the intended outcome. It is therefore considered appropriate that the government can to refuse to grant access to these kind of internal documents, although the government is also authorised to grant such an access on the basis of the rule on increased access to documents, provided that rules on confidentiality do not stand in the way, see further Article 11. This is in accordance with Article 3(1) k of the Convention.

As stipulated in Article 12(1) sub-paragraph 1, access shall be granted to the abovementioned material once eight years have passed since it came into being.

Private interest; Article 9
Article 9 of the Information Act restricts the right to information on account of private interests. According to the Article, public access is prohibited to material concerning any of an individual's private or financial affairs which would be reasonable or appropriate to keep secret unless the person concerned gives consent. The same restrictions cover access to material which concerns any important financial or commercial interests of businesses or other legal entities.

This restriction is based on the fact that unrestricted public access to all documents covered by the Information Act may violate the right to privacy and / or infringe on the important financial interests of certain legal entities. The same interests are protected in Article 3(1) f and g of the Convention.

Restriction is necessitated by important public interests because of the material containing information on state security or defence issues; Article 10(1)
Information on state security refers only to the most important interests related to the role of state power in ensuring state security and defence. This can for example cover information on the organization of law enforcement, coastguard, civil defence and immigration control. The same interests are protected in Article 3(1) a and b of the Convention.

Restriction is necessitated by important public interests because of the material containing information on relations with other States or international organisations; Article 10(2)
As stated in the explanatory notes the interests that are being protected by the provision are of two types. On the one hand, its purpose is to prevent foreign counterparts from gaining knowledge of the objectives and bargaining position of the Icelandic government. On the other hand, the aim is ensuring good relations and mutual trust in exchanges with other countries, including multinational institutions. Access to information on relations with foreign states and multinational organizations will however not be denied unless there is a risk of harm as a result. The same interests are protected in Article 3(1) a of the Convention.

Restriction is necessitated by important public interests because of the material containing information on economically significant State interests; Article 10(3)
This exemption covers information on government finances and economic affairs. However, this is not any information concerning abovementioned interests, but only information that concerns important interests of the state, such as e.g. financial stability or information that is of such a nature that its disclosure could harm the state's economy and finances. The same interests are protected in Article 3(1) h of the Convention.

Restriction is necessitated by important public interests because of the material containing information on the business of State-owned or municipally owned institutions or companies insofar as they are competing with other bodies; Article 10(4)
As explained in the explanatory notes, an unrestricted right to information can harm the competitive and operational position of public institutions and companies in cases where the

public sector has to compete in the market with private parties who are not obliged to provide information about their position. For this reason, access to information on the business of State-owned or municipally owned institutions or companies can be restricted, insofar as these entities are competing with other bodies. This exception is provided for in Article 3(1) g of the Convention.

Restriction is necessitated by important public interests because of the material containing information on planned arrangements or examinations under public auspices, if these arrangements or examinations would lose their meaning or not achieve their intended results upon becoming common knowledge; Article 10(5)
This provision refers to planned financial arrangements, such as foreign exchange, tax, customs and other public revenue measures. This also includes measures designed to ensure safety. The provision assumes that the government independently assesses in each case what the consequences would be if the planned measure were to be disclosed to the public. If there is a likelihood of impairment, even if only to a small extent, the government would normally be allowed to refuse to provide for the requested information on the basis of this provision. This provision is consistent with Article 3(1) c, d and e of the Convention.

As stipulated in Article 12(1) sub-paragraph 2, access shall be granted to the abovementioned material when there is no longer any reason to expect that communicating the information might have a damaging effect on the environment.

Restriction is necessitated by important public interests because of the material containing information environmental matters such as the location of rare minerals, fossils or rock formations, or the habitats of rare species of organisms, if revealing this material might seriously affect the protection of the environmental aspects to which the information relates; Article 10(6)
Information about environmental issues can be restricted provided that its disclosure would have a serious effect on the protection of the part of the environment to which such information relates, e.g. home to rare species of organisms, rocks, fossils and rock formations. This provision is consistent with Article 3(1) j of the Convention.

According to Article 12(1) sub-paragraph 3, access shall be granted to the abovementioned material when there is no longer any reason to expect that communicating the information might have a damaging effect on the environment.

3.3. Whether the Party's legal and/or policy framework contains provisions which permit refusal of access to official documents in compliance with Article 3, paragraph 2.

Public authorities can make all official documents available if the authorities consider that there is an overriding public interests in disclosure. This is provided for in Article 11 for exceptions stipulated in sub-paragraphs 2-5 in Article 6 and Article 10.

Regarding sub-paragraph 1 in Article 6 the public authorities mentioned in that article can decide to grant access to these documents.

Concerning Article 9, public access to documents is prohibited if material concerns individual's private or financial affairs which is reasonable or appropriate to keep secret, unless the person concerned gives consent. The same restrictions cover access to material which concerns any active important financial or commercial interests of businesses or other legal entities. When interpreting Article 9 it is therefore not sufficient that a disclosure of information causes harm to individual's private or financial affairs or to important commercial interests of legal entities, it must also be reasonable or appropriate to keep the information secret.

It follows from the above that public authorities must evaluate if a public interest in disclosure should override the provisions that stipulate exceptions from the right to access to official documents.

3.4. How does the public authority evaluate an overriding public interest when deciding to disclose official documents that would harm one of the interests listed in Article 3, paragraph 1.

Public authorities can generally disclose information that has been made exempt from the public right of access to information according Article 6 of the Information Act No. 140/2012. The same applies to the provisions of exception stated in Article 10 of the Information Act.

As to Article 9, information can only be excluded if its disclosure will cause harm to the interests that the provision aims to protect. Public interest in disclosure can however outweigh these interests, leading to material being made accessible even though public disclosure can cause harm to private interests. This has been confirmed in the rulings of the Information Committee, see for example rulings No. 676/2017 and No. 983/2021. Public authorities have therefore always the obligation of evaluating if public interest in disclosure should override those interests that the exceptions are supposed to protect.

As stated in Article 11 access to material may be granted to a greater degree than required by the Act, insofar as doing so is not barred by any other rules of law, inter alia legislative provisions on confidentiality and the protection of privacy. When government authorities refuse a request for access to material on the basis of sub-paragraphs 2-5 in Article 6 or of Article 10, a position shall be taken on whether access should be granted to a greater degree than that required. Article 11 therefore encourages public authorities to provide access to material exempted by Articles 6 or 10.

4. Article 4 – Requests for access to official documents

4.1. Whether the Party's legal and/or policy framework on access to official documents guarantees that the applicant shall not be obliged to give reasons for having access to official documents.

It follows from Articles 5 and 15 of Act No. 140/2012 that public authorities should evaluate if information should be exempt from public access, based on the provisions of exemption stipulated by law. Public authorities cannot therefore deny a request based on public right for access to official documents on the grounds that the applicant has not given reasons for the request. The person requesting an official document is therefore not obliged to state the reasons why he or she wishes to have access to it. This understanding has been confirmed in the rulings of the Information committee, see for example ruling A-525/2014.

4.2. Whether anonymous requests for access to official documents are authorised and if so, how the public authorities implement this in practice and how are the applicants informed about this possibility.

There are no provisions in Act No. 140/2012 that require that persons requesting access to official documents identify themselves. Therefore, it must be concluded that such requests can be made anonymously, unless there are overwhelming reasons to the contrary. This issue has not been raised before the Information Committee and the Prime Minister's Office has no knowledge of a case where a request has been denied on the grounds that it was made anonymously.

4.3. Measures taken to assess the necessity of the formalities applicable to requests for access to official documents or to periodically review such formalities.

The Information Act No. 140/2012, does not stipulate any necessary formalities of a request for access to official documents nor is such a necessity prescribed by other laws. A request can therefore be made by email, letter or orally. However, public authorities can require that a request is made on a form which is provided, as stipulated in paragraph 2 of Article 15. This form cannot include requirements that go against the principles of the Act, for example a public authority cannot require that the applicant state reasons for the request.

A written procedure by the public authorities in handling of a request is only considered necessary when a request is partially or totally denied, see Article 19 that states that if a request for access to material was presented in writing, any decision to refuse this request, whether in part or in whole, must be communicated in writing, briefly outlining the reasons.

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

5.1. Measures taken by public authorities to process requests for access to official documents and to provide assistance to a person requesting such access.

Article 15 of Act No. 140/2012 states that a party requesting access to material must specify it or the contents of the matter it relates to with enough clarity to allow for delimiting the request, without significant effort, to specific material or a specific matter. The request may be dismissed, if delimiting it to specific material or a specific matter is considered impossible, based on the available information.

Before a refusal on the abovementioned basis the party to the matter must be provided with guidance and the opportunity to delimit the request more precisely. Depending on the circumstances, the public authority shall be required to provide the party with a list of the matters towards which its request is considered to be directed, in order for the party to be able to indicate the matter for which it wishes to have access to material, see Article 15.

Public authorities must make reasonable efforts to help the applicant identify the relevant official document and the applicant is not obliged to have identified the requested document beforehand. The applicant should formulate the request with sufficient clarity to enable a trained public officer to identify the requested document. It is, however, the public authority which has the responsibility for keeping its documents in good order and indexed, to be able to identify them.

It follows from the above that a public authority may refuse to handle a request for access to an official documents, if in spite of assistance from the authority, a request remains too vague to allow the document to be identified.

Article 15, paragraph 4, further states that in exceptional cases, a request may be refused, should any of the following apply:

1. handling the request would take so much time or demand so much work that fulfilling it is considered insurmountable for these reasons,
2. there are strong indications of the request being presented for an illegitimate purpose.

As further outlined in the explanatory notes with Act No. 140/2012, these provisions can only apply in extreme cases. The conditions for applying the first mentioned exception are that the scope of the information request or the number of requests from the same party, is such that the work of processing it would in fact lead to a significant reduction in the authority’s ability to perform its other functions. In order to apply the exception in sub-paragraph 2 there must

generally be solid information that a request is being presented for an illegitimate purpose. It should generally be sufficient to deny access to documents on grounds of other reasons stipulated by the Act.

The abovementioned reasons of exceptions have seldom been used in practice. There are only few rulings of the Information Committee that sustain the decision of public authorities to not process a request of access to documents on the grounds that the handling of the request would be too time consuming and no rulings that sustain a decision based on exception that there are strong indications of the request being presented for an illegitimate purpose.

Article 16 of Act No. 140/2012 states that when access is requested to the material of a case in which an administrative decision is to be taken or has been taken, the request shall be addressed to the party which has taken or will be taking a decision in the case. In other instances, the request shall be addressed to the party in possession of the material. Requests for material covered by Article 7 shall be addressed exclusively to the employer involved.

In instances where material covered by the Information Act has been turned over to the Public Archives, the archive involved is competent to decide on access to the material and on whether a photocopy or replication of the material is to be provided, based on the Information Act or the Act on the Public Archives No. 77/2014, depending on the age of the material.

It should also be mentioned that according to Art 7, paragraph 1, of the Administrative Procedure Act No. 37/1993, public authorities that receive a request that they are not the right authority to deal with, shall forward the request to the correct authority as well as informing the person who made request thereof.

Article 7 of the Administrative Procedure Act furthermore requires public authorities to provide for a basic guidance for the members of the public on how to put forward their request for information.

It follows from the above that if a document is held by various authorities it can be requested from any such authority. If the public authority does not hold the document or if it is not authorised to process the request the authority has an obligation to refer the application or the applicant to the competent public authority.

With Act No. 72/2019, amending the Information Act No. 140/2012, a new article 13.a. was added. The provision defines a new role of an advisor/consultant on the public's right to information. The advisor shall contribute to improved public information and shall fulfil his role by:

1. advising individuals, organizations, the news media, legal persons and others who turn to him requesting access to data, where the request should be made and regarding other factors, cf. Chapter IV of the Act,
2. acting in an advisory capacity towards the authorities and other parties, regarding the handling of requests for access to data and by advising on decisions on the right of a requesting party to such access,
3. monitoring how public parties carry out their obligations to provide the general public with access to information, either according to requests or at own initiative, cf. Article 13, and to disclose proposals on improvements as appropriate,
4. monitoring research and development in the field of the general public’s right to information and submitting information to the authorities.

The Prime Ministry provides the advisor on the information by the general public with work facilities, however, in his/her advise he/she is independent from instructions by the minister and others., see paragraph 3.

Those falling under the auspices of the Act's sphere, cf. Chapter I, irrespective of the duty of confidentiality, are obliged to provide the advisor on the right to information by the general public with access to data in confidentiality he/she deems as necessary in order to be able to carry out his/her role, cf. paragraphs 1 and 2. The advisor on the right to information by the general public is not authorized to disclose issues he/she may learn in his/her work and which should be confidential. The duty of confidentiality also remains in effect upon the end of employment.

5.2. Measures taken by public authorities to ensure that requests for access to official documents are dealt with on an equal basis and that no distinction is made on the basis of the nature of the request or the status of the requestor.

Article 11 of the Administrative Procedures Act no. 37/1993, provides for the principle of equality and non-discrimination. Paragraph 1 states that in deciding cases a public authority shall make every effort to ensure that, legally, it is consistent and observes the rule of equal treatment. The parties to a case may not be discriminated against on the grounds of their ethnic origin, sex, colour, nationality, religion, political conviction, family, or other comparable considerations.

The principle of equality and non-discrimination applies to all governmental activities, including requests for access to documents. Although there is no special provision in the Information Act No. 140/2012 that prohibits discrimination or different handlings in processing a request for access to documents, it is stated in Article 19, paragraph 4, of the Act that when there are no specific provisions, procedure shall be governed by the Administrative Procedures Act.

Note should be taken that Article 9, paragraph 4, of the Administrative Procedure Act, states that if there is an undue delay in the conclusion of a case a complaint may be lodged with the authority to which a decision in the case may be appealed. This means that a complaint about undue delay in handling of a request for access to official documents can be lodged with the Information Committee.

A complaint about unlawful handling of a request for access to documents can also be directed to Althingi Ombudsman. According to Article 2 of the Act on the Ombudsman of the Icelandic Parliament Althingi, No. 85/1997, the role of the Althingi Ombudsman is to monitor, on behalf of Althingi, the administration by the central and local authorities as prescribed in more detail in this Act, and to safeguard citizens' rights vis-a-vis the country's authorities. The Ombudsman shall ensure that equal treatment is practiced in public administration and that such administration is otherwise conducted in accordance with law, good administrative practices and codes of ethics adopted on the basis of the Act on Government Offices and the Act on the Rights and Obligations of State Employees, No. 70/1996.

Any person who feels unfairly treated by the authorities may lodge a complaint with the Althingi Ombudsman. All individuals, whether Icelandic nationals or non-nationals, may complain to the Ombudsman. The same applies in the case of associations and bodies formed by individuals.

5.3. Whether a maximum time limit is set for public authorities, by law, any other applicable policy framework or through practice, to reach a decision on a request for access to official documents, notify the applicant about the decision, to make the document available if the decision is favourable, and to inform the applicant about any possible delays.

Article 17 of Act No. 140/2012 describes the main rules for speed of process. Paragraph 1 stipulates that a request for information shall be processed as soon as possible. If a request has not been processed within 7 working days, the requester must be informed about the reasons for this delay and about the expected time of decision.

An unreasonable delay in handling of a request for access to official document can be referred to the Information Committee, on the grounds of Article 9, paragraph 4, of the Administrative Procedure Act No. 37/1993, that states that if there is undue delay in the conclusion of a case a complaint to this effect may be lodged with the authority to which a decision in the case may be appealed.

Furthermore, paragraph 3 of Article 17 states that if the request has not been processed within 30 regular weekdays from such time it was received, the party making the request may refer the matter to the delay in processing the request can be taken to the Information Committee which will rule on the right to access to information in the case in question.

Article 23 of Act No. 140/2012 describes notification and enforceability of rulings of the Information Committee. According to paragraph 1 of the Article the Information Committee shall announce its ruling as quickly as possible to the party that requested access to material and to the entity against whom the appeal was directed, but generally within 150 days from the time that a complaint is received.

Furthermore, paragraph 2 stipulates that if the Committee has accepted the request for access to the material, such access must be provided as soon as the ruling has been announced, unless a deferment of legal effect has been demanded, pursuant to Article 24. According to paragraph of Article 23, the rulings according to the Act which concern accessing material or copies of it are enforceable, unless their legal effect has been deferred.

5.4. Whether the public authority gives reasons in cases of refusal of access to official documents, wholly or in part, on its own initiative and whether it provides justification in writing to the applicant upon his/her request for explanations about the refusal.

Article 19 of Act No. 140/2012 states that if a request for access to material was presented in writing, any decision to refuse this request, whether in part or in whole, must be communicated in writing, briefly outlining the reasons. The decision shall in certain instances include the opinion on additional access, see further paragraph 2, Article 11. The answer should also give instructions on the right of appeal, see Article 20.

In instances where a request for access to material is handled by noting that the requested information is already available to the public, and if the material requested is not being handed over, exact mention must be made of where and in what manner the information is available.

In general, applicants have a right to be told by the public authority whether it possesses the document in question, or not. However, in some cases the protection of other rights and interests prohibits the disclosure of existence of a document, for example when such disclosure will lead to the disclosure of information which should remain confidential. This is mentioned in the explanatory notes regarding Article 9 of Act No. 140/2012 on restrictions to the right to information on account of private interests. The explanatory notes state that Article 9 can include information on whether a particular case concerning a particular person is or has been handled by an authority. Examples of such cases are information on whether a person has submitted an application for adoption of a child, application for a financial assistance or social welfare or application for an abortion.

According to Article 24 of the Administrative Procedures Act No. 37/1993, a party has a right to have his case reviewed once an authority has reached a decision and notified it, where the decision was based on insufficient or wrong information as to the facts or where an adverse decision involving an order or a ban was based on circumstances which subsequently changed in a material way. The Article states some time limits for reviewal requests, the shortest time being 3 months which have elapsed since a party was notified of a decision or where a party was, or should have been, aware of a change in the circumstances on which a decision was based.

6. Article 6 – Forms of access to official documents

6.1. The form or format in which official documents are made available to the applicant once access to these documents is granted as well as information on whether the applicant has the possibility to choose the form of the document he/she wishes to consult in compliance with Article 6, paragraph 1.

According to Article 18 of the Information Act No. 140/2012 the access provided to material shall, insofar as possible, be in the form or format as well as the language in which it has been preserved, unless this material is already available to the public, see Article 19, paragraph 2. Article 18 further states that in instances where the material has been preserved in electronic form only, the party may choose between receiving it in that form or printed on paper.

Article 19, paragraph 2, states that in instances where a request for access to material is handled by noting that the requested information is already available to the public, and if the material requested is not being handed over, exact mention must be made of where and in what manner the information is available.

When access is granted to material to which a third person has a legally protected right, pursuant to the Copyright Act, information shall be provided on the name of the rights holder, if such information is available, see Article 19, paragraph 3.

Refusal by a government authority of a request to turn over material in the form that was requested may be referred to the Information Committee, which shall rule on the dispute, see Article 20, paragraph 1.

6.2. How the public authority deals with requests to access official documents for which some of the information cannot be disclosed due to applicable limitations. Information on whether the rest of the document is released and whether the relevant decision of the public authority gives clear indications as to where and how much information is deleted and indicates the limitation justifying each deletion.

The provisions of Articles 6-10, on limitations to the right to information, only apply partly to requested material, access shall be granted to the other parts of it, see further Article 5, paragraph 3.

As stated in the explanatory notes with Act No. 140/2012, access shall be granted to parts of a requested document, as long as it is possible to separate information which falls under the limitations of Articles 6-10 from the information that access is granted to. In that context, it matters how widely information, which access cannot be granted to, appears in a particular document and how large part of the document will then not be handed over. This possibility is intended to be interpreted in a restrictive way. Whether a document should be handed over, even though a large part of the document has been blacked out, must be assessed with restraint and respect for the applicant.

Decisions of the public authority should give quite clear indications as to where and how much information of a document has been deleted and public authorities are also required to indicate the limitation justifying each deletion. In practice, information is normally blacked out.

7. Article 7 – Charges for access to official document

7.1. Whether inspection of official documents on the premises of the public authority is ensured free of charge, whether the applicant can obtain a copy of the requested official documents free of charge or in the case that fees are charged information on whether they are published and if so, how and where.

According to Article 18, paragraph 3, of Act No. 140/2012 a fee can be charged for printing, photocopying and other costs that may derive from making the requested information available, such as staff costs. The Prime Minister must decide these fees by regulation and the fee cannot lead to any profit.

Regulation No. 309/2009 on service fees for photocopies or other copies provided on the bases on the previous Information Act No. 50/1996, was issued on March 23 in the year 2009. It is formally still in force but rarely used in practice as thee tariffs according to the regulation have not been updated.

8. Article 8 – Review procedure

8.1. Whether the relevant legal and/or the policy framework provides for a review procedure, before a court or another independent and impartial body established by law, which is accessible by the person whose request for having access to official documents has been denied.

According to Article 20 of the Information Act No. 140/2012 a refusal of a request for access to material may be referred to an Information Committee, which shall rule on the dispute. The same applies to refusal by a public authority of a request to turn over material in the form that was requested. Decisions according to the third and the fifth paragraph of Article 2, or according to Article 33 are not a subject to review by the Committee.[2]

The Information Committee operates independently, and its rulings may not be referred to any other government authority. The review procedure is free of charge.

The Prime Minister appoints to the Information Committee three persons for terms of four years, and an equal number of substitutes. Two Committee members, along with their substitutes, shall meet the employment qualifications for District Court judges, according to Article 12 of the Act on the Judiciary. One of these two members shall serve as Committee Chair and the other as Vice-Chair. No member of the Committee may be permanently employed by the Government Offices of Iceland. The Committee is authorised to call on experts for advice and assistance whenever it finds this necessary, see further Article 21.

Article 23 states that if the Committee has accepted the request for access to the material, such access must be provided as soon as the ruling has been announced, unless a deferment of legal effect has been demanded, pursuant to Article 24. The rulings which concern

2 According to paragraph 3 of Article 2 the Prime Minister may, upon receiving a proposal from the appropriate minister or local authority as well as comment from the Competition Authority, decide that certain legal persons shall not fall under the scope of the Act, and may also withdraw such a decision.

According to paragraph 5 of Article 2 the Act does not apply to documents in the custody of the Judiciary and the Judicial Administration which concern the proceedings of individual court cases and transcripts from court records, minutes and parliamentary records.

According to Article 33, a public authority is authorised in cases of research or similar undertakings to provide access to material which is exempted by Chapters II and III from the right to information, insofar as approving the particular request may be expected not to curtail the public and private interests which the provisions of these Chapters are intended to protect.

accessing material or copies of it are enforceable unless their legal effect has been deferred.

As stated in Article 24, in cases where the Information Committee has assigned a government authority or other entity to provide access to material, the Committee may decide, upon the demand of the entity involved, to defer the legal effect of its ruling if it considers there to be a particular reason for doing so. A demand to this effect must have been received by the Information Committee no later than seven days after the ruling was announced. Any deferment of a ruling's legal effect shall be subject to the condition that the case be referred to the courts, together with a request that it receive priority treatment, within seven days of when the decision to defer legal effect was announced. Should the request for priority treatment be denied, proceedings shall nevertheless be initiated no later than seven days after the denial, see further Article 24.

As a main rule, a decision of public authorities to deny a request can always be referred to the district courts.

Furthermore, a complaint about the procedure and handling of the Information Committee of a case can also be directed to Althingi Ombudsman.

8.2. The type of decisions made by the court or the independent body, notably whether the latter is able to overturn decisions taken by public authorities which it considers to not comply with the applicable law/s, or to request the public authority in question to reconsider its position.

As stated in chapter 8.1., the Information Act No. 140/2012 provides for the role of a body of appeal, the Information Committee, which rules on the dispute over access to official documents. The Committee operates independently, and its rulings may not be referred to any other government authority. The Information Committee’s rulings are enforceable unless their legal effect has been deferred. No fees are charged for the reviewing procedure of the Committee.

If the Committee has accepted the request for access to the material, such access must be provided as soon as the ruling has been announced, unless a deferment of legal effect has been demanded, pursuant to Article 24.

It follows from above that an applicant whose request has been denied, expressly or impliedly, whether in part or in full, has access to a review procedure before an independent appeal committee free of charge and has also a possibility to have a decision reviewed before a court. The Information Committee has the power to overturn decisions taken by public authorities which it considers do not comply with the legislation in force.

The term “denied” is broadly understood and embraces the refusal, express or implied, in full or in part of a request for a document. The applicant has also the right to appeal against administrative silence, as explained in chapter 5.2. Applicants should be given instructions on the right of appeal, see further Article 19, paragraph 1.

8.3. The duration in time of the review procedure involving either reconsideration by a public authority or by the court or the independent body and whether fees are charged for it.

According to Article 23, paragraph 1, of the Information Act No. 140/2012, the Information Committee shall announce its ruling to the party that requested access to material and to the entity against whom the appeal was directed as soon as possible, but generally within 150 days of receiving the appeal.

In 2021, an average of 131 days elapsed from the time the appeal was received by the Information Committee until the ruling was issued. In 2020, the average was 142 days. The average for the last seven years (2015–2021) was 230 days, from the time the complaint was received by the committee until a ruling was issued.

The Prime Minister issues an annual report on the implementation of the Information Act where statistics on the Information Committees' procedures and rulings are published.

9. Article 9 – Complementary measures

9.1. Measures taken by public authorities to inform the public about its right of access to official documents and how this right can be exercised.

Measures to inform the public about its right of access to official documents and how this right can be exercised entail, inter alia, making information about the provisions of the Information Act No. 140/2012, available and accessible to the public.

A webpage linked to the page of the Prime Minister's Office provides information about the main provisions of the Information Act. It offers information about the main principles regarding a form of a request for access to official documents and the main rule on this right as stipulated in Article 5 of the Act. It also provides information on the rules on access to documents that concern examination of a matter (working documents) and limitations stipulated by the law on the right to access to official documents. This text is machine-readable.

As mentioned in chapter 8.3., the Prime Minister issues an annual report on the implementation of the Information Act where statistics on the Information Committees' procedures and rulings are published.

The Information Committees' rulings are all published on a special website that contains information about the committee, see www.unu.is.

As mentioned in chapter 5.1., a new article 13.a. was added with Act No. 72/2019 amending the Information Act No. 140/2012. With the advent of this new article the public has access to a special advisor whose role is to improve public information. The advisor shall fulfil his role inter alia by guiding individuals, associations, the media, legal entities, and others who consult him on how to present a request for data access, on where the request should be addressed and other matters, see further chapter 4 of the Act. The special adviser has a hotline where both members of the public and public authorities can call him for consultation. He can also be reached by email. The advisor is independent of instructions from the Minister and others, although the Prime Minister's Office shall provide work facilities for the advisor, see Article 13.

Ministries must be able to disclose information from case files for public access, at least by listing all cases (case name and number) in progress at the Ministry, according to Article 13.

Other measures that aim on informing the public about its right of access to official documents and how this right can be exercised are further described in chapter 9.2.

9.2. Training and any other measures taken to ensure that public authorities are aware of and knowledgeable about their duties and obligations concerning the implementation of the right of access to official documents.

The Government Offices Competence and Educational Centre holds seminars for all state employees about freedom of information and the Information Act No. 140/2012, approximately twice a year. The courses were suspended temporarily during the Covid-19 pandemic, but they will be starting again this fall. The seminars are free of charge and they take place on worktime.

The Institute of Public Administration and Politics of The University of Iceland has offered several seminars to all Public Officials that concern Act No. 140/2012. All members of Governmental authorities can attend for a fee.

The largest municipalities have also held seminars for their employees on right to information provided for by the Information Act No. 140/2012.

Public authorities, and others that fall within the scope of the Act, can also consult the above mentioned advisor on procedure of requests for public data and decisions regarding the right to access (see further paragraph 2 of Article 13.a.). Information about the service of consultation is provided for at the government's webpage. The service is free of charge and all authorities and other entities that fall under the Information Act can benefit from it.

9.3. Measures taken by public authorities to set up effective systems for the management and storage of official documents that they hold, including information on how such measures facilitate access to official documents.

The Public Archives Act No. 77/2014 sets forwards the legal framework regarding management and storage of official documents. The objective of the Act is to safeguard the creation, conservation and safe handling of public records with a view to protecting the rights of the citizens and the interests of the administration, and ensuring the preservation of the Icelandic people's history, see further Article 1 of the Act. A record is defined as any type of recorded information, written or otherwise, which has been created, received or maintained through the activities of an organisation or individual, see Article 2, paragraph 2.

The role of the National Archives of Iceland is to implement public policy on archiving and records management. In addition, it serves a role as a public archive, see Article 3. Regional archives are public archives which operate independently under the expert supervision of the National Archives of Iceland. The municipality or municipalities having set up a regional archive shall be responsible for its operation, see Article 9.

According to Article 13 of Act No. 77/2014 the role of public archives includes the following tasks, inter alia:

1. receiving and acquiring records, and preserving records and other materials received from entities subject to an obligation of transfer and containing information of importance for administrative purposes or for the interests and rights of the citizens, or of historical significance,
2. making available records and other materials from the archive's holdings, as well as indices and information on those records, to those wanting to use the archive, and providing the necessary working environment, including for scientific research and academic work,
3. providing guidance on the use of records held by the archive, and facilitating research into those documents to the extent possible,
4. monitoring the implementation of Act no 77/2014, of any Regulation issued by the Minister on the basis thereof, or of rules laid down on the arrangements to be used for records management and archiving by administrative entities of central and local government, as well as by other entities subject to an obligation of transfer, by entities subject to an obligation of transfer; such entities must grant access to their premises for the purposes of inspections carried out as part of the monitoring of public archives.

The law provides for rules about recording and storing information, see Article 23, paragraph 2, see further rules No. 85/2018.

All governmental authorities and entities that fall under the scope of the Information Act No. 140/2012, are required to manage and store official documents and hand them over to the archives.

The ministries use an electronic system for information management and collaboration. The purpose of the system is to manage the creation, use and storage of information and records to support all case and project handling, law and regulation preparations, meetings and other matters within and across the ministries. The system handles the entire lifecycle (creation, handling, processing, use, management, and archiving) of documents, records, cases, projects, and meetings. The system is the main working environment for the day-to-day operation of all ministries.

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

10.1. Measures taken to encourage transparency by public authorities through the publication of official documents that they hold, notably information on the criteria used by public authorities to determine which documents they should publish proactively.

Article 13 of the Information Act No. 140/2012 states that public authorities shall regularly provide the public with information on government activities, for instance by publishing reports electronically, summarizing important programmes or publishing other types of material, see paragraph 1.

Public authorities shall act systematically towards making case files and lists of case materials as well as the materials themselves electronically accessible. The same applies to databases and data files. The government ministries under the Prime Ministry shall publish information from their registers of cases by digital means. As a minimum, a register of cases under procedure at the ministry on the occasion of received or sent issues shall be published, stating the case number and title of the case. The information should be published not later than in the following month after a case has been established. Additionally, publishing a list of case data is permissible, as well as making the data accessible by digital means. Efforts shall be made in any instance to see to it that the publication of data does not oppose personal or public interests, see further paragraph 2.

The Prime Minister shall submit regular reports to the parliament on the implementation of the Act, including achievements related to augmenting public access to information, see paragraph 3. The minister's reports are published on the parliamentary website and on the webpage of the Prime Minister Office dedicated to the Information Act.

The Prime Minister shall also take the initiative to define information policy for five-years, prepared in consultation with the public, the Union of Icelandic Journalists, the Association of Local Authorities, archivists at public archives and the university and scientific community. One of the aims shall be to fulfil the needs of a democratic society for sophisticated, reliable information, see paragraph 3. A working group is currently drafting an information policy for all governmental authorities for the years 2022-2027.

By means of regulations, the Prime Minister shall provide further details on how the publication of information must be arranged pursuant to the first and second paragraphs of Article 13, including details on the allowable phases and time limits for government authorities to fulfil particular objectives and also details on how and where information must be published, see paragraph 4.

The regulation mentioned above shall explain how government authorities must act in order to ensure comparable access to material which came into being before the commencement of Act No. 140/2012. Insofar as possible, the public is to be guaranteed equal access to published

information, and publication among public authorities is to be standardised. Rules shall also be laid down by the Prime Minister to ensure insofar as possible that the publishing of information will benefit disabled persons to the same extent as others. The minister's regulations shall be binding also for local authorities and their institutions, see paragraph 4.

Regulation No. 464/2018 on information made public at the initiative of the public authorities stipulates a criteria to be used by public authorities to determine which documents they are permitted to publish proactively.

It should be noted that according to Article 32, paragraph 1 of the Information Act No. 140/2012 public authorities shall work towards making information on environmental matters accessible to the public, see Article 13. Furthermore, according to paragraph 2, public authorities are always obliged, by their own initiative, to provide information if there is a reason to believe that emissions of polluting substances into the environment may lead to dangerous effects on the health of people or animals.

10.2. How these official documents are made public, in which format and whether any measures are taken to facilitate the public's understanding of these documents.

Official documents or information from these documents are generally made available on governmental websites. Governmental websites contain information about their structures, staff, activities, rules, policies and decisions, as well as any other information of public interests. This information is updated on a regular basis and is generally published in a machine-readable format.

The Icelandic government aims to make digital services the main means of communication between its agencies and the Icelandic people, see further Digital Policy for public bodies from July 2021.[3] The project *digtial Iceland*, operated by the Ministry of Finance and Economic Affairs works towards these goals across all ministries and government agencies. Digital Iceland's main projects are focused on making public services more efficient and user friendly.

The Ministry of Finance has put up a webpage, www.island.is, where information is provided on basic services of different public authorities. Language should be easy to understand and the webpage is being translated to English.

Among special initiatives regarding proactive publication of information are the following:

2013 - The website (first edition) opingogn.is launched. All public bodies are encouraged to publish their data on the web as open data on the website. The aim is to maximize access to and reuse of public data.

2014 – The website rikisreikningur.is is launched. The webpage gives information on the central government account. It is possible to view this information in various ways, such as a breakdown of the central government revenue and expenditure from 2004 and onwards.

2017 - The website opnirreikningar.is opened. The aim of the website is to provide for an easy access to information about public expenditure from the government in one place. Previously, ministries had their own websites, but with the merger, the presentation was coordinated with the aim of making it easier for the public to search for information, and not just from ministries but all state authorities.

[3] The Digital Policy is available in Icelandic on: https://island.is/s/stafraent-island/stafraen-stefna

2017 – The website www.samradsgatt.is, is launched. The government approved a resolution on 10 March 2017 regarding preparation of legal bills. According to the resolution the government shall present legislative documents and an initial impact assessment of the legislations to the public. However, this does not apply if there are special arguments against such publication, such as if a case is particularly urgent. Draft bills shall also be presented to the public and stakeholders in open consultation and given the opportunity for comments and suggestions. A reasonable period of time shall be given for comments, at least two weeks.

Ministers shall substantiate a decision on limited or no consultation on draft bills with the public and stakeholders in documents submitted to the government. Draft for policies and regulations can also be published on the website.