

Slovenia's Experience with the Ratification of the Tromsø Convention

Mag. Mateja Prešern
Ministry of the Interior and Public Administration

Madam Chair,
Distinguished members of the Steering Committee,
Dear colleagues,

It is my pleasure to present Slovenia's experience with the ratification and implementation of the Council of Europe Convention on Access to Official Documents – the Tromsø Convention.

For Slovenia, the right of access to official documents is not new. It has long been embedded in our constitutional and legal framework. However, ratification of the Convention represents an important affirmation and international anchoring of these values.

Allow me to share our experience, not only as a case study, but also as an encouragement to those member states that have not yet joined the Convention.

Slovenia has a longstanding commitment to the principles underlying the Convention.

- The right of access to public information is guaranteed by Article 39 of the Constitution.
- Since 2003, it has been implemented through the Slovenian Access to Public Information Act.

Thus, over more than two decades, this framework has:

- fostered a culture of openness in public sector,
- strengthened public trust in institutions,
- enabled effective public oversight of government action.

Slovenia was also among the first signatories of the Convention, signing it in 2009.

This was closely aligned with Slovenia's Chairmanship of the Committee of Ministers of the Council of Europe, where strengthening the rule of law and promoting pluralistic democracy were key priorities.

We also actively contributed to the drafting of the text of the Convention, drawing on our own legislative experience.

We therefore sincerely believe that the Convention and its provisions reflect not abstract principles, but practical, tested approaches to transparent governance.

The ratification process in Slovenia was completed in 2023:

- in January, with adoption by the National Assembly,
- and entry into force on 1 July.

Why in 2023?

The process was gradually built through:

- sustained advocacy by the Information Commissioner (IC),
- very good cooperation of the IC with the Ministry in charge of the legislation
- and strong symbolic momentum, as we marked the 20th anniversary of our national legislation.

It also benefited from clear support at the highest political level, including from the President of the Republic, who has longstanding professional experience in the field of access to information.

So, from our experience we can conclude that Ratification processes are likely to be successful when legal readiness is combined with institutional cooperation and political support.

Importantly, ratification in Slovenia did not require major legislative changes.

This is a key message I would like to share: that ratification does not necessarily mean extensive reform – it can instead build on existing frameworks and strengthen them.

What did ratification bring?

Even in a system that was relatively advanced, ratification brought clear added value.

- For us, it signals a strong commitment to transparency at the international level.
- It provides an additional layer of protection for the right of access and supports consistent interpretation of national law.
- It offers access to a shared monitoring mechanism and peer learning process (within the Consultation of the Parties and AIG group).

In other words, ratification is not only declarative – it is practically useful.

Allow me to briefly present some features of our system that reflect the standards of the Convention.

1. Simple and accessible procedures

- Requests can be oral or written.
- Authorities need to respond within maximum 20 working days, with limited extensions.
- Partial access is systematically ensured.

We believe this simplicity is essential for making the right usable in practice.

One of the key elements is the Information Commissioner:

- an independent and trusted authority,
- acting as an appellate body,
- issuing decisions which are fully binding upon the authorities.

this ensures that access rights are effective and enforceable.

This is an element we would very much recommend as good practice.

Limitations to the right of access are:

- clearly defined in law,
- narrowly interpreted,
- and generally subject to a public interest test.

Over more than 20 years, the balance between transparency and protection of legitimate interests has been carefully shaped through administrative practice of the Information Commissioner and judicial practice. All of the decisions are published and easily available.

This demonstrates that the Convention's standards are fully realistic and workable in practice.

Furthermore, Slovenia has invested significantly in proactive transparency:

- National open data portal,
- public spending application (ERAR),
- e-procurement systems.

These tools:

- reduce administrative burden,
- increase efficiency,
- and provide immediate access to key public information.

They also demonstrate how the Convention can be complemented by digital innovation.

In the year after ratification, Slovenia recently underwent the baseline evaluation by the AIG monitoring mechanism.

We very much welcome this process.

The assessment confirmed that:

Slovenia's system is broadly compliant with the Convention.

At the same time, recommendations were made – for example regarding certain exceptions, procedural aspects, and costs.

We consider this a benefit of the Convention:

It creates a constructive, expert-based dialogue, helping states to continuously improve.

We would encourage all member states to see this not as a burden, but as support.

At the same time, it needs to be pointed that we are facing emerging challenges, such as:

- AI-generated requests,
- very large-scale or repetitive applications which are manifestly unreasonable.

These challenges are not unique to Slovenia.

In this respect, we are of the opinion that the Convention framework could also serve as a platform for:

- exchanging practices,
- and possibly developing common guidance, perhaps within Thematic Evaluation round of the AIG.

This again illustrates that the Convention is a living instrument, able to adapt to new realities.

Allow me to conclude with a few key messages from Slovenia's experience:

1. The Convention is achievable

Ratification is feasible even without major legislative changes.

2. It brings tangible benefits

- not only stronger legal certainty and improved international credibility,
- but also access to peer support and guidance.

3. Institutions matter

Independent oversight and cooperation between authorities are essential.

In Slovenia, cooperation between the Ministry and the Information Commissioner – including joint training and guidance – has been particularly valuable.

4. Culture matters

In Slovenia, we say that transparency is the best disinfectant and therefore essential in the scope of the anti-corruption framework. Transparency must therefore become part of everyday administrative practice.

At a time when trust in institutions is increasingly challenged and we need strong anti-corruption frameworks; transparency is no longer optional — it is essential.

By joining the Convention, we do not only commit to openness — we demonstrate it, collectively.

I would therefore warmly encourage all member states to consider taking this step.

Thank you.