



# Information Act

## The Information Act

No. 50/1996

with subsequent amendments (through September 2007)

### CHAPTER I

#### Scope of the Act

##### Article 1

###### Scope

This Act applies to State and municipal administration.

Furthermore, the Act applies to the activities of private parties insofar as they have been assigned official power to take decisions regarding individual rights or obligations.

##### Article 2

###### Scope in relation to other statutes and international agreements

This Act does not apply to registrations, enforcement proceedings, the arrest of property, attachments, injunctions, sales in execution, payment moratoria, compositions, liquidations, probate or other official divisions, or to investigations and prosecutions in criminal cases.

The Act does not cover access to information under the Administrative Procedures Act. Nor does the Act cover access to information under the Act on the Protection of Privacy as Regards the Processing of Personal Data, unless access is requested to documents or other material covered by the second paragraph of Art. 3 of the present Act. In addition, the present Act shall not apply where international agreements to which Iceland is a party dictate otherwise.

Provisions which in any other statute authorise more extensive access to information shall retain their force. General statutory provisions on confidentiality shall not restrict access to material according to this Act.

### CHAPTER II

## Public access to information

### Article 3

#### Right to information

Upon request, governmental authorities are required to grant the public access to available material on specific matters, subject to the restrictions stated in Art. 4-6. Nonetheless, governmental authorities are not required to prepare new documents or other material, exceeding what can be inferred from Art. 7.

The right of access to material shall apply to:

1. Any documents concerning the matter, including any copies of letters sent by a government authority, providing it may be assumed that they have been delivered to the recipient
  2. Any other material concerning the matter, such as drawings, plans, maps, pictures, microfilms and material saved on computers
  3. Diary entries concerning material relating to the matter, and lists of material on the matter
- Governmental authorities shall be permitted to grant more extensive access to material than is prescribed in this Chapter, unless this is precluded by statutory provisions on secrecy obligations.

### Article 4

#### 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 documents prepared for such meetings
2. Correspondence between governmental authorities and experts for use in legal proceedings or in investigating whether or not to initiate such proceedings
3. The working documents a government authority has written for its own use; nonetheless, access shall be granted to working documents if they contain a final decision on the handling of a matter, or information not available from any other source
4. Applications for employment by state or local authorities or material related to the applications; nonetheless, information on the names, addresses and job titles of the applicants must be provided after the application deadline has expired.

### Article 5

#### Restrictions on the right to information, due to private interests

It is prohibited to grant the public access to material concerning an individual's private or financial affairs that it is reasonable or appropriate to keep secret, unless the person concerned gives approval. The same restrictions apply on access to material which concerns important financial or commercial interests of businesses or other legal entities.

### Article 6

#### Restrictions on the right to information, due to public interests

It is permissible to restrict public access to material if this is necessitated by important public

interests, due to the material containing information on:

1. State security or defence issues
2. Relations with other States or international organisations
3. The business of state-owned or municipally owned institutions or companies insofar as they are in competition with other bodies
4. Planned measures or examinations under auspices of the State or of local authorities, if they would be rendered insignificant or not achieve their intended results by becoming known to the public
5. Environmental matters such as the location of rare species of organisms, minerals, fossils and rock formations, given that the revelation of these matters might have a serious effect on the protection of environmental aspects relating to the information.

## **Article 7**

### **Access to parts of documents**

If the provisions of Art. 4-6 apply to only part of a document, the public shall be granted access to other contents of the document. The same principle applies to other types of material.

## **Article 8**

### **Unrestricted right to information when a specific period has elapsed**

Access shall be granted to the material covered by item 4 of Art. 6 as soon as the measures or examinations are entirely finished, unless the provisions of Art. 5 or of items 1-3 of Art. 6 apply. Access shall be granted to the information covered by item 5 of Art. 6 when there is no longer any reason to expect that communication of the information might have a serious effect on the environment.

Access shall be granted to other material covered by Art. 4-6 when thirty years have elapsed since the creation of the material, excluding information concerning an individual's private affairs; to which access shall not be granted until eighty years have elapsed since its creation.

## **CHAPTER III**

### **A party's access to information about itself**

## **Article 9**

### **A party's right to information**

Governmental authorities shall be obliged, upon request, to grant a particular party access to documents and other material concerning a specified matter if those documents or material contain information about that party.

Nonetheless, the provisions of the first paragraph do not apply to the following:

1. Material listed in Art. 4
2. Material containing information on matters of great public interest which ought to remain secret according to Art. 6

If the material also contain information about the private affairs of other individuals, it is permissible to restrict a party's access to them, providing that the interests which call for keeping the information secret are more important than those of the party requesting access to the material. A patient's access to data in medical records shall be subject to provisions of the Health Records Act. As applicable, the provisions of Art. 3, 7 and 8 cover a party's access to material.

## CHAPTER IV

### Procedure

#### Article 10

##### Requests for access to information

Anyone requesting access to material shall specify the particular material which they wish to study. On the other hand, they may request to study all of the material on a certain matter without specifying any particular material concerning it.

A government authority may stipulate that a request for access to material be made in writing, as well as being submitted on a form provided by the authority.

When access is requested to material concerning an issue in which a decision is to be taken or has been taken on individual rights or obligations, the request shall be directed to the government authority which has taken or is due to take a decision on the issue. In other instances, the request shall be directed to the authority safekeeping the material.

#### Article 11

##### Speed and procedure

Governmental authorities shall determine as soon as possible whether or not to comply with a request for accessing material. Should a request not have been handled within seven days of when it was received, the reasons for this delay and the expected time of decision must be clarified for the requester.

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

In other respects, procedure shall be subject to the Administrative Procedures Act.

#### Article 12

##### Copies or photocopies of documents

A government authority shall determine whether material to which it is permissible to grant access should be shown or provided as copies or photocopies.

However, a public authority is obligated upon request, insofar as possible, to provide copies or photocopies of material in the form or format and in the language in which it is kept, unless it is already accessible to the public in electronic form. When documents are kept solely in electronic form, the requester can demand to receive them in printed form, unless the third paragraph applies.

When the number of documents is great, the government authority may decide to assign their photocopying to other parties. The same applies when the government authority does not have

facilities for photocopying documents. In such cases, the requester shall pay the cost entailed in photocopying the documents. The same applies, where relevant, to copies of material other than documents.

By means of a list of fees, the Prime Minister shall decide what is to be paid for copies and photocopies of material provided pursuant to this Act. It is permissible to allow for all of the costs entailed.

## **Article 13**

### **Notification of rulings**

Decisions by a government authority to refuse requests for access to material or for copies or photocopies of them must be presented in writing when the request was made in writing.

## **CHAPTER V**

### **Information Committee**

## **Article 14**

### **Right of appeal**

Should a government authority refuse to grant access to material according to this Act, the matter may be referred to an Information Committee, which shall rule on the dispute. The same applies if a government authority refuses to furnish photocopies of documents or copies of other material.

This Committee shall operate independently, and its rulings may not be referred pursuant to this Act to any other governmental authorities.

## **Article 15**

### **The Information Committee**

The Prime Minister shall appoint an Information Committee of three persons to serve terms of four years, and shall appoint an equal number of substitutes. Two Committee members, along with their substitutes, shall meet the employment qualifications for District Court judges. One of these two shall be the Committee chair and the other the 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 if it finds this necessary.

The Committee is bound to secrecy on whatever appears in material passed to the Committee. The same applies to whoever the Committee calls on for assistance.

## **Article 16**

### **Procedure**

Matters falling under the first paragraph of Art. 14 shall be referred in writing to the Information Committee no later than 30 days after the announcement of a decision to the party requesting access to the material.

Before finally resolving a matter, the Committee may grant the government authority concerned a brief period in which to present a substantiated opinion on the issue. Governmental authorities are

obliged to present the Committee with copies of the material to which an appeal relates. Should the members of the Committee not agree, the majority shall determine the outcome. In the event of a tie, the chair has the casting vote. In other respects, procedures observed by the Information Committee shall comply with Chapter VII of the Administrative Procedures Act.

## **Article 17**

### **Notification and enforceability of rulings**

The Information Committee shall present its decision as quickly as possible to the government authority involved and to the party that requested access to the material.

If the Committee has approved the request for accessing the material, the government authority shall grant access to it as soon as the ruling has been announced, unless a deferring of its legal effect has been demanded, pursuant to Art. 18.

Rulings under this Act which regard access to material or copies of material are enforceable, unless their legal effect has been deferred.

## **Article 18**

### **Deferment of the legal effect of a ruling**

Upon the demand of a government authority, the Information Committee may decide to defer the legal effect of its ruling, if it feels there is special reason for doing so. A demand to this effect shall be presented no later than three days after the ruling was announced.

Deferment of the legal effect of a ruling shall be subject to the condition that the authority refer the matter to the courts within seven days of when the decision to defer the legal effect of the ruling was announced and request that it receive priority treatment. Should the request for priority treatment be denied, proceedings must be initiated within seven days of the time that such denial occurred.

## **Article 19**

### **Publication of rulings**

The Information Committee shall publish its rulings, or summaries thereof, each year.

# **CHAPTER VI**

## **Access to material in the National Archives of Iceland and other public archives**

## **Article 20**

### **Access to material after it has been submitted to archives**

When material covered by this Act has been submitted to the National Archives of Iceland or another public archive, the archive concerned shall decide whether the material that was requested should be shown, or, where the following is an option, whether to provide photocopies of the documents and copies of the other types of material.

If the right of access to material is in doubt, the archive may, before taking a decision, obtain the substantiated opinion of the government authority that presented the material to the archive.

## Article 21

### Right of appeal

Appeals of refusals under Art. 20 to grant access to material or to provide photocopies of documents or copies of material may be referred to the Information Committee, pursuant to Art. 14.

## CHAPTER VII

### Records of cases, etc.

## Article 22

### Records of cases

Governmental authorities shall be obliged to record the cases they handle in a systematic manner and to preserve case material so that it remains accessible.

The Prime Minister is authorised, upon receiving the opinion of the director of the National Archives, to issue regulations that specify how documents are to be managed in Government administration, including what type of computer software shall be used.

## Article 23

### Recording information on the circumstances of a case

When processing cases in which decisions are to be taken concerning individual rights and obligations under the second paragraph of Art. 1 of the Administrative Procedures Act, a government authority must record information it receives orally on the circumstances of the case if the information has substantial importance for resolving the matter and is not found in other case records.

## CHAPTER VIII

### On the reuse of public information

## Article 24

### Purpose and scope

The purpose of this Chapter is to increase the reuse of public information to benefit society as a whole. A further purpose is to incorporate harmonised criteria on the reuse of public information into national law; cf. Decision No. 105/2005 of the EEA Joint Committee to incorporate into Annex IX of the EEA Agreement Directive 2003/98/EC of the European Parliament and of the Council, of 17 November 2003, on the Reuse of Public Sector Information.

The reuse of public information refers to a private person or entity using such information for a different purpose than originally intended when the information was gathered on behalf of the

government authority. The exchange of information between governmental authorities to serve in their activities is not considered reuse of information in this sense.

The provisions of this Chapter apply exclusively to the reuse of existing information which the public has a right to access and which is kept by governmental authorities, based on Art. 3 of this Act or other provisions of acts that grant the public such a right.

The provisions of this Chapter do not apply to the following:

1. Information gathered by public authorities for commercial purposes
2. Material, files and information from database records to which a third person has a legally protected right according to the Copyright Act. However, the provisions of this Chapter do apply if the State, municipalities or institutions of either of these, as signified by the first sentence of the first paragraph of Art. 25, hold the exclusive right to such information, provided that the government authority representing the right does not come under the third paragraph of Art. 25.

## Article 25

### Definition of the public sector bodies coming under the provisions of this Chapter

The provisions of this Chapter cover the State, municipalities, the institutions of either of these, and other public sector bodies, cf. the second paragraph. This Act also covers associations which may be formed by these bodies, either singly or together.

A body is considered a public sector body if it is capable of bearing rights and obligations by law and was specially established in order to serve the public interest, provided that this body has no operations which can be equated with the operations of private sector bodies, for instance in the field of trade or industry. Furthermore, one of the following points must apply to this body:

- a. Its operations are financed for the most part by the State or municipalities, their institutions or other public sector bodies. The body shall be considered to be financed for the most part by the State or municipalities, their institutions or other public sector bodies if public funding accounts for over 50% of operating costs. A body's income shall not be considered public funding if it is based on a reciprocal business agreement with a public sector body.
- b. It is under the administration of the State or municipalities, their institutions or other public sector bodies.
- c. It is under a special board appointed for the most part by the State or municipalities, their institutions or other public sector bodies.

In spite of the provisions of the first and second paragraphs, the provisions of this Chapter do not apply to the following:

- a. The Icelandic National Broadcasting Service
- b. Schools at any level, libraries, archives or research institutions
- c. Cultural establishments

Notwithstanding the provision of the third paragraph, the Minister concerned may prescribe by means of a regulation that the activities of a government authority which pertains to that Minister and is covered by that provision be nonetheless subject to the provisions of this Chapter, in part or in whole.

## Article 26

### General conditions for the reuse of public information

It is permissible to reuse public information that according to law shall be accessible to the public, provided that the following requirements are always fulfilled:

- a. Reuse of the information must not violate the law, inter alia provisions of the General Penal

Code, Copyright Act and Act on the Protection of Privacy as Regards the Processing of Personal Data, or the rights of a third person

- b. The source of the information shall be mentioned
- c. When information is made accessible to others, it must be clearly stated who bears responsibility for processing it

## **Article 27**

### **Reusing information from public files**

When access is granted to information from public files pursuant to the third paragraph of Art. 3 or the provisions of special acts, the government authority shall be authorised to stipulate that reusing the information will be subject to licence and will have to fulfil specific requirements, such as the quality or updating of data. Consistency and equality shall be ensured when formulating such requirements, which must not excessively restrict competition or the possibilities for reusing the information.

On its website, a government authority shall display a list of the files containing information kept by the authority that it is permissible to reuse, in addition to the requirements controlling such reuse. An application for permission to reuse information from a public file shall be directed to the government authority which according to law holds responsibility for entering and processing the information in the file concerned.

A public authority shall finish as quickly as possible its handling of applications for permission to reuse information from public files. If a request has not been handled within 20 days of when the application was received, the reasons for the delay and the time when the decision is to be expected must be made clear.

Should a government authority refuse to grant permission for reusing information on the grounds of item 2 of the fourth paragraph of Art. 24, the name of the rights holder or her/his agent must be specified.

It is permissible to charge for providing access to information from public files, pursuant to the third and fourth paragraphs of Art. 12. The public authority concerned shall establish a schedule of fees, to be confirmed by the Minister. The schedule of fees shall be advertised in Section B of the Law and Ministerial Gazette, as well as being accessible on the government authority's website.

No more must be paid for reusing information that comes under the provisions of this Chapter and is subject to a copyright of the State or of municipalities than what is indicated in the sixth paragraph, unless specifically dictated by law.

When a government authority makes information accessible to the public on the Internet, based on an agreement with a third person who has a legally protected right to it according to the Copyright Act, the name of the rights holder must be specified.

## **Article 28**

### **Prohibition of agreements on exclusive rights**

No government authority may make agreements on any exclusive right to reuse public information that is subject to the provisions of this Chapter, cf. however the second paragraph.

When it may be presumed that public information will not be reused in the service of public interests unless doing so is based on an exclusive right, making such an agreement is authorised, provided the reasons for doing so are stated. The reasons for exclusive arrangements must be reviewed regularly, or at least every three years.

## CHAPTER IX

### Entry into force of this Act, etc.

#### Article 29

##### Entry into force of this Act

This Act shall take effect on 1 January 1997.

The provisions of this Act shall apply to all material, irrespective of when it was created or received by governmental authorities.

#### Article 30

##### Interim provision

Exclusive arrangements for reusing public information that do not fulfil conditions of the second paragraph of Art. 28 shall expire no later than 31 December 2008.

*Unofficial translation, October 2007*

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