

# Information Act

No. 140/2012

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## CHAPTER I

### Objective and scope

#### Article 1

##### *Objective*

The objective of this Act is to guarantee transparency in government administration and the handling of public interests, inter alia with the purpose of strengthening the following:

1. the right to information and the freedom of expression,
2. possibilities for the public to participate in a democratic society,
3. the restraints exercised by the media and the public on government authorities,
4. possibilities for the media to communicate information on public affairs,
5. public confidence in government administration.

#### Article 2

##### *Scope*

This Act applies to all government activities.

This Act applies to all operations of legal entities in which a share of 51% or more is in public ownership. However, 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, nor to their subsidiaries.

If the operations of a legal entity falling under the second paragraph occur almost entirely in market competition, the minister may, upon receiving a proposal from the appropriate minister or local authority as well as comment from the Competition Authority, decide that this entity shall not fall under the scope of this Act, and may also withdraw such a decision. The ministry 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.

#### Article 3

##### *Private sector entities to which public projects are assigned*

This Act 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.

#### Article 4

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

This 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.

This Act does not cover access to information under the Administrative Procedures Act. Nor does this Act apply to information which is to be kept confidential according to any international agreement to which Iceland is party.

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

This Act shall apply 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 shall be subject to the Act on the National Archives of Iceland.

CHAPTER II  
**Public access to information**  
Article 5

*Public right of access to material*

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 particular available documents. Nonetheless, there is no requirement to prepare new documents or further material, in excess of what can be inferred from the third paragraph.

The right of access to material shall apply to:

1. all of the material related to a matter, including copies of correspondence sent by a government authority or other entity according to Chapter I, if this correspondence may be expected to have reached the recipient,
2. diary entries concerning material relating to the matter, and lists of case materials.

If the provisions of Articles 6-10 on limitations to the right to information cover only part of the material, access shall be granted to the other parts of it.

Article 6

*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. material prepared by local authorities, their associations or their bodies when this material concerns joint preparations, formulations of proposals or negotiations of these parties with the State on the financial concerns of local authorities,
3. correspondence with experts for use in legal proceedings or in investigating whether or not to initiate such proceedings,
4. material related to personnel matters, cf. Article 7,
5. working documents, cf. Article 8.

Article 7

*Information on matters of personnel*

The right of the public to access material concerning matters of personnel employed by the entities which this Act covers, pursuant to Article 2, shall not include material in matters regarding job applications, career advancement or other aspects of the employment relationship.

When other limitations to the right to information under this Act do not apply, despite the provisions of the first paragraph, 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. 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 agreements or other material.

Furthermore, 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.

In the same manner, the public must be provided with information on the following points relating to the employees of legal entities falling under this Act, according to the first sentence of the second paragraph of Article 2:

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

As regards 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.

## Article 8

### *Working documents*

Working documents are considered to be the 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 being turned over 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 government authorities when one authority is performing secretarial tasks or comparable work for another authority,
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 task procedures or administrative practice in a particular field.

## Article 9

### *Restrictions to the right to information, on account of private interests*

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.

## Article 10

### *Restrictions to the right to information on account of public interests*

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.

## Article 11

### *Additional access*

Access to material may be granted to a greater degree than required by this 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, cf. the first paragraph of Article 2, 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, cf. the first paragraph of this article.

## Article 12

### *Cessation of limitations to the right to information*

If no other limitations apply according to this 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.

Once 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 National Archives of Iceland, cf. the fourth paragraph of Article 4.

## Article 13

### *Providing information at the government's own initiative*

Government authorities shall regularly provide the public with information on government activities, for instance by publishing reports electronically, summarising important programmes or publishing other types of material.

Government 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. Caution must be exercised so that publication never conflicts with individual or public interests.

The minister shall submit regular reports to the Althing on the implementation of this Act, including achievements related to augmenting public access to information. The minister shall also take the initiative in determining information policy for five-year periods, 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.

By means of regulations, the minister shall provide further details on how the publication of information must be arranged pursuant to the first and second paragraphs, 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. In addition, these regulations shall explain how government authorities must act in order to ensure comparable access to material which came into being before the commencement of this Act. Insofar as possible, the public is to be guaranteed equal access to published information, and publication among government authorities is to be standardised. Rules shall also be laid down by the 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 according to this paragraph shall be binding also for local authorities and their institutions.

## CHAPTER III

### **Each party's access to information on itself**

#### Article 14

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

Any party so requesting must be provided with personal access to available material if it contains information about this party.

Nonetheless, the provision of the first paragraph shall not apply to the following:

1. material listed in Article 6,
2. material containing information about substantial public interests which ought to remain secret according to Article 10.

If the material also contains information on the private affairs of other individuals, it is permissible to restrict a party's access to it, 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 medical records shall be subject to provisions of the Health Records Act.

Insofar as applicable, the provisions of Articles 5, 11 and 12 shall pertain to the party's

access to material.

## CHAPTER IV

### **Procedures**

#### Article 15

##### *Delimitation of requests for access to information*

The 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.

It may be required to state the request on a form which is provided.

The request may be dismissed, if delimiting it to specific material or a specific matter is considered impossible, based on the available information. Before such dismissal, however, the party to the matter must be provided with guidance and the opportunity to delimit the request more precisely. Depending on the circumstances, the government authority shall be required to provide the party with a list of the matters towards which its request is felt perhaps to be directed, in order for the party to be able to indicate the matter for which it wishes to have access to material.

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.

#### Article 16

##### *Where to address requests*

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 safeguarding the material.

Requests for material covered by Article 7 shall be addressed exclusively to the employer involved.

In instances where material covered by this Act has been turned over to the National Archives or another public archive, 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 this Act or the Act on the National Archives of Iceland, depending on the age of the material.

#### Article 17

##### *Speed of process*

A decision on whether to comply with a request for access to material shall be taken as soon as possible. Should a request not be handled within seven days of when it was received, the requester must be informed about the reasons for this delay and about the expected time of decision. However, the deadline for handling a request falling under Article 33 shall be 20 days.

Before deciding on access to material which might concern private interests, the government authority, or the individual handling the request, may appeal to the person whom the information concerns to clarify whether that person thinks that the information should remain secret. A deadline of seven days shall be provided for answering such an appeal.

#### Article 18

##### *Handing over material and charging fees*

Insofar as possible, the access provided to material shall 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, cf. the second paragraph of Article 19. 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.

In instances of numerous documents, other entities may be asked to see to photocopying them. The same applies if the person handing over the material has no facilities for photocopying documents. In such cases, the requester shall pay the cost entailed in photocopying the documents. The same applies to copying material other than documents,