



Recommendation
on Central Government
Communication

**Prime Minister's Office, Finland
Government Information Unit**

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CONTENTS

PREFACE	6
BACKGROUND AND PURPOSE OF THE RECOMMENDATIONS	8
I PRINCIPLES OF GOVERNMENTAL COMMUNICATION	10
II THE ROLE AND AIMS OF COMMUNICATION	12
III PRINCIPLES TO BE OBSERVED IN COMMUNICATION	13
CONTENT AND QUALITY	13
FORMS OF COMMUNICATION	15
Announcements	15
The Internet and other computer networks	16
Advertising and sponsorship	17
IV PLANNING AND ORGANIZATION OF COMMUNICATION	
IN GOVERNMENT AGENCIES	18
PLANNING	18
ORGANIZATION AND RESPONSIBILITY	18
MONITORING AND TRAINING	20
V IMPLEMENTING CHANGES IN	
COMMUNICATION PROCEDURES	21
VI COMMUNICATION IN SPECIAL SITUATIONS	
AND EMERGENCIES	22
COMMUNICATION IN SPECIAL SITUATIONS	22
Heightened demand for information and the main goals	
of information provision	24
Responsibility and coordination of information provision	25
Official information on the radio	26
Research activities and outside contacts	26
Follow-up monitoring and preparation for changes in the situation	27
GUIDELINES FOR INFORMATION PROVISION IN EMERGENCIES	28
Information provision in emergencies less serious than the threat of war	29
Information provision under threat of war or actual war	31
VII SPECIAL AREAS OF COMMUNICATION	33
INTERNATIONAL COMMUNICATION	33
EU INFORMATION	33
COMMUNICATION BY THE GOVERNMENT	33
COMMUNICATION ON DRAFT BUDGETS AND BUDGET NEGOTIATIONS	33
INFORMATION ON STATE BUSINESS ACTIVITIES	34
VIII RELATED LEGISLATION	36
Act on the Openness of Government Activities	37
Decree on the Openness of Government Activities and	
on Good Practice in information Management	64

COMMUNICATION IN THE FINNISH STATE ADMINISTRATION

- towards open, trustworthy and efficient administration

The intention of the Recommendation by the Prime Minister's Office on the Principles and Procedures of Communication in the Finnish State Administration is to promote open administrative culture and the development of governmental communication.

The openness of state administration and confidence in political and administrative decision-making form the fundamental pillars of democracy. Openness in the work of the government enables people to see what the government is doing and to feel involved in it. Citizens must have the opportunity to monitor and discuss actions taken by authorities and government officials. That cannot be achieved without information on government activities or without freedom of opinion and speech. Those principles also apply to communication within the European Union.

Citizens can become involved only through interactive communication. It is for the state administration to publish information on ongoing legislative and other projects and thus encourage discussion within civil society and participation in the preparatory phase of legislation. Interactivity also requires that feedback from citizens is adequately taken into account.

In addition to interactivity, the reliability, scope, objectivity, timeliness and sufficient rapidity of communication are also important. The authorities must provide information on all significant matters and not only emphasise issues that convey a positive impression of their action. Minorities must be given consideration in all communication and, in particular, in communication regarding citizens' rights and duties and the services provided by society.

The increased importance of communication within society, combined with notions of efficiency and profitability, place new expectations on governmental communication. For that reason, communication must be target-orientated, systematic and applied both in management and implementation.

It is the duty of the authorities to provide information on administration. They must actively supply information on their activities and services and inform members of the public of their rights and duties. Every civil servant must shoulder responsibility for communication.

The purpose of governmental communication is to answer recipients' needs. Governmental communication, as the government itself and government activities, exist for the citizens. The acknowledgment of that premise is conveyed through the comprehensibility and accessibility of basic information.

Helsinki, 23 May 2002

A handwritten signature in black ink, appearing to read 'Paavo Lipponen'.

Paavo Lipponen
Prime Minister

A handwritten signature in black ink, appearing to read 'Asko Mattila'.

Asko Mattila
Head of Government Information

BACKGROUND AND PURPOSE OF THE RECOMMENDATIONS

This recommendation covers the general principles and procedures of communication to be followed throughout the state administration. The latter part includes general guidelines for organizing communication in special situations and emergencies. The recommendation is an administrative guideline and is intended for everybody working in the state administration.

This recommendation replaces the general guidelines on external information provision by state organs and instructions on communication in special situations and emergencies issued by the Prime Minister's Office on March 10, 1994.

The purpose of the present recommendation is to advance openness throughout all government agencies and organizations within the state administration and at the same time to improve communication and information provision by state administration. The idea is to advance interactive communication and the principle of right of access to information and to emphasize the importance of government information to the general public and other stakeholders in enabling them to access information and enhancing their opportunities to participate in public affairs. Communication is also an integral part of management and an important tool for ensuring the realization of administrative goals.

Communication by state administration (hereinafter referred to as governmental communication) is governed by a variety of different statutes. The legislation on secrecy and access to information was comprehensively reformed in 1999. The key component of this reform was the Act on the Openness of Government Activities (621/1999). This was intended to increase openness on the part of the authorities by providing a requirement to produce and disseminate material describing their work and to provide access to information on pending matters (sections 19 and 20). A Decree on the openness of government activities and good practice in information management, (1030/1999) was subsequently issued on the basis of the Act. This was later amended by a decree (380/2002) that came into force

on June 1, 2002 with the addition of provisions on the planning and organizing of governmental communication.

This recommendation is based on the work of the working group appointed to examine communication in state administration. The working group forwarded its memorandum to the Prime Minister's Office on April 18, 2001. The Government discussed the development of governmental communication on April 17, 2002.

Information has been used here primarily to mean information provision on the initiative of the authorities, for example the provision of information to the media or to non-governmental organizations. However, openness in government activities cannot be realized solely on the basis of this sort of information provision. For this reason the recommendation uses the concept of communication.

Communication extends the concept of information and covers all the different sorts of situations and activities in which the authorities receive, produce and disseminate information and also those in which the authorities and members of the public both as individuals and in associations of various sorts come together in dialogue to interpret social issues.

In referring to units responsible for communication and information, the recommendation uses the name *Communication Unit*.

I PRINCIPLES OF GOVERNMENTAL COMMUNICATION

Finland's state administration is based on the democratic values of the rule of law and the Nordic model of the welfare society. The special features of communication in state administration include the facts that its goals and operating principles are rooted in fundamental rights such as freedom of speech, the right to participation and influence, the right to due process, the right to one's own language and culture, and fundamental rights in the area of education and learning.

The most important fundamental right from the perspective of governmental communication is the right to receive information on public documents; this translates in practice into the principle of right of access and the obligation on the authorities to produce and disseminate information. Communication by the authorities is also affected by the norms and administrative principles pertaining to the different branches of government. For this reason, governmental communication is subject to special requirements of quality and procedure.

The importance of communication in society at large has also increased, which places new expectations on governmental communication. Each authority must take care to ensure proper communication in its own branch of government. But communication is not just a responsibility; it also represents an opportunity for each authority to perform their functions effectively.

Successful communication is based on a number of factors. Communication must be planned, and it must also be re-evaluated often enough to identify and anticipate areas in which it requires further development. Each authority is responsible for defining the focal areas of its own communication and identifying the parties involved; for example, non-governmental organizations in the case of matters under preparation by a ministry. For predictability, communication must be regular and consistent. In addition, authorities must apply effective means of information management and create clear lines of responsibility within their communication functions.

In planning their communication effort, the various authorities must also take care to prepare for unexpected situations requiring broader than normal communication in order to ensure fluent communication and cooperation between the different authorities. Such situations can derive from either external or internal causes such as sudden political, economic or other events in society, accidents or dangerous situations in Finland or abroad, or misunderstandings or rumours relating to such events or situations.

Governmental communication is affected by the same factors and attended by the same expectations as government in general. Openness, public service, participation and dialogue are key objectives. The state administration is also expected to be efficient and effective in the performance of its duties. This requires purposeful, systematic, coordinated and professionally implemented communication.

Senior management in government agencies must ensure they have sufficient specialist personnel to take care of communication functions. Effective cooperation between communication personnel is also essential. Civil servants participating in the preparation of decision-making must have appropriate training in communication.

Communication must be constantly taken forward. Key areas for development include increasing the element of dialogue, exploiting the opportunities provided by network communication and the flexible use of communication in management and activities in general.

II THE ROLE AND AIMS OF COMMUNICATION

The aim of governmental communication is to create a framework within which democracy can function effectively, the rights of the citizen are upheld in practice and business enterprises and other organizations can go about their business effectively. The state administration and governmental communication exist to serve the public.

Communication should be active and designed to serve. It should set out from the needs, rights and interests of the recipient. Communication should provide the basic framework for individual members of the public and other actors to participate in planning and decision-making. Communication should familiarize the various stakeholders with government and its role, and facilitate dialogue between the general public, organizations of various sorts and government.

In pursuit of these aims, governmental communication:

- 1) provides general information on the work of state administration and other factors affecting the wellbeing of the public and the activities of business enterprises;
- 2) provides advice on matters handled by the authorities and the available public services; and
- 3) provides information on matters being prepared by the authorities in order to facilitate and ensure opportunities for participation by the public.

As different authorities are responsible for different types of business, the focus of communication will inevitably vary. The demand, quality, timing and targeting of communication will thus depend on the specific responsibilities of the authority concerned. For example, in central administration the emphasis in communication will be on advancing the participation of individual members of the public and their organizations in policy planning and decision-making, while the communication of agencies engaged in providing public services will concentrate on the provision of advice for clients.

III PRINCIPLES TO BE OBSERVED IN COMMUNICATION

Content and quality

Governmental communication should provide the tools for understanding the work of the authorities and the various factors that influence this work. It should enable people to form an overall picture of government activities and allow them to form their own critical assessment of these activities. It should facilitate understanding of the context of the various issues. Special attention should also be devoted to the clarity of the basic information provided, which should be presented in ordinary language comprehensible to non-bureaucrats. Care should also be taken to ensure access to information; information should be provided in places wherever members of the public come into contact with the authorities.

Because many projects and decisions within the state administration have implications for several branches of government, communication by the different authorities will by necessity involve more cooperation than in the past. Open government also means the various authorities are aware of each other's work. As well as cooperation within public administration, there will also need to be cooperation with other sectors of society. This will equip people to seek information from the appropriate source and ensure the information itself is sufficiently close to the everyday reality of individual members of the public.

There are different ways to facilitate participation and influence by members of the public. Good interactive communication involves participation by the authorities, NGOs and the mass media. Feedback on government activities from individual members of the public, NGOs and business enterprises constitutes a valuable part of such communication. The feedback received should be monitored and put to use in evaluating activities, while every effort should also be made to respond to it. Effort should also be put into developing opportunities for giving feedback and ways of benefiting from the feedback that comes in. This will help enhance the interactive nature of communication and support public debate and active participation.

In generally important issues, information should be provided on the commencement of preparatory work, and further information should be kept readily available as the preparatory process proceeds. Proposals should also be posted for public debate. The views of NGOs and interest groups should be more effectively taken into account by developing new ways to achieve dialogue, such as arranging public debates on proposed reforms. Authorities should take steps to discover their potential cooperative partners and to plan their communication so as to support participation.¹ Where possible, support should be given to the communication of NGOs on important issues.

The different parties to communication should be treated equally. Information that could affect the market should be communicated simultaneously to the different parties involved. The needs of the Finnish-speaking and Swedish-speaking populations should be taken care of on an equal footing. Important material must be made available in both languages. Where possible, communication in Sami and communication to serve the needs of immigrants and other special groups should also be taken into account. Resources should preferably be directed towards organizations that provide everyday services to enable them to produce material for different linguistic groups.

People should be able to trust official communication, which should not be used in inappropriate ways unrelated to the proper work of the authorities. Independence and impartiality are fundamental factors here. For example, information on individual cases of the administration of justice still awaiting decision should not be given in a way that could be understood as anticipating the final judgement, or that could endanger public trust in the impartial and proper processing of the case.

Governmental communication should be appropriately timed and sufficiently swift. The present electronic means of communicating information provide the opportunity of almost real-time communication. But reliability should not take second place to speed.

¹ Decree amending the Decree on the Openness of Government Activities and Good Practice in Information Management, section 8 b.

Different points of view should be taken equally into account in official communication. Communication should also not be put together in such a way as to emphasize only those facts favourable to the authorities. The authorities are responsible for ensuring the information given is not misleading.

The reputation of state administration follows from its activities. There can be no justification for constructing images unrelated to the actual work of government, and, for example, image advertising is not an appropriate form of activity in communicating the work of state administration. Communication should not be about shaping positive public attitudes to the work of the authorities; it should aim at increasing openness and transparency.

Forms of communication

Governmental communication should endeavour to use a wide range of methods according to the target audience at any given time. Forms of communication include the provision of topical information (i.e. bulletins, briefings and other forms of discussion), customer or client service, the Internet, brochures and other publications, campaigns and presenting stalls at fairs and exhibitions. The next chapters will concentrate on one or two of the most important and challenging forms of communication.

Announcements

Announcements are the direct or indirect communication of information to different target audiences. Direct communication in the form of announcements, for example in letters or brochures sent through the post, can sometimes be the most effective way to reach a target audience.

The mass media are an important target of governmental information, as they provide a quick way to communicate information to a wide audience. The media also filter information, provide additional comment and raise different points of view. They also provide a channel for public feedback and debate.

The authorities should respond to the demands of the media quickly and in a balanced manner. Civil servants should assist reporters in procuring information. The authorities should endeavour to serve the needs of the media by compiling packages of information on specific topics, providing information on decision-making and the various stages in the process.

The Internet and other computer networks

Computer networks facilitate effective communication of information. It also offers a tool for stimulating broader public debate. Use of the Internet for governmental communication should be developed in order to stimulate dialogue between government and the public and increase active public participation in decision-making. The principle of equality requires access for all stakeholders to those network services that are important to them. Access to information should also be ensured for those who are unable or unwilling to use the new media. In communicating via the Internet, for example, care must be taken to ensure effective security for personal data.

Authorities should present themselves on the Internet in such a way as to facilitate easy access to the issues with which they are involved and to make it easy for the public to form an overall impression of the work they do. Topics should be presented on the basis of content. Formation of an overall impression can be assisted with the use of links and portals arranged according to the different topics. For topics involving input from different authorities, information can be provided through websites built around the topics rather than the separate authorities.

Information produced for use on the Internet should be adapted into a form suited to the medium. For example, news items should be supplemented with links to broader sources of documentary material and archive search engines.

Electronic publishing should be expanded in order to improve access to information. Thought should also be given to the long-term use and archiving of the material produced.

Any material published on the Internet must be reliable. It is of prime importance to keep the information published up to date. Adequate resources should be devoted to the maintenance and further development of communication on the Internet and other networks.

Advertising and sponsorship

Advertising by state administration is essentially a form of social advertising, in which the primary objective is the communication of information. Individual adverts in publications aimed at a specific target audience and paid for by the authorities are acceptable if they can help reach people who would otherwise be hard to reach. On the other hand, the sale of advertising space on governmental communication channels must not endanger the objectivity and independence of the authorities as wielders of public authority.

Careful consideration must always be given to the use of outside campaign funding and other forms of support within state administration. Sponsorship cooperation and joint funding of activities by state authorities must always serve the needs of the authority's own administrative responsibilities. The form of funding must not be allowed to endanger the objectivity or independence of the authorities as wielders of public authority. The opportunity for cooperation must be offered equally to all business enterprises in the sector concerned that can be reasonably assumed to be interested in cooperation. The authorities should not sponsor other organizations. Tax revenue must not be used for participating in fund-raising campaigns, as it is impossible to honour the requirement of impartiality.

IV PLANNING AND ORGANIZATION OF COMMUNICATION IN GOVERNMENT AGENCIES

Planning

The principles of service and participation increase the need for communication that is well planned and also well adapted and targeted both in terms of the medium used and the stakeholders targeted. The importance of communication should already be taken into account at the stage of deciding personnel resources and budgeting.

Good communication is impossible without planning and anticipation. Authorities must have an up-to-date communication plan covering both long-term objectives and the means for achieving them, and short-term operative functions. The areas covered would include agreement on content, timing, methods, stakeholders, costs and monitoring.² Communication and the planning of communication should also be incorporated into the planning of the actual projects.

The planning of communication should strive for predictability, and those needing information should be able to rely on the regularity and consistency of communication. Communication should also be planned so as to allow people to influence issues under preparation.

Organization and responsibility

Communication is a key component of government activities and the achievement of the set goals. The operational and management approach should be based on purposeful, systematic and active communication according to agreed rules of play. Communication should provide an important tool for senior management.

² Decree amending the Decree on the Openness of Government Activities and Good Practice in Information Management, section 8 b.

The heads of government agencies are responsible for ensuring the relevance and appropriateness of their own organization's communication. The head of an agency is also its main communicator. Communication units should provide support for senior management and other officials, taking responsibility for coordination, planning and monitoring of communication. Communication units or other personnel responsible for communication should work directly under senior management.

The head of communication or any other representative of the communication unit should be a member of their agency's management group. A representative of the communication unit should be able to participate in meetings and other events where the issues being discussed are of relevance to the work of the unit. Information officers' access to information should be taken care of by making it incumbent upon civil servants to inform them at a sufficiently early stage about any business pending or awaiting decision.³ Similarly, the communication unit should inform their other colleagues of important issues with a bearing on their work.

Effective internal communication is essential for successful external communication. Internal communication ensures that all members of an organization are aware of the organization's goals and are equipped with all the information essential to carrying out their work. Senior management and supervisory staff have a key role to play in the internal flow of information within government agencies. The ways for internal communication should be made clear to all.

All civil servants should attend to their own communication and interaction with those cooperating partners affected by their work. Members of the public and NGOs are able to make direct contact with officials and political decision-makers. This is a valuable principle, and the practice should not be altered, for instance by the introduction of a spokesman system.

³ Decree amending the Decree on the Openness of Government Activities and Good Practice in Information Management, section 8 c.

Personnel should be aware of what matters have to be communicated, who is responsible for them, and who are responsible for deciding on the release of information. Authorities should ensure that personnel working in customer service have sufficient knowledge of the legislation on right of access to information. Internal codes of practice and training can be used to ensure that officials are aware of their responsibilities.

Monitoring and training

Media monitoring is a key tool for collecting feedback. By concentrating media monitoring or carrying it out in cooperation between a number of authorities, it could be made more effective and less costly. Cooperation should preferably be organized mainly within individual branches of government.

Monitoring and research into communication should be stepped up as far as possible. Efficient exploitation of research data will require systematic and up-to-date collection of data and organization of data files. Information on research results should be passed to the Government Information Unit.

State administration should endeavour to provide regular communication training. Steps should be taken to ensure an adequate level of training for the entire personnel and the participation of civil servants and other officials in the training provided.⁴ Communication skills should be promoted on a broad front, for example through joint training events. The Government Information Unit should be responsible for development of general training in communication throughout state administration.

⁴ Decree amending the Decree on the Openness of Government Activities and Good Practice in Information Management, section 8 c.

V IMPLEMENTING CHANGES IN COMMUNICATION PROCEDURES

The Prime Minister's Office is responsible for general development of external communication across the whole of state administration. The Government Information Unit is in addition responsible for joint communication on behalf of the Government apparatus as a whole, and for coordinating external communication by the ministries.

The ministries are responsible for developing their own communication and for the general development and coordination of communication in their own branch of government. In this respect, their role is particularly to coordinate the drafting of joint information material needed for their branch of government. Public information brochures are a good example of this work. The effectiveness of communication can also be increased by creating and maintaining networks between branch personnel with special responsibilities for communication. These networks could then be drawn on for communication in projects and particularly in situations requiring rapid and intensive communication.

Implementing changes in the communication procedures of state administration will require the integration of communication into the overall process of management. Senior management must ensure implementation of an integrated view of communication. It will be particularly important to ensure internal cooperation between professional communication personnel and civil servants contributing to decision-making. The effectiveness of communication can be ensured by integrating communication with project planning.

Communication is one of the basic responsibilities of every civil servant and is very much a service activity. The Act on the Openness of Government Activities was accompanied by a change in the Penal Code under which divulging information about a document that has not yet been published is no longer a punishable offence. The idea here was to help remove the obstacles to civil servants contributing to public debate. Openness in government processes and debate on public affairs can be advanced by generating an atmosphere that encourages active communication by civil servants.

VI COMMUNICATION IN SPECIAL SITUATIONS AND EMERGENCIES

Society can be confronted by various situations which require rapid reaction from the authorities and more intensive communication than under normal conditions. Such situations are 'special situations', i.e. disturbances in normal conditions, and emergencies. In such situations the target audiences for governmental communication have a much greater need for information than under normal conditions.

Well-organized and well-implemented communication under normal conditions provides a good basis for successful communication in special situations and emergencies. Here, too, governmental communication is based on the general principles of effective communication.

For communication in special situations and emergencies it is important to recognize the situation in time and prepare for sudden changes. Information officers should be involved in planning and implementation from the outset. In special situations and emergencies there is a premium on a constant supply of reliable, up-to-the-minute information. Readiness for action should be intensified in a flexible manner to suit the demands of the situation. The most appropriate channels should be used in each situation; mass media has a key position here, but communication on the Internet may also be very important.

Special situations and emergencies will inevitably affect several organizations within state administration simultaneously. This means the division of labour and responsibilities within state administration must be clearly delineated, and the responsible authorities must be able to grasp the situation in the round. Successful management of such situations will require joint practice and preparation by the authorities. Such situations should be prepared for by drawing up operating procedures defining the responsibilities for communication and distribution of information and other factors to be taken into account in communication such as the practical functions of communication units.

Communication in special situations

Special situations, or disturbances in normal conditions, are situations of danger in which the authorities have to rapidly intensify their operations. In such situations, general responsibility for leadership belongs to the authority whose branch of government is closest to the source of the danger. Where necessary, operations will be led centrally. Care must be taken to ensure that communication neither causes nor deepens a crisis.

Special situations, or disturbances in normal conditions

Special situations, or disturbances in normal conditions, refer to a range of possible events or phenomena with implications for the environment, industry, trade, the technologizing of society and particularly the everyday life and security of the population at large.

Special situations in this sense can include uncontrolled migrations of large numbers of people, widespread environmental destruction caused by pollution, epidemics, various risks attendant on international trade, international crime, high-jacks of airliners or other means of transport, major traffic accidents and other major accidents. Major problems with information systems can also constitute special situations.

A major accident can be classed as a special situation if it has wide-ranging effects but can nevertheless be managed within the normal powers available to the authorities. Such accidents include oil spills, other emissions harmful to the environment, accidents relating to peacetime use of nuclear power and major traffic accidents.

Special situations can often resemble emergencies and can also be comparable in their effects. The same sorts of action are required of the authorities in both cases, and the authorities must therefore already raise their level of readiness and reinforce their capacity to act when the situation threatens to come to a head, even if emergency powers as such will not in the event be required. The authorities should act flexibly and effectively in an attempt to prevent problem situations arising and to manage those that have already arisen.

Heightened demand for information and the main goals of information provision

Disturbances in normal conditions must be recognized as quickly as possible. Immediately upon noticing a heightening of demand for information or a change in the communication climate, authorities must contact other authorities and cooperating partners in their branch of government. They must also make immediate contact with the Government Information Unit.

The general public must be kept constantly up to date with the developing situation, and they must be informed of decisions and actions by the authorities. In respect of special situations, it is important to recognize that the demand for public information will inevitably increase, particularly in situations perceived as posing a threat to public safety and health. The media must also be kept up to speed with the unfolding events. Both the authorities and the media must take great care to ensure inadequate, misleading or inaccurate information does not exacerbate the prevailing situation.

In special situations, the authorities must be prepared to respond to a demand for information at national level, or even internationally, even where the event itself may only be local and there may be no need for any special action other than stepping up the provision of information. The authorities must take steps to ensure information provision does not interfere with efforts to resolve the situation or alleviate its consequences.

Intensified information provision can also be continued even after the return of normal conditions. At this time, it is important to provide information on any effects the situation may have had or may have on public health, the economy and other areas of society. Consideration should also be given to provision of information on other possible consequences. The authorities responsible for information are also to prepare an assessment of how successful the information effort was.

Responsibility and coordination of information provision

Overall responsibility for leading information provision lies with the authority whose branch of government is most directly affected. If the disturbance requires action by several authorities and it is unclear who should take overall responsibility, the Government will decide the matter in accordance with section 4 of the Government Act (145/2000).

Responsibility for the content of information lies with the authority in charge of operations. Each authority should provide information on its own actions. Authorities should devote particular attention to their own internal information flows, while also providing information on the division of responsibilities between the different authorities.

The Government Information Unit may where necessary provide expert advice and other assistance relating to information provision. The need for liaison between the Government Information Unit and the authority responsible for information provision becomes more acute if the situation deteriorates and demands special preventive measures, interpretation of what has happened or action to deal with the consequences.

Information provision on matters discussed by the Government is handled centrally by the Government Information Unit. It is always advisable to involve the Government Information Unit in information provision when a disturbance touches several branches of government, even if it has not yet been discussed by the Government or if no information provision has yet been placed under its direct responsibility. If the situation so demands it, the Government Information Unit can bring in assistance from information officers in other parts of state administration.

During disturbances to normal conditions it is normally essential to immediately increase the volume of information provided abroad. The authority handling domestic information must then work in close cooperation with the Ministry for Foreign Affairs' Press and Culture Department, which is responsible for monitoring interna-

tional news coverage of the situation in Finland, reporting on it and initiating action in cooperation with the relevant Finnish authorities to provide foreign media with the information they need.

Official information on the radio

The authorities can issue emergency bulletins or other official bulletins over the radio with instructions for those living in or visiting danger areas.

An emergency bulletin should be issued if there is immediate or clear danger to human life, or if there is a threat of considerable damage to property or the environment. Emergency bulletins are to be read immediately and simultaneously on all radio channels. Other official bulletins can be issued in situations where there is no immediate threat to human life or of considerable damage to property or the environment.

Emergency bulletins are to be issued by the rescue, police or border guard authority in charge of operations. Where the danger concerns nuclear radiation, emergency bulletins may also be issued by the Radiation and Nuclear Safety Authority. Besides the above authorities, other official bulletins can also be issued by the Ministry of Social Affairs and Health, the Ministry of Agriculture and Forestry and the Ministry of the Environment. Emergency bulletins and other official bulletins should be forwarded to the Finnish Broadcasting Company (YLE) via the relevant emergency response centre.

Research activities and outside contacts

The importance of research into opinions, attitudes and communication is heightened during situations where normal conditions are disturbed in some way. For example, quickly launched research can help the authorities monitor and analyse the public's picture of the prevailing situation and its likely consequences. Systematic research can provide valuable support for decision-making by the authorities and help to prevent rumours and the spread of mistaken or misleading information.

The Prime Minister's Office should have overall responsibility for developing and implementing research into opinions, attitudes and communication in both normal conditions and emergencies. During disturbances to normal conditions, practical responsibility for planning and commissioning research should be exercised by the Government Information Unit.

The research data should be gathered by commercial research institute. In worsening situations, the authorities should increase cooperation with the research institutes and Statistics Finland.

The Government Information Unit should develop and maintain contacts with labour market organizations, NGOs and other key actors outside the public sector. Working relations with these groups should be established already under normal conditions.

Follow-up monitoring and preparation for changes in the situation

Preparations must be made for stepping up operations should the situation deteriorate. Information officers should be involved from the outset in action to deal with disturbances in normal conditions, and they should also be linked into the authority's emergency warning system.

In order to improve information capacity, information provision must be analysed and feedback gathered both during situations and afterwards. Messages sent out should be recorded and saved. Archives should also be developed for press cuttings, news broadcasts, photographs, videotapes and other possible recordings on the matter. Analysis of the saved information material can clarify the flow of information, the work of the mass media and the impact of news coverage.

Feedback is important to the steering and further development of communication. The key point is to clarify how and why the authorities succeeded and/or failed in their information provision. Guidelines, plans and responsibilities should then be reviewed on the basis of the feedback received and the experiences gained in the situation. It would be a good idea to examine and analyse these issues together with key cooperating partners and the mass media.

Guidelines for information provision in emergencies

This recommendation deals on a general level with governmental communication in emergencies, both those less serious than the threat of war and the threat of war or actual war. The Prime Minister's Office plans to issue separate, more detailed instructions on communication in emergency situations.

Emergencies

The Emergency Powers Act defines emergencies as armed attacks on Finland and war or the aftermath of war, serious infringement of Finland's territorial integrity and threat of war, war or the threat of war between foreign states and other events outside Finland comparable in their effects, if they could present a serious threat to the foundations of Finland's national survival and wellbeing.

Other situations defined in the Act as emergencies are major accidents and serious threats to the livelihood of the population or the national economy caused by disruptions to or restrictions on the import of essential fuels, other energy, raw materials or other goods or by other sudden disturbances in international trade with comparable effects.

A further condition is that the situation cannot be managed under the normal powers belonging to the authorities. The State of Defence Act (1083/1991) covers wars and rebellions.

Emergency Powers Act (1080/1991)

The basic requirements of information provision –reliability, openness and an active approach –also apply in emergencies. The main aim must be to inform members of the public of their rights and duties and keep them up to date on the prevailing situation, decisions and actions by the authorities, and decisions affecting Finland. The provision of information on decisions and actions by the authorities should be stepped up in line with the developing situation on the ground.

During emergencies, special care should be taken to inform the public of action taken to maintain the safety and health of the population. In crisis situations, the authorities should also be constantly seeking

information on the thoughts, fears and hopes of the public.

Emergency preparations should in addition set out from the basic principle that members of the public should at all times be guaranteed the right to freedom of expression and opinion, and the independence of the media should be ensured without the introduction of censorship.

Information provision in emergencies less serious than the threat of war

Information at national level

General development and coordination of national information is the responsibility of the Prime Minister's Office, in practice the Government Information Unit, also in emergencies.

In the event of a deepening crisis, the authorities should raise their level of operational readiness without the need for special instructions from the centre. The basic principle is that each authority is responsible for providing information on its own branch of government even in emergencies, and that senior management is responsible for the organization and content of information provision in their own unit.

In deteriorating situations, the Government's role as the senior national authority responsible for public information takes on added prominence. Cooperation between the Government Information Unit and other authorities should be stepped up to meet the demands of the developing situation.

When an emergency situation becomes more serious, responsibility for information can be transferred from specific individual authorities to the Government Information Unit. Once the Emergency Powers Act has been invoked, the Government may also determine as necessary when and how many government information officers should be transferred to the Government Information Unit.

Each authority's own right, responsibility and obligation to inform should be defined in more detail in the authority's guidelines on information and the standing orders of each unit.

Research activities

The importance of research into opinions, attitudes and communication is heightened during emergencies. Overall responsibility for developing and implementing research relating to state administration should remain with the Prime Minister's Office.

Information at regional and local level

The role of information provision at regional level is to serve residents and businesses in the area by supplementing national information with more detailed information taking account of local needs.

The main responsibility for information at regional level lies with the State Provincial Offices. Other key regional authorities in respect of information provision are the employment and economic development centres, the regional environment centres, and the army commands and military provinces. The main responsibility for information at local level lies with the municipalities.

Cooperation between civil and military authorities

At national level, the Government Information Unit should liaise closely with Information Division of the Defence Staff.

The State Provincial Offices are charged with coordinating preparation at provincial level for emergencies as referred to in the Emergency Powers Act by organizing in their respective provinces the joint activities required under the Act.

The role of the army commands is to take charge of coordination between the military authorities and the State Provincial Offices and other authorities whose remit covers several military provinces.

The mass media

The Emergency Powers Act (1080/1991) empowers the authorities to use the mass media to publish information on application and compliance with the Act. The authorities empowered to issue information in this way are the Government, the ministries, the provincial State authorities, the municipal boards and the relevant military authorities (Emergency Powers Act, section 43).

The provision applies to all information that must be communicated quickly to the public nationally or in a given area to facilitate the proper implementation of the Act. Such instructions must be published by the media unedited. They can, however, also be used in news bulletins.

Information provision under threat of war or actual war

Information at national level

In line with the key principle of preparation for emergencies, the authorities should also as far as possible take care of their own information provision even in a serious crisis such as the threat of war or actual war.

In a deepening crisis, responsibility for information may have to be concentrated in a reinforced Government Information Unit. Under the emergency powers legislation, the Government will decide on the timing and extent of any such concentration. The Government will also determine when and how many government information officers should be transferred to reinforce the Government Information Unit.

At the latest when war threatens a group should be set up for coordinating information provision with representatives from all the key ministries and the Defence Staff.

At the latest when transferring to a state of full readiness under the threat of or during time of war, a Government Information Centre

should be set up with the following operational units: information, research and psychological defence, liaison with national organizations, and administrative support services.

Information at regional and local level

Responsibility for information at regional level should remain with the State Provincial Offices and other regional authorities even under threat of war or actual war. The State Provincial Offices should be responsible for coordinating information provision at regional level, but in deepening emergencies in ever closer cooperation with the army commands.

The main responsibility for information at local level should remain with the municipalities.

The mass media

The State of Defence Act (1083/1991) contains no provisions on censorship or prior vetting. However, under a state of defence the mass media are expected to observe the principles governing confidentiality.

Psychological defence

The Government Information Unit is already responsible under normal conditions for initial preparatory work, planning and practical preparation of general psychological defence, while in a crisis the Government Communication Centre is responsible for implementation and the monitoring of results.

The Defence Forces are responsible for psychological defence and the maintenance and raising of morale in military defence.

VII SPECIAL AREAS OF COMMUNICATION

International communication

The internationalization of state administration and decision-making have increased the need for effective communication. This can provide members of the public with a reasoned presentation of international issues that can enable them to form a clear overall picture of what is involved. It is also important to take care of communication in the international arena.

EU information

EU affairs have to be communicated to the public every bit as much as other state business. In addition to communication by state administration, communication relating to the European Union is also provided by many other organizations in Finland, including the European Commission's Representation in Finland, the European Parliament's Information Office, and a range of networks and NGOs that have their own communication organizations for distributing information on the EU.

Communication by the Government

It is important to have a clear distribution of responsibility for communication on behalf of the Government. The Government's responsibility is only to communicate about its own plans, decisions and actions. Communication by the Government and the ministries is in one respect simply the discharge of official duties, but on the other hand it is also a key component in the exercise of political leadership. It is important to distinguish clearly between party-related communication and communication on behalf of state administration per se.

Communication on draft budgets and budget negotiations

With the exception of any information classified as secret, the ministries' draft budgets and related memoranda and their proposed spending limits for their branches of government become public once the

Minister of Finance has signed his first decision on a proposal for a budget submission. Other papers drafted for or in relation to the preparation of the final budget proposal and forwarded to the Ministry of Finance after this date become public once the budget proposal has been presented to Parliament.

The Ministry of Finance's proposal is published once the Ministry has completed its own internal budget preparations. The other ministries publish their own draft budgets at the same time as the Ministry of Finance's proposal is published.

The Government Information Unit publishes information on the Government budget session with assistance from the Ministry of Finance's Press and Information Unit.

As with other Government proposals, the budget proposal is treated as public information after the end of the Government budget session. All material forwarded by the ministries in relation to the preparation of the final budget proposal also becomes public information at this time.

Information on state business activities

Information on state business activities refers to the provision of information on the affairs of unincorporated State enterprises and State-owned joint-stock companies. Government is responsible for providing information on its own activities, and private companies for their own. In addition to the principles governing governmental information provision, publicly listed companies in which the State has a holding are also covered by *stock exchange principles of disclosure*. Publication of information in these companies is subject to the provisions of the Securities Markets Act and the Companies Act. Information provision is subject particularly to restrictions on insider information and the requirement of disclosure.

Restrictions on *insider information* affect disclosure of information primarily while decisions are being prepared: misuse of insider information is prohibited, insiders are required to disclose information, and companies are required to maintain a register of insiders.

There are set periods during which insiders are not permitted to sell their shares. If any shareholder in a listed company becomes privy to more information than the other shareholders, he has to be registered as an insider immediately.

The *requirement of disclosure* requires companies to inform all their shareholders on an equal basis. Such a requirement arises immediately a decision has been taken that could fundamentally affect the share value of a listed company. The political and multilayered nature of decision-making in the enterprises concerned also means information on matters pertaining to state business activities should be released as early as possible.

Responsibility for the provision of information on State-owned companies is distributed between the owner, i.e. the State, and the company according to the nature of the matter at issue. The more general the matter, the greater is the role of the State (state administration) in information provision. The basic principle is that the State as owner does not interfere in the operative management of the company but uses its power as owner primarily at general meetings of the company. This leaves operative management and related information provision in the hands of the company. Responsibilities and arrangements for information provision should always be agreed on a case-by-case basis. The general principles governing the distribution of responsibilities for information provision between the State and State-owned companies can be depicted as follows:

The Government or the relevant ministry is responsible for information provision

- on the general principles, goals and results of ownership policy;
- when the matter concerns several State-owned companies at the same time;
- on changes in the ownership relations within State-owned companies (for example, changes in authority to sell or other ownership arrangements).

The relevant ministry and the company are jointly responsible for information provision

- when the matter concerns an individual company, i.e. more concrete cases than those listed above.
- Responsibility can be seen as gradually shifting from the ministry to the company along a continuum: the ministry initially provides information on general principles and the company takes responsibility for information on details such as an initial public offering or strategic measures affecting an individual company.

The company is responsible for information provision

- on matters relating to operative management;
- on investments, earnings and other matters on which companies generally have to publish information;
- on topical issues.

VIII RELATED LEGISLATION

The following legislation applies to or touches on communication by state administration:

- Act on the Openness of Government Activities (621/1999, appended)
- Constitution of Finland (731/1999)
- Administrative Procedure Act (598/1982)
- Copyright Act (404/1961)
- Personal Data Act (523/1999)
- Emergency Powers Act (1080/1991)
- State of Defence Act (1083/1991)

ACT ON THE OPENNESS OF GOVERNMENT ACTIVITIES⁵

(621/1999; amendments up to 1151/2001 included)

Chapter 1 General provisions

Section 1 Principle of openness

- (1) Official documents shall be in the public domain, unless specifically otherwise provided in this Act or another Act.
- (2) There are specific provisions that apply to the right to attend Parliamentary plenary sessions, meetings of municipal councils and other municipal bodies, court hearings and meetings of ecclesiastical bodies.

Section 2 Scope of application

This Act contains provisions on the right of access to official documents in the public domain, officials' duty of non-disclosure, document secrecy and any other restrictions of access that are necessary for the protection of public or private interests, as well as on the duties of the authorities for the achievement of the objectives of this Act.

Section 3 Objectives

The objectives of the right of access and the duties of the authorities provided in this Act are to promote openness and good practice on information management in government, and to provide private individuals and corporations with an opportunity to monitor the exercise of public authority and the use of public resources, to freely form an opinion, to influence the exercise of public authority, and to protect their rights and interests.

⁵ Unofficial translation[®] Ministry of Justice, Finland

Section 4

Authorities

- (1) For the purposes of this Act, authorities are defined as:
- 1) State administrative authorities and other State agencies and institutions;
 - 2) courts of law and the other bodies for the administration of the law;
 - 3) State enterprises;
 - 4) municipal authorities;
 - 5) the Bank of Finland, including the Finance Supervision Authority, the National Pensions Institution and other independent institutions subject to public law; however, this Act applies to the documents of the Pensions Security Centre and the Agricultural Pensions Institute as provided in paragraph (2);
 - 6) Parliamentary agencies and institutions;
 - 7) Åland authorities, when performing the duties of State authorities in Åland;
 - 8) independent boards, consultative bodies, commissions, committees, working groups, investigators, as well as auditors of municipalities and federations of municipalities, and other comparable organs appointed for the performance of a given task on the basis of an Act, a Decree or a decision of an authority referred to in subparagraph (1), (2) or (7).
- (2) The provisions on an authority also apply to corporations, institutions, foundations and private individuals appointed for the performance of a public task on the basis of an Act, a Decree or a provision or order issued by virtue of an Act or a Decree, when they exercise public authority. Separate provisions apply to access to the documents of the Evangelical Lutheran Church.

Section 5

Official document

For the purposes of this Act, a document is defined as a written or visual presentation, and also as a message relating to a given topic or subject-matter and consisting of signs which, by virtue of the use to which they are put, are meant to be taken as a whole, but are decipherable only by means of a computer, an audio or video recorder or some other technical device.

- (2) An official document is defined as a document in the possession of an authority and prepared by an authority or a person in the service of an authority, or a document delivered to an authority for the consideration of a matter or otherwise in connection with a matter within the competence or duties of the authority. In addition, a document is deemed to be prepared by an authority if it has been commissioned by the authority; and a document is deemed to have been delivered to an authority if it has been given to a person commissioned by the authority or otherwise acting on its behalf for the performance of the commission.
- (3) Subject to the exceptions provided in paragraph (5), the following are deemed not to be official documents:
- 1) a letter or other document sent to a person in the service of an authority or to an elected official because of another task performed or position held by the recipient;
 - 2) notes kept by a person in the service of an authority or a person commissioned by an authority and such drafts which have not yet been released for presentation or other consideration;
 - 3) documents procured for in-service training, information retrieval or any other comparable internal activity of an authority;
 - 4) a document given to an authority for the performance of a task on behalf of a private party, or prepared for this purpose;
 - 5) a document left with or handed in to an authority as lost property.
- (4) This Act applies to documents prepared for negotiations or communications between persons in the service of authorities or between authorities and private individuals or corporations acting on their behalf, or for other comparable internal activities of such authorities, only if the documents contain such information that, according to the archives legislation, they are to be archived. However, if the documents are archived, the authority may order that access to them may be granted only by permission of the authority.
- (5) The provisions on document secrecy in section 24 of this Act or in another Act apply also to documents referred to in paragraph (3)(2) and paragraph (4).

Chapter 2

When documents enter the public domain

Section 6

When a document prepared by an authority enters the public domain

- (1) Unless otherwise provided on document publicity or secrecy or another restriction of access to information in this Act or another Act, a document prepared by an authority shall enter the public domain as follows:
 - 1) an entry in a continuously updated diary or comparable register enters the public domain when it is made; however, information on a suspect in the diary of a prosecutor enters the public domain only after the application for a summons or the prosecutor's summons has been signed or verified in a similar manner, or after the public prosecutor has decided to waive prosecution or the matter has lapsed;
 - 2) in cases other than those referred to in subparagraphs (3) and (4), an invitation to tender, to provide information or to comment, as well as a proposal, a proposition, a motion, a notification and a petition, including any appendices, enters the public domain when it has been signed or confirmed in another comparable manner;
 - 3) in cases relating to a service or procurement contract or any other contract based on tenders, a request for information supplementary to the tender and any other accounts and documents prepared for the consideration of such tenders enter the public domain when the contract has been awarded;
 - 4) the budget propositions of ministries and the agencies and institutions within their fields of competence enter the public domain when the Ministry of Finance has signed its first position on the budget proposition; thereafter, the propositions sent to the Ministry of Finance from the other ministries and the other propositions drafted for and included in the budget proposal enter the public domain when the budget proposal has been submitted to Parliament;
 - 5) studies and statistics, as well as other comparable accounts which, forming a coherent whole, contain information on the alternatives, reasons and impacts pertaining to a decision or

plan of general importance, even when they otherwise concern unfinished business, enter the public domain when they are fit for their purpose;

- 6) minutes enter the public domain when they have been scrutinised and signed or confirmed in a comparable manner, unless they have been kept for the preparation of a matter or for the internal use of the authority;
 - 7) a court order or judgment enters the public domain from the moment it is handed down or when it is made available to the parties;
 - 8) a decision, a statement, an instrument and a contractual commitment of an authority, as well as the pertinent memoranda, minutes and other documents not referred to in subparagraphs (1)-(3) or (5)-(7), enter the public domain when the decision, statement, instrument or contract has been signed or confirmed in a corresponding manner;
 - 9) a document not referred to in subparagraphs (1)-(3) or (5)-(7) enters the public domain when the consideration of the pertinent matter has been concluded by that authority.
- (2) Notwithstanding the provisions in paragraph (1), commission reports, discussion papers and other similar documents intended for general dissemination enter the public domain when they are in the possession of an authority for dissemination.
 - (3) If an instrument or other document is to be issued, the authority shall, where necessary, make its best effort to provide the parties to the matter with information on the contents of the document before it enters the public domain.

Section 7

When a document delivered to an authority enters the public domain

- (1) Unless otherwise provided on document publicity or secrecy or another restriction of access to information in this Act or another Act, a document delivered to an authority for the consideration of a matter or otherwise in connection with a matter within its jurisdiction or duties shall enter the public domain when the authority has received it.
- (2) Expert opinions and other such documents that are to be opened at a given time or after the lapse of a given period shall enter the

public domain, subject to the restrictions referred to in paragraph (1), after the moment they have been opened. Procurement, service and other tenders that have been delivered to an authority on the basis of an invitation to tender and that result in a contract enter the public domain, subject to the restrictions referred to in paragraph (1), when the contract is awarded.

- (3) Unless otherwise provided in the rules of secrecy or some other restrictions of access, a document that can be deciphered only by means of a device enters the public domain at the earliest when it is available to an authority or a person acting on behalf of the authority.

Section 8

General dissemination of a document

Statistics on the development of the national economy, initiatives and action plans of economic policy and other similar documents the contents of which could obviously have an impact on the capital and financial markets, shall be generally disseminated as soon as possible after the event referred to in sections 6 and 7.

Chapter 3

Right of access to a document

Section 9

Access to a document in the public domain

- (1) Everyone shall have the right of access to an official document in the public domain.
- (2) Access to a document which is not yet in the public domain under sections 6 and 7 shall be granted at the discretion of the authority. The provisions in section 17 shall be taken into account when discretion is exercised.

Section 10

Access to a secret document

No access to a secret document or its contents shall be granted, unless specifically otherwise provided in this Act. When only a part of a document is secret, access shall be granted to the public part of the document if this is possible without disclosing the secret part.

Section 11

Parties' right of access

- (1) A petitioner, an appellant and any other person whose right, interest or obligation in a matter is concerned (a party) shall also have the right of access, to be granted by the authority which is considering or has considered the matter, to the contents of a document which is not in the public domain, if they may influence or may have influenced the consideration of his/her matter.
- (2) A party, his/her representative or counsel shall not have the right of access referred to in paragraph (1) above to:
 - 1) a document, access to which would be contrary to a very important public interest, the interest of a minor or some other very important private interest;
 - 2) a document produced or prepared in the course of a criminal investigation or police inquiry before the completion of the investigation or inquiry, if access would impede the clearing up of the case;
 - 3) a presentation memorandum, a draft decision or a comparable document prepared by an authority for the preparation of a matter, before the consideration of the matter by that authority has been concluded; however, access to a paper written in a matriculation examination and to the identity of the moderator designated by the Matriculation Examinations Board to mark the paper shall not be granted until the Board has finalised the marks given for the papers;
 - 4) a document prepared or procured by an authority acting as a litigant in a trial, if access would be contrary to the interests of the public corporation or the corporation, foundation, institution or person referred to in section 4(2) in the trial;
 - 5) information compiled during enforcement proceedings and not relating to the economic situation of the debtor, unless it is necessary for a court action for the recovery of assets to a bankrupt estate;
 - 6) information compiled in connection with an official invitation to tender and relating to the business or professional secret of another tenderer, with the exception of the tender price;
 - 7) the address, telephone number or other comparable contact information of a witness, an injured party, another party to the matter or a person who has reported an offence, made a report

referred to in section 40 of the Child Welfare Act (683/1983) or another report giving rise to official action, if access would compromise the safety, interest or right of the witness, injured party, other party or the person making the report.

- (3) If a document forms a part of the documentation in a civil or criminal trial, a party shall have access to it regardless of the restrictions in paragraph (2), except for the case referred to in paragraph (2)(7). In so far as the document contains information on deliberations referred to in chapter 1, section 7 of the Code of Judicial Procedure, access to it shall be subject to the permission of the authority.
- (4) A person whose standing to appeal a decision is based on membership of a municipality or any other corporation shall have access to the decision by virtue of this section only in so far as it is in the public domain.

Section 12

Access to a document pertaining to the individual

Unless otherwise provided in an Act, every individual shall have the right of access to information contained in an official document and pertaining to themselves, subject to the restrictions provided in section 11(2) and (3).

Chapter 4

Granting access to a document

Section 13

Request for access to a document

- (1) A request for access to an official document shall be sufficiently detailed, so that the authority can determine which document the request concerns. The person requesting access shall be assisted, by means of official diaries and indexes, to specify the document to which access is being requested. The person requesting access need not identify himself/herself nor provide reasons for the request, unless this is necessary for the exercise of the authority's discretion or for determining if the person requesting access has the right of access to the document.
- (2) When requesting access to a secret document, a personal data filing system controlled by an authority or any other document, ac-

cess to which can be granted only subject to certain conditions, the person requesting access shall, unless specifically otherwise provided, declare the use to which the information is to be put, as well as give the other details necessary for determining whether the conditions have been met and, where necessary, explain what arrangements have been made for the protection of the information.

Section 14

Decision on access

- (1) Unless otherwise provided, the decision to grant access to an official document shall be made by the authority in possession of the document. The decision to grant access to a document commissioned by an authority or to a document issued in connection with a task performed on commission by any other authority shall be made by the commissioning authority, unless otherwise required by the nature of the commission.
- (2) Access to the contents of a document shall be granted by an official or employee who has been so designated by the authority or to whom the task otherwise belongs by virtue of his/her office or duties.
- (3) If the official or the other person referred to in paragraph (2) refuses to grant the requested access, he/she shall
 - 1) inform the person requesting access of the reason for the refusal;
 - 2) inform the person requesting access that he/she may have the matter decided by the authority;
 - 3) ask a person who has filed a written request for access whether he/she wishes to have the matter forwarded to that authority; and
 - 4) inform the person requesting access of the charges involved in the consideration of the request.
- (4) A matter referred to in this section shall be considered without delay, and access to a document in the public domain shall be granted as soon as possible, and in any event within two weeks from the date when the authority received the request for the document. If the number of the requested documents is large, if they contain secret parts or if there is any other comparable reason for the consideration and the decision of the matter requiring special measures or otherwise an irregular amount of work, the matter shall be decided and access to

the document granted within one month of the receipt of the request for access by the authority.

Section 15

Forwarding the request for a document to another authority

- (1) If access is requested to a document prepared by another authority or pertaining to a matter under consideration by another authority, the request may be forwarded to be dealt with by the authority that has prepared the document and is responsible for the consideration of the matter as a whole.
- (2) If access is requested to personal, business, real estate or vehicle data or other similar identification or address information which is entered into a register meant for public use by another authority, the request may be transferred for the consideration of the appropriate registration authority.

Section 16

Modes of access

- (1) Access to an official document shall be by explaining its contents orally to the requester, by giving the document to be studied, copied or listened to in the offices of the authority, or by issuing a copy or a printout of the document. Access to the public contents of the document shall be granted in the manner requested, unless this would unreasonably inconvenience the activity of the authority owing to the volume of the documents, the inherent difficulty of copying or any other comparable reason.
- (2) Access to the public information in a computerised register of the decisions of an authority shall be provided by issuing a copy in magnetic media or in some other electronic form, unless there is a special reason to the contrary. Similar access to information in any other official document shall be at the discretion of the authority, unless otherwise provided in an Act.
- (3) Access may be granted to a personal data filing system controlled by an authority in the form of a copy or a printout, or an electronic-format copy of the contents of the system, unless specifically otherwise provided in an Act, if the person requesting access has the right to record and use such data according to the legislation on the protection of personal data. However, access to personal data for pur-

poses of direct marketing, polls or market research shall not be granted unless specifically otherwise provided or unless the data subject has consented to the same.

Chapter 5

Duty of the authorities to promote access and good practice on information management

Section 17

Taking the right of access into account in decision-making

- (1) When making decisions under this Act and also otherwise when performing its duties, an authority shall see to it that, in view of sections 1 and 3, access to information on the activities of the authority is not unduly or unlawfully restricted, nor more restricted than what is necessary for the protection of the interests of the person protected, and that the persons requesting access are treated on an equal basis.
- (2) In the application of the provisions on document secrecy, attention shall also be paid to whether the secrecy obligation is independent of the case-by-case consequences of access (strict secrecy), whether any access to the document is based on the adverse consequences of access (secrecy based on putative access), or whether any access to the document requires that there manifestly are no adverse consequences of access (secrecy based on putative secrecy).

Section 18

Good practice on information management

- (1) In order to create and realise good practice on information management, the authorities shall see to the appropriate availability, usability, protection, integrity and other matters of quality pertaining to documents and information management systems and, for this purpose, especially:
 - 1) maintain an index of any matters submitted and taken up for consideration and any matters considered and decided, or otherwise make sure that their public documents can be easily located;
 - 2) draw up and make available specifications on their information management systems and the public information con-

tained therein, unless granting access to such information would be contrary to the provisions in section 24 or in some other Act;

- 3) when the introduction of information management systems or administrative or legislative reforms are being prepared, analyse the effect of the proposed reform on the publicity, secrecy and protection of documents and on the quality of the information contained therein, as well as undertake the necessary measures for the safeguarding of the rights pertaining to the information and its quality, and for the arrangement of the protection of the documents, the information management systems and the information contained therein;
- 4) plan and realise their document and information administration and the information management systems and computer systems they maintain in a manner allowing for the effortless realisation of access to the documents and for the appropriate archiving or destruction of the documents, the information management systems and the information contained therein, as well as for the appropriate safeguarding and data security arrangements for the protection, integrity and quality of the documents, the information management systems and the information contained therein, paying due attention to the significance of the information and the uses to which it is to be put, to the risks to the documents and the information management systems and to the costs incurred by the data security arrangements;
- 5) see to it that their personnel are adequately informed of the right of access to the documents they deal with and the procedures, data security arrangements and division of tasks relating to the provision of access and the management of information, as well as to the safeguarding of information, documents and information management systems, and that compliance with the provisions, orders and guidelines issued for the realisation of good practice on information management is properly monitored.

- (2) More detailed provisions on the measures necessary for the realisation of the obligations provided in paragraph (1) shall be issued by Decree. However, more detailed provisions on the diaries of the courts and prosecutors shall be issued by the Ministry of Justice. Provisions

may be issued by Decree on the powers of the Government to issue more detailed orders and guidelines on the technical specifications for data security arrangements and procedures for the safeguarding of information management systems and the information contained therein, ensuring the integrity and quality of the information and the transfer of information by way of data networks, as well as on the classification, within the State administration, of the pertinent documents, information management systems and the information contained therein.

- (3) The provisions in the Archives Act (831/1994) and the provisions and orders issued on the basis of that Act apply to the duties of the archive service.

Section 19

Duty of the authorities to provide access to information in pending matters

- (1) Unless otherwise follows from the secrecy provisions, an authority shall keep available the documents which contain information on
- 1) the initiation of a legislative reform project, a commission relating to the same, a deadline set and the person in charge of the drafting; and
 - 2) plans, accounts and decisions on pending matters of general importance.
- (2) When requested to do so, the authority shall, orally or by another convenient means, provide access to information on the stage of consideration, alternatives and impact assessments relating to matters referred to in paragraph (1), as well as on the opportunities of private individuals and corporations to exercise an influence on the matters.

Section 20

Duty of the authorities to produce and disseminate information

- (1) The authorities shall promote the openness of their activities and, where necessary for this purpose, produce guides, statistics and other publications, as well as information materials on their services and practices, as well as on the social conditions and developments in their field of competence. When the extent of this duty is being assessed, due consideration shall be given to the opportunities to obtain information on the activity of the authority by means of access to its documents or the

general compilations of statistics in Finland.

- (3) The authorities shall publicise their activities and services, as well as the rights and obligations of private individuals and corporations in matters falling within their field of competence.

The authorities shall see to it that the documents or the pertinent indexes which are essential to the general public's access to information are available where necessary in libraries or public data networks, or otherwise easily accessible to the members of the public.

Section 21

Production of sets of data on request

- (1) When requested to do so, an authority may compile and deliver a set of data formed from signs contained in one or more computerised information management systems and maintained for various purposes, if such delivery is not contrary to the provisions on document secrecy and the protection of personal data owing to the search criteria used, the volume or quality of the data or the intended use of the set of data.
- (2) Where permitted by the authorities concerned and subject to the provisions in paragraph (1), the set of data may be compiled also from information management systems maintained by different authorities.

Chapter 6

Secrecy obligations

Section 22

Document secrecy

- (1) An official document shall be secret if it has been so provided in this Act or another Act, or if it has been declared secret by an authority by virtue of an Act, or if it contains information covered by the duty of non-disclosure, as provided in an Act.
- (2) A secret official document, a copy or a printout thereof shall not be shown or given to a third party or made available to a third party by means of a technical interface or otherwise.

Section 23

Non-disclosure and prohibition of use

- (1) A person in the service of an authority and an elected official shall not disclose the secret content of a document, nor information which

would be secret if contained in the document, nor any other information obtained in the service of the authority, where covered by a duty of non-disclosure provided in an Act. The provision on non-disclosure shall apply also after the service or the performance of the task on behalf of the authority has ceased.

- (2) The provision in paragraph (1) applies also where trainees or other temporary personnel, persons commissioned by the authority or persons in the service of such persons have acquired secret information by virtue of an Act or a permission based on an Act, unless otherwise provided in the Act or laid down in the permission. A party, his/her representative or counsel shall not disclose to third parties secret information obtained by virtue of party status and concerning other persons than the party himself.
- (3) A person referred to above in paragraph (1) or (2) shall not use secret information for personal benefit or the benefit of another, nor for the detriment of another. However, a party, his/her representative and counsel may use information concerning a person other than the party himself/herself, where the matter concerns the right, interest or obligation on which the access of the party to the information is based.

Section 24

Secret official documents

- (1) Unless specifically otherwise provided, the following official documents shall be secret:
 - 1) the documents of the Government Foreign Affairs Committee, unless otherwise decided by the Committee, as well as the political assessments of the Ministry for Foreign Affairs and the Finnish missions abroad, the documents concerning political or economic negotiations with a foreign state and the coded messages in the field of foreign affairs administration, unless otherwise decided by the Ministry;
 - 2) the documents, other than those referred to in subparagraph (1), concerning the relationship of Finland with a foreign state or an international organisation; the documents concerning a matter pending before an international court of law, an international investigative body or some other international institution; as well as the documents concerning the relationship of the Republic of Finland, Finnish citizens, Finnish residents or corporations

operating in Finland with the authorities, persons or corporations in a foreign state, if access to such documents could damage or compromise Finland's international relations or its ability to participate in international co-operation;

- 3) the reports of offences made to the police and any other authorities carrying out criminal investigations, as well as to the public prosecutor and the authorities charged with responsibility for inspection and supervision; the documents obtained or prepared for purposes of criminal investigations or a decision on whether to bring charges, as well as the application for a summons, the summons and the defendant's response in a criminal case, until a decision has been made for a hearing in the case, the public prosecutor has decided to waive prosecution, or when the case has been abandoned, unless it is obvious that access to the documents will not compromise the clearing up of the offence, the achievement of the objectives of the investigation, or without a pressing reason cause injury or suffering to a party, or compromise the right of the court to order that the documents are to be kept secret on the basis of the Act on the Openness of Court Proceedings (945/1984);
- 4) the registers maintained by the police, and any other authorities carrying out criminal investigations for purposes of crime prevention and clearing up of the particulars of offences; the reports prepared for the prevention of crime; as well as the photographs and other identifying information taken or obtained in administrative proceedings for the determination or verification of identity and the right to travel, and the special identification codes issued to a person or entered into his/her identity card or travel documents;
- 5) the documents containing information on the tactical and technical plans and methods of the police, the frontier guard, the customs authorities and the prison authorities, if access would compromise the prevention of crime, the clearing up of offences or the maintenance of public order or the order of penal institutions;
- 6) documents relating to a complaint before a decision has been made on the matter of the complaint, if access would compromise the resolution of the matter or without a pressing reason cause injury or suffering to a party;

- 7) documents relating to or affecting the realisation of the security arrangements of persons, buildings, installations, constructions, and data and communications systems, unless it is obvious that access will not compromise the achievement of the objective of the security arrangements;
- 8) documents concerning preparations for accidents and emergency conditions, civil defence and the investigation of accidents, if access would breach or compromise safety, the realisation of civil defence or the preparation for emergency conditions, compromise the investigation of accidents or violate the rights of the victims or the memory of the victims or cause distress to persons closely involved with them, unless the granting of access is necessary for the purpose of carrying out an official task;
- 9) the documents of the security police and the other authorities concerning the maintenance of State security, unless it is obvious that access will not compromise State security;
- 10) documents concerning military intelligence, the supply, formations, locations or operations of the armed forces, the inventions, facilities, installations and systems used in the armed defence of the country or other defence, the other matters significant to the defence of the country, as well as defensive preparations, unless it is obvious that access will not violate or compromise the interests of defence;
- 11) documents containing information on decisions, measures or preparations in monetary policy or foreign exchange policy, as well as on the preparation of financial or income policy or research into the need for decisions or measures in the fields of financial policy, income policy, monetary policy or foreign exchange policy, if access would be contrary to the interests of the state as a social partner or otherwise significantly compromise the achievement of the purpose of the decision or measure or hamper the proper conduct of financial, monetary or foreign exchange policy;
- 12) the reports prepared for the performance of the statutory tasks of the authorities supervising the financial markets and insurance operators and the authorities charged with the functioning of the financial markets and the insurance systems, containing information on the functioning of the markets, the

- financial, insurance or pensions institutions, or their customers, if access would injure or compromise the credibility or functioning of the financial or insurance systems;
- 13) statistics on the national economy, a financial policy initiative and operational plan, and other such documents containing information which obviously may influence the capital and financial markets, before they have been publicly disseminated as provided in section 8;
 - 14) documents containing information on endangered animal or plant species or the protection of important natural habitats, if access would compromise the protection of the species or the habitat;
 - 15) documents containing information on inspections or other supervisory tasks of the authorities, if access would compromise the inspection or the achievement of its objectives, or without a pressing reason cause injury or suffering to a party;
 - 16) the basic data for research and statistics, where these have been voluntarily handed over to the authority for the express purpose of research or statistical operations;
 - 17) documents containing information on any business or professional secret of the State, a municipality, some other public corporation or a corporation, institution or foundation referred to in section 4(2), as well as documents containing other comparable business information, if access would cause economic loss to the corporations, institutions or foundations referred to above or improve the competitive position of another public corporation or private person pursuing the same or a competing activity, or reduce the opportunities of the public corporation or a corporation, institution or foundation referred to in section 4(2) for procurement, investment, financing or debt service on favourable terms;
 - 18) documents containing information compiled or obtained by the State, a municipality or some other public corporation as a labour partner or a party to a labour dispute, if access would be contrary to the interests of the public corporation as an employer; documents containing information compiled or obtained by the representatives of the State for negotiations on agricultural subsidies, if access would be contrary to the interests of the State as a negotiating party;

- 19) documents prepared or obtained by an authority acting as a litigant in a trial for purposes of preparing for the trial, if access would be contrary to the interests of the public corporation or a corporation, institution, foundation or individual referred to in section 4(2) in the trial;
- 20) documents containing information on a private business or professional secret, as well as documents containing other comparable private business information, if access would cause economic loss to the private business, provided that the information is not relevant to the safeguarding of the health of consumers or the conservation of the environment or for the promotion of the interests of those suffering from the pursuit of the business, and that it is not relevant to the duties of the business and the performance of those duties;
- 21) documents concerning the basic materials for a dissertation or other scientific study, technological or other development project, or the assessment of the same, unless it is obvious that access will not cause inconvenience to the completion of the dissertation, study or development project or their exploitation, its appropriate assessment or the person carrying out the research, nor to the person commissioning the study or development project;
- 22) documents containing information on an entrance examination or other examination or test, if access would compromise the achievement of the objectives of the examination or test, or prevent the future use of the test;
- 23) documents containing data on the annual income or net worth of a person, data on the income and assets on which a subsidy or benefit is based, or data that otherwise describes the economic situation of a person: however, an enforcement application, the decision of the bailiff and the minutes of the enforcement proceedings, with the exception of the minutes of the evaluation of the assets and liquidity of the debtor, shall be in the public domain;
- 24) documents concerning a refugee or a person seeking asylum, residence permit or visa, unless it is obvious that access will not compromise the safety of the refugee, the applicant or a person closely involved with them;
- 25) documents containing information on a recipient of welfare,

- a benefit, support measure or social service given to him/her, or on the state of health or handicap of a person, the medical care or treatment given to him/her, or on his/her sexual behaviour and preferences;
- 26) documents containing sensitive information on the private life of the suspect of an offence, an injured party or another person involved in a criminal matter, as well as documents containing information on the victim of an offence, if access would violate the rights or the memory of the victim or cause distress to those close to him/her, unless the granting of access is necessary for the performance of an official task;
 - 27) documents containing information on a psychiatric examination of the suspect of an offence, a character examination of a young offender or a study of the feasibility of community service as an alternative to a custodial sentence;
 - 28) administrative documents and registers containing information on convicts, prisoners or other persons deprived of their liberty, unless it is obvious that access will not compromise the future livelihood of the person, his/her rehabilitation into society or his/her safety and if there is a justifiable reason for providing access to the information;
 - 29) documents containing information on a psychological test or aptitude test on a person or the results thereof, or on the assessments for the assignment of conscripts, the selection of employees or the establishment of a basis for a salary;
 - 30) documents on student welfare and exemptions from teaching, the test results of students and candidates and the school diplomas and other documents containing a verbal assessment of the personal characteristics of the student, as well as documents indicating the Matriculation Examination Board's division of moderators among the schools putting forward candidates for the matriculation examination, until one year has passed from the examination round in question;
 - 31) documents containing information on a secret telephone number given by a person or information on the location of a mobile communications device, and documents containing information on the person's domicile, place of residence or temporary place of residence, telephone number or other contact information, if the person has asked for the informa-

tion to be kept secret and he/she has a justified reason to believe that his/her own health or safety or that of his/her family are in jeopardy; (1151/2001)

- 32) documents containing information on the political convictions or the privately expressed views of a person, or information on a person's lifestyle, participation in voluntary associations, interests, family life or other comparable personal circumstances of the person; however, documents containing information on the activity of a person in political or other elected office, or his/her seeking such office, as well as the participation of a person in the establishment or registration of a political party, or the establishment of an electoral association are in the public domain.

- (2) The provisions in section 17 shall be taken into account in the application of the provisions on document secrecy in paragraph (1) or in another Act.

Section 25

Seal of secrecy and classification

- (1) A secret official document, which is given to a party and secret in the public interest or the interest of a third party, shall be put under seal. Also other secret documents may be put under seal. The seal of secrecy shall indicate the part of the document that is secret and the basis for its secrecy. If the secrecy is based on a provision involving strict secrecy, the seal of secrecy need not indicate more than the provision on which the secrecy is based.
- (2) A document shall be marked with a data security classification, if the Government has so ordered as provided in section 18(2).

Chapter 7

Derogations from secrecy and declassification

Section 26

General principles for granting access to secret information

- (1) An authority may provide access to a secret official document, if:
- 1) there is a specific provision on such access or on the right of such access in an Act; or

- 2) the person whose interests are protected by the secrecy provision consents to the access.
- (2) Notwithstanding the secrecy provisions, the authority may grant access to information on the economic status or business or professional secret of some other person, information on a recipient of health care or welfare, as referred to in section 25(1)(25), information on the private life of a person, as referred to in section 25(1)(32), or comparable information that is secret under another Act, if access is necessary:
- 1) for the realisation of a private person's or some other authority's statutory duty of information; or
 - 2) for the realisation of a payment or any other claim that is to be taken care of by the authority granting access.
- (3) An authority requesting executive assistance or the performance of a task on commission by it or otherwise on its behalf may grant access to a secret document, if such access is indispensable for the assistance or the performance of the task. For such tasks, access to secret information may be granted also if the removal of the secret information is obviously not feasible owing to its large volume or for any other comparable reason. The authority shall ensure in advance that the arrangements for the secrecy and the protection of the information are appropriate.

Section 27

Access to archival documents

- (1) Access may be granted to a secret official document which has been archived in accordance with the Archives Act for research or another approved purpose, unless otherwise ordered by the authority which has sent the document to be archived. When a decision on access is made, due consideration shall be given to the safety of the freedom of scientific research.
- (2) The person who has gained access to the document shall undertake in writing not to use the document to the detriment or defamation of the person whom it concerns, nor to the detriment or defamation of a person close to him, nor in violation of those other interests protected by the secrecy provision.

Section 28

Official permission to gain access to a secret document

- (1) Unless otherwise provided in an Act, an authority may, on a case-to-case basis, grant permission to gain access to a secret document for purposes of scientific research, statistical compilations or the preparation of official plans or studies, if it is obvious that access will not violate the interests protected by the secrecy provision. When a decision on access is made, due consideration shall be given to the safety of the freedom of scientific research. If the information in the document has been handed over to the authority on the consent of the person whose interests are protected by the secrecy provision, the permission may be granted only subject to the conditions for use and access laid down in the consent. If permissions are required for documents in the possession of a number of authorities within the purview of the same ministry, the ministry shall decide on the permission, where necessary, after having heard the authorities.
- (2) A permission referred to in paragraph (1) above may be granted for a fixed period; the conditions necessary for the protection of the public and private interests involved shall be attached to the permission. The permission may be withdrawn, if this is deemed to be necessary.

Section 29

Granting access to secret information to some other authority

- (1) An authority may grant access to a secret document to some other authority, if
 - 1) there is a specific provision on access or the right of access in an Act;
 - 2) the person whose interests are protected by the secrecy provision consents to the same;
 - 3) the document is necessary for the consideration of a matter pertaining to an advance tax assessment, a preliminary ruling, an appeal or a complaint against, or a submission of, a decision by an authority, or a complaint made to an international body for the administration of justice or investigation;
 - 4) the information is required for the performance of a specific monitoring or inspection task by the authority.

- (2) An authority may grant another authority access to an address or other contact information which is secret by virtue of section 24(1)(31).
- (3) An authority may open a technical interface for another authority, to access from its personal data filing system information which the latter authority must take into account in its decision-making under a specific statutory obligation. If there is a provision on the secrecy of personal data, the interface may be used only for retrieving information on persons who have consented to the same, unless specifically otherwise provided on access to secret information.

Section 30

Granting access to secret information to the authority of a foreign state or to an international institution

In addition to the specific statutory provisions on the same, an authority may grant access to a secret official document to an authority of a foreign state or to an international institution, if an international agreement binding on Finland contains a provision on such co-operation between Finnish and foreign authorities, or there is a provision to this effect in an act binding on Finland, and if the Finnish authority in charge of the co-operation could under this Act have access to the document.

Section 31

Declassification

- (1) An official document shall no longer be secret when the period of secrecy provided in an Act or ordered on the basis of an Act has ended or when the authority which has ordered the secrecy of the document has repealed that order.
- (2) The period of secrecy for official documents is 25 years, unless otherwise provided or ordered. A document which is secret for the protection of private life, as provided in section 24(1)(24)–(32), or a comparable document which is kept secret by virtue of another Act or an order based on another Act shall be kept secret for 50 years after the death of the person whom the document concerns or, if the time of death is unknown, for 100 years.
- (3) If it is obvious that the declassification of the document would, even after the period provided in this section, cause significant harm to the interests protected by the secrecy provision, the Government

may extend the period by at most 30 years.

- (4) The period of secrecy of an official document shall run from the date on the document or, if the document bears no date, from the day of its completion. The period of secrecy of a document handed in by a private person shall run from the day when the authority has received the document.

Section 32

Application to the duty of non-disclosure

The provisions in this chapter on secrecy and declassification apply, where appropriate, also to information subject to the duty of non-disclosure.

Chapter 8

Miscellaneous provisions

Section 33

Appeal

- (1) The decision of an authority shall be subject to appeal, as provided in the Act on Administrative Judicial Procedure (586/1996), unless otherwise provided in paragraph (2). A decision of an authority other than those listed in section 7 of the Act on Administrative Judicial Procedure shall be appealed before the Supreme Administrative Court. However, an appeal against the decision of a local or regional authority and a decision of a institution, corporation, foundation or private individual exercising public authority, as referred to in section 4(1)(8) and 4(2), shall be lodged with the Administrative Court which has jurisdiction under section 12 of the Act on Administrative Judicial Procedure.
- (2) If a party to the case requests access to a document related to a pending trial, the pertinent court order shall be subject to appeal in accordance with the procedure for appeals in the main issue. In addition, the provisions on the Act on the Openness of Court Proceedings apply to the right of appeal.

Section 34

Charges

A copy of a document and the provision of access to information in the form of a printout or by means of a technical interface, other-

wise electronically or in a comparable manner, as well as the retrieval and delivery service provided by an authority, may be subject to a charge, as specifically provided elsewhere. Other access provided by virtue of this Act shall be free of charge.

Section 35

Penal provisions

- (1) A breach of the document secrecy provision in section 22 or the provision on non-disclosure and prohibition of use in section 23 shall be punished in accordance with chapter 40, section 5 of the Penal Code, unless the act is punishable under chapter 38, section 1 or 2 of the Penal Code or unless a more severe penalty has been provided in another Act.
- (2) Also a violation of the commitment referred to in section 27 and the order referred to in section 28(2) shall be considered a breach of the secrecy provision referred to in paragraph (1).

Section 36

Power to issue Decrees

More detailed provisions on the implementation of this Act shall be issued by Decree. The secrecy provisions contained in Decrees shall be specifically repealed by Decree.

Section 37

Entry into force

- (1) This Act enters into force on 1 December 1999.
- (2) However, the provisions in section 14(4) on the time limits for granting access to documents apply only as from 1 January 2003. Until that time, matters referred to in section 14 shall be dealt with without delay and access to a document in the public domain granted as soon as possible, with the time limits of two weeks and one month in section 14(4) being replaced by one month and two months, respectively.
- (3) This Act repeals the Act on the Publicity of Official Documents (83/1951), as amended. However, while the Parliament Act (7/1928) remains in force, the repealed Act continues to apply to parliamentary documents, as provided in section 28 of the repealed Act. The secrecy provisions contained in other Acts shall be specifically repealed.
- (4) The secrecy orders based on the Act on the Publicity of Official Documents shall remain in force.

- (5) Information compiled on the consent of the person concerned before the entry into force of this Act may be used and access to it may be granted regardless of the provisions in section 28, if it is obvious that such use and access are not essentially different from the purposes for which the information was given.

Section 38

Transitional provision (636/2000)

The indexes and specifications referred to in section 18(1)(1) and 18(1)(2) shall be drawn up within one year of the entry into force of this Act. Information management systems taken into use before the entry into force of this Act shall be protected and the arrangements required in this Act for the safeguarding of the protection, integrity and quality of the information shall be in place within five years of the entry into force of the Act.

DECREE ON THE OPENNESS OF GOVERNMENT ACTIVITIES AND ON GOOD PRACTICE IN INFORMATION MANAGEMENT⁶

(1030/1999; amendments up to 380 / 2002 included)

On the submission of the Ministry of Justice, the following is
enacted on the basis of sections 18 and 36 of the Act on the
Openness of Government Activities,
Given on 21 May 1999 (621/1999):

Chapter 1 Ensuring good practice in information management

Section 1 Assessments in support of good practice in information management

- (1) In order to plan and implement the measures referred to in section 18, paragraph 1, subparagraph 4 of the Act on the Openness of Government Activities (621/1999), and utilising the archive formation plan referred to in the Archives Act (831/1994), the authority shall clarify and assess the significance of its documents and information system and the data stored therein as well as its document and information management. In the assessment of the need for measures, attention shall be paid to how the following can be secured:
- 1) the right of access to official documents in the public domain;
 - 2) the obligation to produce and disseminate information and to provide information on pending matters;
 - 3) the protection of personal data, in particular sensitive data;
 - 4) the protection of documents which under law should be kept secret;
 - 5) restrictions on the purpose for which data can be used;
 - 6) the usability, integrity and quality of the data in the performance of the functions of the authority and in co-operation among authorities;
 - 7) the quality of the data in particular when they are used as the basis for decisions regarding individuals or corporations or as indicators of rights and obligations.

⁶ Unofficial translation[©] Ministry of Justice, Finland

- (2) In addition, in order to implement good information management practice, an assessment and evaluation shall be made of risks to the availability, usability, quality and protection of data as well as to the security of information systems, of methods available to decrease and eliminate such risks, and of the costs as well as other effects of these measures.
- (3) On the basis of the assessments referred to in subparagraphs 1 and 2 the authority shall assess and implement the measures necessary to achieve good information management practice.

Section 2

Classification of specially protected information material

- (1) Secret documents and the information contained therein as well as documents and the information contained therein that are otherwise restricted by law or the information content of which may, according to law, only be used for a specific purpose (specially protected information material), may be classified, unless otherwise indicated by the special needs of the administrative sector of the authority, into three separate categories in accordance with what processing, protection and other information security demands are to be followed in creating, using, conveying, transferring, archiving, destroying or otherwise processing the information material.
- (2) If the unauthorised revelation and use of information material would seriously endanger the public interests referred to in section 24, subsections 1, 2, 5 and 8 through 11 of the Act on the Openness of Government Activities, said information material may be classified in the first specially protected information material category.
- (3) If the unauthorised revelation and use of information material would significantly affect the interests for which the restrictions have been enacted, said information material may be classified in the second specially protected information material category.
- (4) If the unauthorised revelation and use of information material would damage or compromise the ability of the authority to function or business and professional secrets or the protection of personal data, said information material may be classified in the third specially protected information material category.

Section 3

General data security measures regarding specially protected information material

- (1) In processing specially protected information material, the appropriate measures corresponding to the category shall be implemented so that
 - 1) the facilities for the processing and storage of the information material are sufficiently supervised and protected;
 - 2) access to the information systems is supervised and unauthorised entry into them is prevented through available means;
 - 3) only persons whose functions include consideration of the matter use, alter and otherwise process the information material, and rights of use also otherwise are appropriately restricted and use is sufficiently supervised;
 - 4) data are provided from the material only by persons who are assigned with this function;
 - 5) data that are transferred through information systems are kept secret as necessary.
- (2) Section 18, paragraph 1, subparagraph 4 of the Act on the Openness of Government Activities contains provisions on how the costs incurred by the measures are to be taken into consideration.

Section 4

Instructions, supervision and monitoring

- (1) In planning the measures referred to in section 18, paragraph 1, subparagraph 5 of the Act on the Openness of Government Activities, particular attention shall be paid to the following:
 - 1) the authority to grant access to documents is defined;
 - 2) sufficient instructions are given on the registration of matters and documents and on the proper processing and protection of documents, data systems and the information contained in them at the different stages of consideration;
 - 3) lists and documents that describe pending matters as well as lists and documents that have been prepared to implement the obligation to provide information on such matters are kept up to date.
- (2) The implementation of instructions and measures shall be monitored to the extent necessary, their suitability as well as the need for

reform shall be assessed at suitable intervals, and steps shall be taken to correct any defects noted.

Chapter 2

Fulfilling and promoting the rights to obtain information

Section 5

Document registers

- (1) In order to follow up on matters under its consideration, the authority shall maintain information on what diaries, lists, directors and other document management registers (document registers) it has or on how information regarding the public documents that the authority has can otherwise be obtained.
- (2) The authority shall ensure that the relationship between document registers is clarified and that, if possible, a matter under consideration is registered only once and that with the help of the document registers the orders given on the basis of the Archives Act regarding the registration and listing of documents can be followed.

Section 6

Information to be recorded in document registers

- (1) Entries shall be made in the document register, in respect of matters given to or taken by the authority for consideration, on:
 - 1) who submitted the matter, the date on which the document arrived or, if the document has been prepared by the authority, the date on which it was prepared, and on the nature of the matter;
 - 2) interim measures that have been taken, such as proceedings as well as requests for clarification and comment as well as the related documents;
 - 3) final measures in the matter and the related documents.
- (2) In planning and preparing the document register care shall be taken that the document register can be used effortlessly to provide information on the public notations made in it.
- (3) Separate provisions and orders apply to the archive list and court diaries as well as other document registers.

Section 7

Maintaining public access to document registers

- (1) The public shall be allowed access to document registers and the archive formation plan referred to in section 8 of the Archives Act in the registry or other public service point of the authority.
- (2) The diary scheme in use and the other bases for organizing documents shall be appended to the document register.

Section 8

Information system descriptions

- (1) The authority shall prepare a description of the information system it maintains, indicating the purpose of the information system and the data contained therein. The public shall be provided access to the description in the registry or other public service point of the authority, unless indicated otherwise by the secrecy provisions. The description may also be incorporated as part of the archive formation plan.
- (2) Separate provisions apply to the register description that is to be prepared on personal data files.

Chapter 2 a

Communication in State administration

(23 May 2002/380)

Section 8 a

The purpose of communication by State authorities

(23 May 2002/380)

- (1) The purpose of information, publishing and other communication by State administrative authorities, other State offices and institutions as well as courts and other judicial authorities (State authorities) is to promote openness and produce and distribute information that provides individuals and corporations with opportunities to formulate as true a picture as possible of the activity of the authorities, to influence matters of general importance that are pending before the administrative authorities, and to protect their interests and rights.
- (2) In planning and implementing communication by State authorities consideration shall be given to the significance of communication in the effective performance of the statutory functions of the authority and in co-operation between the authority and non-governmental organisations as well as interest groups.

Section 8 b
The planning of communication
(23 May 2002/380)

- (1) The State authority shall, with consideration to its statutory duties and the assessments referred to in section 1, assess and plan measures in order to fulfil the obligations contained in sections 19 and 20 of the Act on the Openness of Government Activities (communication plan).
- (2)

In preparing the communication plan, particular attention shall be paid to how the following can be achieved:

- 1) ensuring the ability of individuals and corporations to obtain information on pending matters of general importance and to present their views at different stages of the proceedings;
- 2) providing general advice on the services provided by the authorities and matters pending before the authorities, so that to the extent possible said advice reaches those who are entitled to such services as well as others who are in need of the advice;
- 3) attending to the needs of the Swedish-speaking population for receiving information on matters related to the life, health and safety of the individual and in order to secure their rights;
- 4) attending to the different special information needs of various population groups, non-governmental organisations, corporations and the mass media towards the activity of the authority;
- 5) carrying out communication in co-operation with other authorities and private corporations;
- 6) arranging the monitoring of communication.

- (3) The communication plan shall be reviewed sufficiently often.

Section 8 c
The arrangement of communication
(23 May 2002/380)

The authority shall ensure that the prerequisites for communication have been secured in order to achieve openness in the authority's activity. For this purpose particular care shall be taken that:

- 1) the ability of those responsible for public information to obtain information at a sufficiently early stage on matters coming to the authority, matters pending before the authority and other matters requiring communication is secured;

- 2) the co-operation between those attending to communication duties has been properly arranged;
- 3) officials responsible for presentation and preparation have been sufficiently trained and instructed on how to participate in the planning and implementation of communication.

Chapter 3

Miscellaneous provisions

Section 9

Entry into force

This Decree shall enter into force on 1 December 1999.

Section 10

Transitional provisions

(23 May 2002/380)

The document registers referred to in section 5 above and the information system descriptions referred to in section 8 shall be prepared at the latest on 30 November 2000, the reports referred to in section 1 at the latest on 30 November 2001 and the communication plan referred to in section 8 b at the latest on 31 May 2003. Data systems and their data protection arrangements and instructions that were taken into use before 1 December 1999 shall be brought into accord with this Decree at the latest on 30 November 2004.

Entry into force and application of

the amending provisions:

23 May 2002/380:

- (1) This Decree shall enter into force on 1 June 2002.
- (2) Measures required for the implementation of this Decree may be undertaken before the Decree enters into force.

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