

# Unofficial consolidation of The Greenland Parliament Act No. 9 of 13 June 1994 on public access to documents in administrative files (the “Public Access Act”) as amended by

## Greenland Parliament Act No. 1 of 31 May 1999 (marked in red) Greenland Parliament Regulation No. 6 of 31 May 2001 (marked in blue)

### Part 1.

#### *General scope of the Act*

1. The Act applies to all activities carried out by the public administration under the Greenland Home Rule and the municipalities, however, see Sections 2 and 3.

*Subsection 2.* The Home Government may lay down rules specifying that the Act applies to specified companies, institutions, associations etc. which cannot be included under the public administration. However, that is only the case if the expenses of their activities are primarily paid by the Greenland Home rule or by a municipality or to the extent that they have been granted the authority to make decisions on behalf of the Home Rule or a municipality, either by law or through a statutory instrument. The Home Government may lay down rules regarding i.a. the keeping of documents.

~~2. The Act does not extend to criminal cases. Only the provision in S. 6 applies to cases regarding employment or promotion in the public service.~~

~~*Subsection 2.* Cases regarding legislation, including authorization laws, are only comprised by the Act provided that a bill has been tabled for Greenland's Parliament.~~

2. The Act does not extend to criminal cases. Cases regarding legislation, including authorization laws, are only comprised by the Act provided that a bill has been introduced to Greenland's Parliament.

*Subsection 2.* Apart from the provision in S. 6, neither does the Act extend to cases regarding employment or promotions in the public service. That also applies to other cases regarding individual's employment in the public service, however, see subsection 3 and S. 4(2).

*Subsection 3.* In cases as mentioned in the second sentence of subsection 2, the Act extends to information about the employee's name, position, education, job assignments, salary and business travels. With respect to employees in management positions, the Act also extends to information about disciplinary responses of warnings and above. However, that only applies to a period of time of two years after the final decision has been made in the matter.

*Subsection 4.* The Home Government may decide that in cases that fall within the second sentence of subsection 2, the Act should also apply to other information than information mentioned in subsection 3.

3. However, the Home Government may lay down rules specifying that specified authorities, subject matters or kinds of documents for which the provisions in Sections 7-14 will generally entail that a request for the right of access to documents can be refused must be exempted from the Act.

*Subsection 2.* The Home Government may lay down rules specifying that following a certain term of years, there should be a right to become acquainted with specified documents that are not subject to the right of access to documents according to the rules of this Act.

### Part 2.

### *The right of access to documents*

4. Apart from the exceptions mentioned in Sections 7-14, anyone may require to become acquainted with documents that have been submitted to or created by an administrative authority as a part of an administrative consideration of a case in connection with its activities. An administrative authority may grant the right of access to documents to a greater extent unless otherwise stipulated in rules regarding the duty of non-disclosure etc.

*Subsection 2.* Apart from the exceptions mentioned in Sections 7-11 and in Section 14, anyone whose personal affairs are mentioned in a document may require to become acquainted with any relevant information. However, that does not apply to the extent that the considerations mentioned in S. 13 or the consideration for the relevant person or others speak against it to a decisive degree.

*Subsection 3.* A request according to subsections 1 and 2 must state the documents or the case with which the relevant person wants to become acquainted.

5. The right of access to documents includes:

- 1) all documents that relate to the case, including copies of communication sent by the authority when the communication is assumed to have reached the addressee and
- 2) entries in journal, registers and other records relating to the document of the relevant case.

*Subsection 2.* The right of access to documents does not include all registers or other systematized records in which electronic data processing is used, however, apart from records as mentioned in subsection 1(ii).

*Subsection 3.* The Home Government may lay down rules about the right of the public to become acquainted with information in EDP registers etc. that are not comprised by the Act on the registers of public authorities. E.g. rules about payment may be laid down.

### *The duty to record etc.*

6. In cases where a decision will be made by an administrative authority, an authority that receives oral information about facts of a case that are of significance to the decision of the case or which in any other way is aware of such information must record the content of that information. However, this does not apply if the information is generally evident in the case documents.

*Subsection 2.* For specified areas within administrative activities, the Home Government may lay down rules regarding the keeping etc. of notifications that are prepared or received through the use of electronic data processing.

*Subsection 3.* The Home Government may lay down rules regarding the duty to record for specified groups of cases regarding the carrying out of other administrative activities than the ones mentioned in subsection 1.

## **Part 3.**

### *Exceptions from the right of access to documents.*

#### *Exception of internal work documents*

7. The right of access to documents does not include an authority's internal work documents. Internal

work documents are

- 1) documents prepared by an authority for its own use,
- 2) correspondence between various units within the same authority, and
- 3) correspondence between a municipal council and its committees, departments and other bodies or between these bodies internally.

**8.** Notwithstanding the provision in S. 7, the right of access to documents includes internal work documents that are available in their final form when

- 1) the documents only report the content of the authority's final decision regarding the decision of a case,
- 2) the documents only contain a report of information which the authority has a duty to record according to the provision in S. 6.
- 3) the documents are independent documents that have been created by an authority in order to provide evidential or other similar clarity regarding the facts of a case, or
- 4) the documents contain general guidelines for the consideration of specific types of cases.

~~9. Anyone who has had medical records, patient records and patient registers etc. prepared regarding his or her health by health officials authorized through special legislation or at their responsibility has the right of access to the records notwithstanding the provision in S. 7.~~

~~Subsection 2. The right of access to documents, however, may be limited to the extent that it is found that the party's interest in the access to documents should give way to central considerations for the person in question or to other private interests.~~

#### *Exclusion of other documents*

**10.** The right of access to documents does not include:

- 1) Minutes of Home Government meetings and documents that are created by an authority to be used at such meetings.
- 2) Correspondence between Home Government areas regarding legislation, including authorization laws.
- 3) Documents that are exchanged in connection with an authority doing administrative tasks for another authority.
- 4) Authorities' correspondence with experts to be used in legal proceedings or in the contemplation of whether legal proceedings should be conducted.
- 5) Material that is provided as the basis for preparing public statistics or scientific surveys.

#### *Notification of facts*

**11.** Information in documents that are comprised by S. 7 and S. 10 (i)-(iv) regarding facts that are of significance to the case must be communicated in accordance with the general provisions of the Act notwithstanding these provisions.

*Subsection 2.* The Home Government may lay down rules specifying that the duty according to subsection 1 should not apply to specified groups of cases regarding the carrying out of administrative activities.

### *Exclusion of information*

**12.** The right of access to documents does not include information about

- 1) individual's private, including economic, affairs,
- 2) technical setups or procedures or about operational or business conditions and the like in so far as it is of significant, economic importance to the person or business which the information concerns that the request is not met.

*Subsection 2.* If the provision in subsection 1 only applies to part of a document, the relevant person must become acquainted with the other content of the document.

**13.** The right of access to documents may be limited to the extent that it is necessary in order to protect significant considerations for

- 1) the security or the defense of the state,
- 2) foreign-policy or foreign-economic interests of the state, including relations to foreign powers or international institutions,
- 3) the prevention, investigation and prosecution of offenses, the execution of criminal convictions and the like and the protection of defendants, witnesses or others in cases regarding criminal or disciplinary proceedings,
- 4) the implementation of public monitoring, regulatory or planning activities or of contemplated measures in relation to fiscal legislation,
- 5) the economic interests of the public sector, including the carrying out of the public sector's business activities,

or

- 6) private and public interests for which confidentiality is required due to the special nature of the matter.

*Subsection 2.* If considerations as mentioned in subsection 1 only apply to part of a document, the person in question must become acquainted with the other content of the document.

### *The relationship to the duty of non-disclosure*

**14.** The duty to disclose information is limited by special provisions regarding the duty of non-disclosure, stipulated by law or under the authority of the act for persons who work in the public service or duty. This does not apply to the general duty of non-disclosure according to the criminal code, the Greenlandic Act on public administration and the public servants legislation.

## **Part 4.**

### *The consideration and decision of requests for access to documents*

**15.** If a request for access to documents is submitted regarding documents that form part of a case in which a decision has been made or will be made by an administrative authority, that authority will decide whether the request can be met. In other instances, cases regarding access to documents are decided by the authority that has the document in its possession.

*Subsection 2.* Complaints may be separately made against decisions on matters of access to documents to the authority that is the complaint board in relation to the decision and the general consideration of the case to which the request for access to documents relates.

*Subsection 3.* The Home Government may lay down provisions that deviate from the rules in subsections 1 and 2.

**16.** The relevant authority decides as soon as possible whether a request can be met and whether the person who submitted the request should become acquainted with the documents through granting the right to a review on site or through disclosing a transcript or a copy.

*Subsection 2.* If a request has not been met or has been refused within 10 days after the request was received by the relevant authority, the authority should inform the requesting party of the reason and of when a decision can be expected.

*Subsection 3.* If a request has been submitted for access to documents in cases mentioned in the second sentence of S. 2(2), the authorities will inform the employee of the matter as quickly as possible, stating who submitted the request. When a decision has been made regarding the access to documents, the authority will inform the employee regarding what information has been disclosed

*Subsection 3 4.* The Home Government may lay down rules on payment for transcripts and copies.

## **Part 5.**

*Coming into effect, relationship to other legislation etc.*

**17.** The Act will take effect on January 1, 1995.

*Subsection 2.* Concurrently, Act No. 280 of June 10, 1970 on public access to documents in administrative files for the authorities comprised by this Act is repealed

*Subsection 3.* The Act does not extend to documents that have been created by an authority or which the authority has come into possession of before January 1, 1971. However, information about facts included in such documents is comprised by the right of access to documents according to the rules in the Act if the documents have formed part of a case that is being or has been considered by a public authority after the time mentioned and the information is or has been of importance to the case. The provisions in S. 8(iv) apply to documents that are used after the Act has taken effect.

The provision in S. 9 applies to medical records that have been created after the Act has taken effect and for entries in existing journals that have been made after the Act has taken effect.

*Subsection 4.* Provisions in other acts regarding the right to be acquainted with documents at the public administration are kept in force even if they grant the right of access to documents to an extent that is narrower than this Act.

*The Greenland Home Rule, June 13, 1994*

Lars Emil Johansen

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Kaj Kleist

Unofficial consolidation