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Administrative law

1993 No. 37 April 30

History of the case in the Althingi. Bill.

Entered into force on 1 January 1994. Amended by: **L. 36/1999** (entered into force on 1 May 1999). **L. 83/2000** (entered into force on 2 June 2000 except for Article 1 which entered into force on 1 January 2001). **L. 49/2002** (entered into force on 6 May 2002). **L. 51/2003** (entered into force on 7 April 2003). **L. 76/2003** (entered into force on 1 November 2003). **L. 88/2008** (entered into force on 1 January 2009 except for Article VII which entered into force on 21 June 2008). **L. 126/2011** (entered into force on 30 September 2011). **L. 140/2012** (entered into force on 1 January 2013). **L. 55/2019** (entered into force on 1 January 2020; *EEA Agreement: Annex XI to Regulation 910/2014*). **L. 71/2019** (entered into force on 5 July 2019). **L. 131/2020** (entered into force on 17 December 2020; *EEA Agreement: Annex XVII to Directive 2016/943*). **L. 101/2021** (entered into force on 13 July 2021).

If this Act mentions a minister or ministry without a specific area of responsibility being specified or referred to, this refers to **the Prime Minister or the Prime Minister's Office** that administers this Act. Information on the areas of responsibility of ministries according to presidential decree can be found [here](#).

Chapter I. Scope of the Act.

■ Article 1. *Scope.*

- ☐ This Act applies to the administration of the State and municipalities.
- ☐ The Act applies when the authorities, including administrative committees, make decisions about the rights or obligations of individuals. However, it does not apply to the drafting of regulations or other general administrative orders. [In that case, the provisions of Chapter X on freedom of expression, confidentiality, etc. apply to all administration carried out by the State and municipalities.]¹⁾
- ☐ The provisions of Chapter II on special qualifications also apply to the conclusion of contracts of a private nature.

¹⁾ [Law 71/2019, Article 1.](#)

■ Article 2. *Scope of application in relation to other laws.*

- ☐ This Act, [excluding Chapter X],¹⁾ do not apply to registration, enforcement actions, seizure, legal storage, injunctions, forced sales, moratoriums, composition agreements, bankruptcy proceedings,

exchange of estates or other public exchanges.

☐ The provisions of other laws that contain stricter procedural rules than those prescribed by this Act remain in force. However, the special qualifications of local government members and others who work in the administration of local governments are subject to the Local Government Act.

¹⁾
[L. 71/2019, Article 2. Chapter](#)

II. Special qualification.

■ **Article 3.** *Grounds for disqualification.*

☐ An employee or committee member is disqualified from handling a case:

1. If he is a party to the case, a representative or agent of a party.
2. If he is or has been the spouse of a party, a relative or in-law of a party directly or indirectly, or connected to a party in the same way due to adoption.
3. If he is related to the representative or agent of a party in the manner stated in point 2.
4. At the appeal stage, he has previously participated in the handling of the case at a lower administrative level. The same applies to an employee with supervisory or supervisory authority if he has previously been involved in the case at the institution to which the supervision relates.
5. [If he himself has special and significant interests to protect, his relatives according to point 2. or a non-profit organization or privately owned company that he represents. The same applies if his immediate superiors at the relevant authority have special and substantial interests to protect. If a subordinate is incompetent to handle a case, his immediate superiors will not, on the other hand, be incompetent to handle it for that reason alone.]¹⁾
6. If there are other circumstances that are likely to rightly cast doubt on his impartiality.

☐ However, disqualification shall not be considered if the interests involved in the matter are so minor, the nature of the matter is such, or the employee or committee member's role in the handling of the matter is so insignificant that there is no risk that irrelevant considerations will influence the decision.

¹⁾
[Act 49/2002, Article 1.](#)

■ **Article 4.** *Effects of incapacity.*

☐ A person who is incapacitated to handle a case may not participate in the preparation, handling or resolution of the case. However, he may take the necessary measures to keep the case on track while a substitute is not present.

☐ A committee member who is incapacitated to handle a case shall leave the meeting room when the case is being handled.

■ **Article 5.** *Procedure.*

☐ An employee who knows of reasons that may cause his disqualification shall immediately bring them to the attention of the head of the institution.

☐ The head of the institution shall decide whether the employee should be removed from office. In cases where doubt arises as to the suitability of the head of the institution, he shall decide himself whether to remove the employee.

☐ A committee member who knows of reasons that may cause his disqualification shall immediately bring them to the attention of the chairman of the administrative committee.

☐ The administrative committee shall decide whether one or more committee members should be removed from office. The committee members to whom the decision on disqualification concerns shall not participate in the decision on this. However, this shall not apply if this results in the administrative

committee not having a quorum. In such cases, all committee members shall decide on the suitability of the committee members.

■ **Article 6.** *Appointment of a substitute.*

- When an employee resigns and there is no other qualified employee available, the person providing the position shall appoint a substitute to handle the matter under resolution.

Chapter III. General rules.

■ **Article 7.** *Duty to provide guidance.*

- An administrative authority shall provide those who seek it with the necessary assistance and guidance regarding matters that concern its field of activity.
- If an administrative authority receives a written communication that does not concern its field of activity, it shall forward the communication to the appropriate authority as soon as possible.

■ **Article 8.** *Calculation of a deadline.*

- Where a deadline is provided for by law, the day from which the deadline is counted is not included in the deadline.
- If the last day of a deadline is a public holiday, the deadline is extended to the next business day thereafter. In other respects, holidays that fall within the deadline shall be included when calculating the deadline.

■ **Article 9.** *Speed of proceedings.*

- Decisions in cases shall be made as quickly as possible.
- Where an opinion is sought, it shall be done at the earliest opportunity. If more than one opinion is sought, it shall be done simultaneously where possible. The administrative authority shall specify the time by which the person giving the opinion is requested to provide his or her opinion.
- When it is foreseeable that the processing of a case will be delayed, the parties to the case shall be informed of this. The reasons for the delay and when a decision is expected shall then be provided.
- If the processing of a case is unreasonably delayed, it may be appealed to the administrative authority to which the decision in the case is appealed.

■ **Article 10.** *The investigative principle.*

- An administrative authority shall ensure that a case is sufficiently informed before a decision is made.

■ **Article 11.** *The principle of equality.*

- When resolving cases, the authorities shall observe consistency and equality in legal terms.
- It is prohibited to discriminate against parties in resolving cases on the basis of their gender, race, color, nationality, religion, political opinions, social status, ancestry or other comparable grounds.

■ **Article 12.** *The principle of proportionality.*

- An administrative authority shall therefore only take a onerous decision when the legitimate aim pursued cannot be achieved by another and less severe means. Care shall then be taken not to proceed more strictly than is necessary.

Chapter IV. Right to object.

■ **Article 13.** *Right to object.*

- A party to a case shall have the opportunity to express his or her opinion on the subject matter of the

case before the administrative authority makes a decision on it, provided that his or her position and arguments for it are not included in the case documents or that such is clearly unnecessary.

■ **Article 14.** *Notification of the processing of a case.*

□ If a party to a case has the right to express his/her opinion on the subject matter pursuant to Article 13, the administrative authority shall, as soon as possible, draw the party's attention to the fact that his/her case is being processed, unless it is clear that he/she has been informed of this in advance.

■ **Article 15.** *Right to information.*

□ [A party to a case has the right to access documents and other data relevant to the case. If possible, access to data shall be provided in the form or format and in the languages in which they are stored, unless they are already accessible to the public electronically. When documents are stored exclusively in electronic form, a party may choose between having them delivered in that form or printed out on paper.

□ When there are many documents, it is permitted to entrust others with the responsibility of photocopying them. The same applies if the person delivering the data does not have the facilities to photocopy the documents. The party shall then pay the costs incurred in photocopying the documents. The same applies to the copying of data other than documents, as appropriate.

□ The Minister shall determine in a fee schedule ¹⁾ what shall be paid for photocopies and copies of documents provided under this Act so as to cover the costs incurred, including the cost of materials, and the cost of staff and equipment.

□ If it is foreseeable that the cost of copying or photocopying will exceed ISK 10,000. advance payment may be required.] ²⁾

□ Legal provisions on confidentiality do not limit the obligation to provide access to data under this article.

□ The provisions of this article do not apply to [the investigation of a criminal case and its handling in other respects]. ³⁾ However, [the defendant and the victim may] ⁴⁾ demand to be allowed to examine the case documents after it has been dropped or otherwise concluded.

¹⁾ Tariff 307/2009. ²⁾ Law 140/2012, Article 36. ³⁾ Law 88/2008, Article 234. ⁴⁾ Act 36/1999, Article 48.

■ **Article 16.** *Data exempt from the right to information.*

□ The right of a party to a case to access data does not apply to:

1. Minutes of meetings of the Council of State and the Government, notes at ministerial meetings or documents that have been compiled for such meetings.

2. Correspondence between the government and experts for use in court proceedings or when considering whether such proceedings should be brought.

3. Working documents that a government has written for its own use. However, a party has access to working documents if they contain a final decision on the handling of a case or information that cannot be obtained from elsewhere.

□ If what is stated in paragraph 1 applies only to part of a document, the party shall be granted access to other content of the document.

■ **Article 17.** *Restriction on the right to information.*

□ In special circumstances, an administrative authority may restrict a party to a case's access to data if its interests in using the information are deemed to outweigh much greater public or private interests... ¹⁾

¹⁾ Act 83/2000, Article 6.

■ **Article 18.** *Postponement of a case.*

- ☐ The government may set a specific deadline for the parties to the case to familiarize themselves with the case documents and express their views on them.
- ☐ Alternatively, a party may at any stage of the proceedings demand that the processing of the case be postponed until they have had time to familiarize themselves with the case documents and explain their position. However, a case shall not be postponed if this results in the statutory deadline for processing the case being exceeded.

■ **Article 19.** *Justification of refusal and right to appeal.*

- ☐ A decision by an administrative authority to refuse a party to a case access to case data or to restrict it to some extent shall be notified to the party and reasoned in accordance with Chapter V of this Act.
- ☐ An appeal may be lodged against the refusal or restriction with the administrative authority to which the decision in the case is to be appealed. The appeal shall be lodged within 14 days of the party being notified of the decision.

Chapter V. Publication of decision, reasoning, etc.

■ **Article 20.** *Publication of decision and instructions.*

- ☐ After a government authority has made a decision, it shall be notified to the parties to the case unless it is clearly unnecessary. A decision is binding after it has been received by the parties.
- ☐ When a decision is notified in writing without being accompanied by a justification, instructions shall be provided regarding:
 1. the party's right to receive a reasoned decision,
 2. the right to appeal, when it exists, the deadline for appeals and appeal fees, as well as where the appeal should be directed,
 3. the deadline for appealing the decision to the courts if such a deadline is prescribed by law. If
- ☐ the justification accompanies the decision when it is notified, instructions shall be provided pursuant to points 2 and 3 of the 2nd paragraph.¹⁾
- ☐ However, instructions pursuant to paragraphs 2 and 3 need not be provided when a decision is announced if the party's application has been considered in full.

¹⁾ In the Official Gazette A 1993 p. 183 the sentence "If a decision is accompanied by a justification when it is announced, instructions shall be provided in accordance with points 2 and 3 of the 2nd paragraph" as the second sentence of point 3 of the 2nd paragraph of Article 20. If we take into account the references in the sentence in points 2 and 3 of the 2nd paragraph and the references to the 2nd and 3rd paragraphs in the final paragraph of the article, as well as the comments to Article 20 of the bill that became **Act No. 37/1993** (Official Gazette 1992–93 A, p. 3301), it is clear that the sentence should rightly be the 3rd paragraph of the article.

■ **Article 21.** *When shall justification be provided?*

- ☐ A party to a case may require an administrative authority to justify its decision in writing if such justification did not accompany the decision when it was notified.
- ☐ The provisions of paragraph 1 shall not apply, however, if:
 1. the party's application has been considered in full,
 2. the case concerns grades awarded for performance in examinations,
 3. the case concerns grants in the field of art, culture or science.
- ☐ A request for justification for a decision shall be submitted within 14 days of the party being notified of the decision and the administrative authority shall respond to it within 14 days of its receipt.

☐ Rulings in appeals shall always be accompanied by justification.

■ **Article 22.** *Content of the reasoning.*

☐ The reasoning shall refer to the legal principles on which the decision of the administrative authority is based. To the extent that the decision is based on an assessment, the reasoning shall state the main considerations that were dominant in the assessment.

☐ Where appropriate, the reasoning shall also briefly outline information about the facts of the case that were of significant significance in resolving the case.

☐ The content of the reasoning may be limited to the extent that reference must be made to documents to which the parties to the case are not permitted access, cf. Articles 16 and 17.

☐ If the Administrative Committee has not approved the reasoning in its decision, the chairman shall provide reasons for it in accordance with paragraphs 1–3

of Chapter VI. Revocation of a decision, etc.

■ **Article 23.** *Amendment and correction.*

☐ An administrative authority may amend its decision until it has been notified to the parties to the case.

☐ After a party has been notified of a decision, the administrative authority may correct obvious errors in it, provided that the administrative authority notifies the party of the correction without delay and provides a new copy to those who have received a copy of the decision.

■ **Article 24.** *Reopening of a case.*

☐ After a decision has been made by an administrative authority and notified, a party to a case has the right to have the case reopened if:

1. the decision has been based on insufficient or incorrect information about the facts of the case, or
2. a onerous decision on an invitation or ban has been based on facts that have changed significantly since the decision was made.

☐ After three months have passed since the party was notified of the decision pursuant to point 1 of the first paragraph, or the party was or should have been aware of a change in the facts on which the decision pursuant to point 2 of the first paragraph was based, a request for reopening of a case will not be considered, however, unless consent has been obtained from the other parties to the case. However, a case will not be reopened if a year has passed since the aforementioned time limit unless there are compelling reasons to do so.

■ **Article 25.** *Revocation.*

☐ An administrative authority may revoke its decision on its own initiative, which has been notified to the parties to the case, when:

1. it is not detrimental to the parties, or
2. the decision is invalid.

Chapter VII. Administrative appeal.

■ **Article 26.** *Right to appeal.*

☐ A party to a case may appeal an administrative decision to a higher authority in order to have it annulled or amended, unless otherwise provided by law or custom.

☐ A decision that does not terminate a case may not be appealed until the case has been concluded.

■ **Article 27.** *Time limit for appeal.*

- ☐ An appeal shall be filed within three months of the date on which the party to a case was notified of an administrative decision, unless otherwise provided by law.
- ☐ Where it is prescribed by law that a decision shall be published in public, the time limit for appeal shall commence after the first publication if the decision is published more frequently.
- ☐ When a party requests a statement of reasons pursuant to Article 21, the time limit for appeal shall not commence until the statement of reasons has been notified to him.
- ☐ When a party requests the reopening of a case within the time limit for appeal, the time limit for appeal shall be interrupted. If an administrative authority refuses to reopen a case, the time limit for appeal shall continue to run from the time when that decision is notified to the party.
- ☐ An appeal shall be deemed to have been filed early enough if a letter containing it is delivered to a higher administrative authority or delivered by post before the time limit has expired.
- ☐ Before the time limit for appeal expires, a higher administrative authority may in special cases extend the time limit for appeal.

■ **Article 28.** *An appeal is received after the appeal deadline has passed.*

- ☐ If an appeal is received after the appeal deadline has passed, it shall be dismissed, unless:
 1. it is considered excusable that the appeal was not received earlier, or
 2. there are important reasons that recommend that the appeal be processed.
- ☐ However, an appeal shall not be processed if more than a year has passed since the decision was notified to the party.

■ **Article 29.** *Legal effects of an appealed decision.*

- ☐ An administrative appeal does not suspend the legal effects of a decision.
- ☐ A higher administrative authority may, however, suspend the legal effects of the appealed decision while the appeal is being processed where reasons so require.
- ☐ The provisions of paragraphs 1 and 2 do not apply, however, where the law provides otherwise.
- ☐ It shall be decided as soon as possible whether the legal effects of the appealed decision shall be suspended.

■ **Article 30.** *Procedure in appeals.*

- ☐ The handling of appeals shall be governed by the provisions of Chapters II.–VI. and VIII. of the Act, as applicable.
- ☐ It may be decided that a case shall be presented orally if it is particularly difficult and it can be expected that it will be better explained in that manner.

■ **Article 31.** *Form and content of rulings in appeal cases.*

- ☐ A ruling by a higher administrative authority in an appeal case shall always be in writing and shall include the following points, among others, in a brief and clear manner:
 1. The claims of the parties.
 2. The matter to be resolved, including the contested decision.
 3. A brief summary of the facts of the case and the subject of the dispute.
 4. Justification for the outcome of the case pursuant to Article 22.
 5. The main conclusion shall be summarized at the end of the ruling in a separate ruling.

Chapter VIII. Administrative committees.

■ **Article 32.** *Appointment of committee members.*

- When appointing an administrative committee that makes decisions about the rights or obligations of members, principal members and an equal number of alternate members shall always be appointed simultaneously. Alternate members shall be appointed in the same manner as principal members.
- When a principal member of an administrative committee is temporarily absent, an alternate member shall take his place on the committee. When a principal member resigns or is otherwise permanently absent, an alternate member shall take his place and a new alternate member shall then be appointed, unless the person who appointed the committee decides to re-appoint the principal member.

■ **Article 33.** *Calling of meetings.*

- The chairman of the administrative committee shall call a meeting and shall call it with reasonable notice. The chairman is obliged to call a meeting if a majority of the committee members so request.
- A committee member shall immediately notify the chairman of his absence. The chairman shall then call a substitute in his place.

■ **Article 34.** *Procedure.*

- The Administrative Committee has a quorum when a majority of the members of the Committee are present.
- The number of votes determines the outcome of matters, unless otherwise provided by law. If the votes are equal, the proposal is deemed to have failed. When the votes are equal in the election of a person to a position, the decision is made by drawing lots.

[Chapter IX. Electronic processing of administrative matters.]¹⁾

¹⁾ [Act 51/2003, Article 1.](#)

■ **[Article 35.** *Authorization for electronic handling of a case.*

- An administrative authority shall decide whether to offer the option of using electronic communication of information in the handling of a case. The requirements that a party's hardware and software must meet in order for a case to be handled electronically shall be accessible to it at the beginning of the case, and the administrative authority shall draw its attention to them as appropriate. These requirements shall be set with a view to making the equipment most useful to the greatest number of people.
- An administrative authority that decides to exercise the authorization pursuant to paragraph 1 shall use electronic communication of information in the handling of a case if the party specifically requests it. The same applies when a party has previously used the equipment for electronic communication with an administrative authority that it has advertised on its website as being available for such communication.
- An administrative authority may decide which requirements data that it receives electronically must meet. An administrative authority may, among other things, require that data that it receives be presented on special electronic forms. Standard instructions for completing the form and the requirements imposed by the authority shall then be provided.]¹⁾

¹⁾ [Act 51/2003, Article 2.](#)

■ **[Article 36.** *Formal requirements.*

- When established laws, general administrative regulations or practices require that documents to a party to a case or to an administrative authority be in writing, documents in electronic form shall be

deemed to satisfy this requirement, provided that they are technically accessible to the recipient so that he can familiarize himself with their content, preserve them and present them later.]¹⁾

¹⁾ [Act 51/2003, Article 3.](#)

■ **[Article 37. *Original and copy.***

□ When established law, general administrative orders or custom require that a document be in an original, data in electronic form shall be deemed to satisfy this requirement if it is ensured that the data is unchanged from the original version. This does not apply, however, to commercial letters or other letters where financial rights are tied to the holder of the letter.

□ When established law, general administrative orders or custom require that data be submitted in more than one copy, data in electronic form shall be deemed to satisfy this requirement.]¹⁾

¹⁾ [Act 51/2003, Article 4.](#)

■ **[Article 38. *Electronic signatures.***

□ When established law, general administrative regulations or practices require that data from a party or authority be signed, the authority may decide that an electronic signature replaces a handwritten signature, provided that the electronic signature ensures personal confirmation of the origin of the data in a manner comparable to a handwritten signature. A fully valid electronic signature ...¹⁾ shall always be deemed to satisfy the requirement of the law on signature.

□ When established law, general administrative orders or practices require that data or certain aspects thereof be certified, such requirement shall be deemed to be fulfilled by an electronic signature certificate pursuant to paragraph 1 which confirms the aspects required to be certified.

□ When established law, general administrative orders or practices do not require that data from a party or an administrative authority be signed, the administrative authority may decide that methods other than electronic signatures may be used to confirm electronic data.]²⁾

¹⁾ [Law 55/2019, Article 10.](#) ²⁾ [Act 51/2003, Article 5.](#)

■ **[Article 39. *Electronic proceedings.***

□ An administrative decision or other documents in electronic form are deemed to have been disclosed to a party when he has the opportunity to familiarize himself with their content. A party to a case is responsible for ensuring that his hardware and software meet the requirements imposed on him, cf. the first paragraph of Article 35, and are necessary so that he can familiarize himself with the content of an administrative decision or other documents that an administrative authority sends him in electronic form.

□ A communication or other documents are deemed to have been received by an administrative authority when it has the opportunity to familiarize itself with their content. An administrative authority shall, on its own initiative, confirm that it has received the documents, to the extent possible.

□ When established law, general administrative orders or practices require that the authorities disclose documents to a party in a verifiable manner, such a requirement is deemed to have been met by the use of electronic equipment that confirms that the documents have been received by the party.]¹⁾

¹⁾ [Act 51/2003, Article 6.](#)

■ **[Article 40. *Preservation of electronic data.***

□ A government authority shall preserve electronic data in such a way that its content and origin can be

verified at a later date in an accessible manner.]¹⁾

¹⁾
[Act 51/2003, Article 7](#)

[Chapter X. Freedom of expression, confidentiality, etc.]¹⁾

¹⁾
[Law 71/2019, Article 3.](#)

■ **[Article 41. Freedom of expression.**

□ Anyone working for the state or local authorities has the freedom to express themselves publicly on matters related to their work, as long as this is not prevented by confidentiality or duties of trust and loyalty.

□ Confidentiality does not include information about violations of the law or other reprehensible conduct by government employees.]¹⁾

¹⁾
[Law 71/2019, Article 3.](#)

■ **[Article 42. Confidentiality.**

□ Anyone working for the state or local authorities is bound by a duty of confidentiality regarding information that is classified as confidential on the basis of law or other regulations, or when it is otherwise necessary to keep it secret to protect significant public or private interests, such as:

1. State security or defense.
2. Relations with other states or international organizations.
3. Important economic interests of the state.
4. Government measures to prevent crime, investigate criminal cases, and enforce penalties. The same applies to information on the protection of suspects, witnesses, and others related to criminal cases.
5. Transactions of institutions and companies owned by the state or local authorities to the extent that they are in competition with others.
6. Proposed measures or tests by the state or local authorities, if they would be meaningless or would not produce the desired results, would be public knowledge. When the measures covered by this provision have been taken, the obligation of confidentiality shall cease unless other confidentiality provisions apply.
7. Environmental matters if the disclosure of the information may have a serious impact on the protection of the part of the environment to which the information relates, for example the habitat of rare species of organisms, minerals, fossils and rock formations.
8. Private or financial matters of individuals that it is reasonable and natural to keep secret. The provision does not cover information about a person's date of birth, place of birth, ID number, marital status, job title, place of work, place of residence or legal domicile unless it is closely related to information covered by the obligation of confidentiality, but the Act on the Protection of Personal Data and the Processing of Personal Data shall be complied with. In addition, it is prohibited to provide information about legal domicile if a decision by the National Register of Iceland on a concealed legal domicile is in force on the basis of the Act on Legal Domicile and Residence.
9. Active financial or commercial interests of companies and other private legal entities, such as operational or competitive positions, as well as [trade secrets]¹⁾ which it is reasonable and natural to keep secret.

□ In state and local government administration, it is only permitted to decide that information is subject to a duty of confidentiality if this is necessary to protect certain public or private interests on the basis of the first paragraph and is compatible with democratic traditions.

□ The duty of confidentiality means that an employee is not permitted to communicate or use for himself

or for the benefit of others information about facts that should be kept secret and that the employee has become aware of in his or her work or because of his or her work, whether by chance or not. The employee must then take appropriate measures to ensure that information subject to a duty of confidentiality does not come to the attention of unauthorized persons during its processing and storage. The duty of confidentiality persists even after leaving the job.

□ When a government authority engages an expert for advice and assistance where necessary, the contract shall state that his duty of confidentiality shall be governed by the provisions of Chapter X of this Act, and the provisions of that chapter shall apply.

□ A breach of the duty of confidentiality pursuant to this Article shall be punishable under Article 136 of the General Penal Code. If the act was not committed with intent, the offence may be punished under Article 141 of the same Act, provided that the conditions of the provision are met. Offences by persons other than public employees, cf. the 4th paragraph, shall be punishable by fines or imprisonment for up to one year if they were committed with intent or gross negligence. Attempting to commit an offence or participating in an offence shall be punishable under the provisions of the General Penal Code. If the offence is committed in the course of the activities of a legal entity, the legal entity may then be fined under Chapter II. A of the General Penal Code.]²⁾

¹⁾ [Law 131/2020, Article 20.](#) ²⁾ [Law 71/2019, Article 3.](#)

■ **[Article 43. Limitations and waiver of confidentiality.**

□ A government authority may disclose information subject to confidentiality to a third party if the competent party has given its consent to do so or on the basis of legal authority. Only the person who has the interests that the confidentiality rules are intended to protect or the person to whom the information directly concerns is competent to give his consent. Consent to disclose personal information is governed by the Act on the Protection of Personal Information and the Processing of Personal Information. It

□ is permitted to publish statistical information based on information about private interests subject to confidentiality, provided that personally identifiable information is not provided and the sample is large enough and the variables are limited in such a way that it is not possible to identify which individuals are involved. The same applies, as applicable, to the active financial or commercial interests of companies and other private legal entities.

□ It is permissible to publish public administrative decisions that deal with information about private interests that are subject to a duty of confidentiality, provided that personally identifiable information is deleted. The same applies to the active financial or commercial interests of companies and other private legal entities.

□ When information that is subject to a duty of confidentiality has been made public in a lawful manner, such as when a person has clearly made information about himself public, the duty of confidentiality ceases with such publication.

□ The duty of confidentiality ceases when information becomes accessible to the public on the basis of the provisions of the Information Act, the Act on the Right to Information on Environmental Matters, the Act on Public Archives or other acts. ...]^{1) 2)}

¹⁾ [Act 101/2021, Article 1.](#) ²⁾ [Law 71/2019, Article 3.](#)

■ **[Article 44. Abuse of position.**

□ Anyone working for the state or local authorities is prohibited from using their position to obtain information that is subject to a duty of confidentiality and is not relevant to their work. Violation of the duty of confidentiality under this article is punishable by law under Article 139 of the General Penal

Code.]¹⁾

¹⁾ [Law 71/2019, Article 3.](#)

■ **[Article 45.** *Confidentiality of parties to proceedings, witnesses and commentators.*

□ When a party to proceedings receives, on the basis of Article 15, access to a document containing sensitive information about the private interests of others or public interests and which is classified with reference to Article 42, he is bound by a duty of confidentiality regarding its contents and may only use the information to the extent necessary to protect his interests in the handling of the case. The representatives and assistants of the party to proceedings are bound by a duty of confidentiality in the same way.

□ When a witness receives access to a document which is classified with reference to Article 42, he is bound by a duty of confidentiality regarding its contents and may only use the information in giving his testimony in the case.

□ When it is mandatory to seek the opinion of a private party before a decision is made in a case and such a commentator is granted access to a document which is classified with reference to Article 42 he is bound by a duty of confidentiality regarding its contents and is only permitted to use the information to give his opinion.

□ When an administrative authority shows or hands over documents to a party to a case, witness or commenter, instructions shall be provided on the rules that apply to them and what the consequences are if they are violated. It shall always be ensured that the documents are clearly marked confidential with reference to Article 42.

□ Violations of the duty of confidentiality pursuant to this Article shall be punishable by fines or imprisonment for up to one year. Attempting to commit an offence or participating in an offence is punishable according to the provisions of the General Penal Code. If an offence is committed in the activities of a legal entity, the legal entity may then be fined according to Chapter II. A of the General Penal Code.]¹⁾

¹⁾ [Law 71/2019, Article 3.](#)

■ **[Article 46.** *Disclosure of information to another government authority.*

□ The authority of a government authority to disclose registered personal information to another government authority shall be governed by the provisions of the Act on the Protection of Personal Information and the Processing of Personal Information or special provisions of law.

□ When information subject to a duty of confidentiality is provided to the government authority solely for statistical or scientific purposes, the government authority concerned may not disclose such information to another government authority for use for other purposes.]¹⁾

¹⁾ [Law 71/2019, Article 3.](#)

■ **[Article 47.** *Confidentiality of others who provide services to citizens on behalf of the government.*

□ When a service agreement is concluded for a contractor to provide specific services to citizens on behalf of the government pursuant to the provisions of [Article 40 of the Public Finance Act, No. 123/2015](#), or other laws, the contractor and his employees shall be bound by a duty of confidentiality regarding what they learn in providing services to citizens and what must be kept secret pursuant to Article 42. Violations of the provisions of this Article are punishable by fines or imprisonment for up to one year. Attempted or complicity in an offence is punishable as provided in the General Penal Code. If an offence is committed in the activities of a legal entity, the legal entity may be fined pursuant to Chapter II. A of the General Penal Code.

☐ If the agreement concluded with the contractor pursuant to the 1st paragraph of the General Penal Code also includes practical projects, services to the government and other similar matters. The obligation of confidentiality applies only to that part of the agreement that concerns providing services to citizens.]¹⁾

¹⁾ [Law 71/2019, Article 3.](#)

■ **[Article 48.** *Rules on the handling of confidential information.*

☐ The Minister shall issue regulations to ensure the secure handling of confidential information by the state administration, including on the classification of information and its preservation, liability and supervision. The Minister shall issue guidelines on local government rules on the handling of confidential information.]¹⁾

¹⁾ [Act 71/2019, Article 3](#)

[Chapter XI.]¹⁾ **Entry into force, etc.**

¹⁾ [Law 71/2019, Article 3.](#)

■ **[Article 49]**¹⁾

☐ This Act shall enter into force on 1 January 1994.

☐ This Act shall apply only to cases which are brought before the authorities after the entry into force of the Act. If a case is reopened or a decision is appealed to a higher authority after the entry into force of this Act, the Act shall apply to those cases from that date.

☐ The provisions of Article 27 on the time limit for appeal shall only apply to cases in which a decision has been notified after the entry into force of the Act.

¹⁾ [Law 71/2019, Article 3.](#)

■ **[Article 50]**¹⁾ ...

¹⁾ [Law 71/2019, Article 3.](#)