



Council of the  
European Union

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#### NOTE

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Project: Member States' legislation on access to documents

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1. The General Secretariat of the Council is addressing a questionnaire to delegations of the Working Party on Information on Member States' legislation on access to documents. The objective of this questionnaire is to provide a comprehensive overview of the main elements and characteristics of Member States' legislation on access to documents.
2. Delegations will find in the Annex to this note the questionnaire. The questions have been drafted with a view to enable easy electronic reply and to facilitate comparison of results which will then be processed and published.
3. Please reply to the questions below by filling in the text boxes with the requested information or by inserting a cross ('X') inside the box beside the most appropriate option. For some questions, you may select as many options as you consider appropriate.

Please send your reply to the General Secretariat of the Council by email no later than 15 December 2016.

**QUESTIONNAIRE**  
**MEMBER STATES' LEGISLATION ON ACCESS TO DOCUMENTS**

Please reply to the questions below by filling in the text boxes with the requested information or by inserting a cross ('X') inside the box beside the most appropriate option. For some questions, you may select as many options as you consider appropriate.

Please send your reply to the General Secretariat of the Council by email no later than 15 December 2016

<b>MEMBER STATE:</b>	
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**GENERAL INFORMATION**

1. Please indicate your national legislation on access to documents:

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2. Please provide a link to your national legislation on access to documents (if available):

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**3. When did your national legislation on access to documents enter into force?**

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**3.1 Is it currently being reviewed?**

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**3.2 If yes, what are the main reasons for the review?**

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | (a) Practical difficulties in implementing previous legislation |
| <input type="checkbox"/> | (b) Adapting to new technologies                                |
| <input type="checkbox"/> | (c) Adapting to new policies                                    |
| <input type="checkbox"/> | (d) Other   |

Please specify:

**BENEFICIARIES, SCOPE AND DEFINITIONS**

**4. Who are the beneficiaries of your national legislation on access to documents?**

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | (a) Any citizen of your Member State and any natural or legal person residing in your Member State |
| <input type="checkbox"/> | (b) Any citizen of the EU and any natural or legal person residing in the EU                       |
| <input type="checkbox"/> | (c) Any citizen and any natural or legal person  |
| <input type="checkbox"/> | (d) Other  |

Please specify:

**5. Does your national legislation set limits to its scope?**

☐

(a) No, it applies to all documents

☐

(b) Yes, it excludes documents from certain:

☐

(i) public authorities

Please specify which:

☐

(ii) areas of activity

Please specify which:

☐

(iii) policies

Please specify which:

☐

(iv) categories

Please specify which:

☐

(v) Other

Please specify which:

**6. Is the setting up of public register(s) of documents mandatory under your national legislation?**

☐

(a) Yes

☐

(b) No

**6.1 Please provide a link to an example of a public register of documents (if available):**

**7. Please indicate which of the practices below are used by your public authorities to reply to requests for access:**

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | (a) Requests are answered by identifying only documents listed in registers   |
| <input type="checkbox"/> | (b) Requests are answered by identifying any content, including content found in non-registered documents (internal notes, memos, etc.) |
| <input type="checkbox"/> | (c) Requests are answered by identifying any content, including content found in emails   |
| <input type="checkbox"/> | (d) Requests are answered by identifying any content, including extracts from databases   |
| <input type="checkbox"/> | (e) Requests are answered by identifying any written content, other than the content mentioned above. Please specify:                   |

**8. Does your national legislation recognise the definition of a 'document authored by a third party' (e.g. another Member State or an EU institution)?**

- |                          |         |
|--------------------------|---------|
| <input type="checkbox"/> | (a) Yes |
| <input type="checkbox"/> | (b) No  |

**8.1 What is the procedure followed for processing a request for access to a document of a third party?**

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | (a) The third party is consulted but your public authority issues the final reply to the request |
| <input type="checkbox"/> | (b) The request is forwarded to the third party to issue the final reply to the request          |

## DEADLINES AND REVIEW

9. Please indicate the deadline for your public administration to reply to a request for access:

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10. Does your national legislation provide for the possibility of a review of an initial reply (other than a judicial review)?

<input type="checkbox"/>	(a) Yes
<input type="checkbox"/>	(b) No

- 10.1 If yes, please indicate the deadline for your public administration to reply to the review:

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- 10.2 If yes, indicate the competent authority responsible for review:

<input type="checkbox"/>	(a) Same as for initial reply
<input type="checkbox"/>	(b) Other

Please specify:

## LIMITS TO THE RIGHT OF ACCESS TO DOCUMENTS

**11. Does your national legislation set limits to the right of access?**

	(a) Yes
	(b) No

**11.1 If yes, please indicate which of the exceptions in Regulation 1049/2001 on access to documents is also provided for in your national legislation:**

	(a) Protection of the public interest as regards public security
	(b) Protection of the public interest as regards defence and military matters
	(c) Protection of the public interest as regards international relations
	(d) Protection of the public interest as regards financial, monetary or economic policy of the EU or one of its Member States
	(e) Protection of privacy and the integrity of the individual
	(f) Protection of commercial interests
	(g) Protection of court proceedings and legal advice
	(h) Protection of the purpose of inspections, investigations and audits
	(i) Protection of the decision-making process

**11.2 If yes, please indicate exceptions to the right of access provided for in your national legislation other than those identified in Regulation 1049/2001:**

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**12. Does your national legislation identify reasons for not processing requests for access?**

(a) Yes  
(b) No

**12.1 If yes, please indicate which of the reasons below are provided for in your national legislation:**

	(a) Unreasonable or abusive request
	(b) Excessive administrative burden
	(c) Failure to clarify the request
	(d) Other

Please specify:

## REPORTING

**13. Does your national legislation require regular reporting?**

	(a) Yes
	(b) No

### 13.1 If yes, how regular?



**13.2 If yes, please provide a link to a reporting exercise for the year 2015:**

**14. Is there any other provision or characteristic of your legislation on access to documents that would be useful to mention? Please specify.**

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