Chapter I
Election, dismissal etc

1. (1) After every general election and when a vacancy occurs, the Folketing shall elect an Ombudsman.

(2) In the event of the death of the Ombudsman, the Legal Affairs Committee of the Folketing shall determine who shall carry out the functions of the Ombudsman until the Folketing has elected a new Ombudsman.

2. (1) The Ombudsman shall not be a member of the Folketing or a local council.

(2) The Ombudsman shall be a law graduate.

3. If the Ombudsman ceases to enjoy the confidence of the Folketing, it may dismiss him.

4. (1) Giving six months’ notice, the Ombudsman may tender his resignation, effective from the end of a month.

(2) The Ombudsman shall retire at the end of the month in which he attains the age of 70.

5. The Folketing shall determine the salary of the Ombudsman. The Ombudsman shall be entitled to severance pay and pension under provisions corresponding to those of Sections 3-7 of the Remuneration and Pension of Ministers Act.

6. (1) If the Ombudsman is discharged without notice, he shall retain his salary for three months from the end of the month in which he retires. If the Ombudsman dies before the expiry of that period, any salary outstanding at the time of his death shall be payable to his spouse or, if he leaves no spouse, to any children of his being entitled to children's pension.

(2) For the duration of the period of entitlement to salary, severance pay or pension shall not be paid.
(3) Section 3 (2) of the Remuneration and Pension of Ministers Act shall apply by analogy to the salary payable under Subsection (1) of this Section.

Chapter 2
The jurisdiction of the Ombudsman

7. (1) The jurisdiction of the Ombudsman shall extend to all parts of the public administration.

(2) The jurisdiction of the Ombudsman shall not extend to the courts of justice.

(3) The Ombudsman shall not consider complaints against boards which in a satisfactory way make decisions on disputes between private parties, even if the board concerned in other contexts is regarded as part of the public administration.

(4) If companies, institutions, associations etc administratively fall under the Public Administration Act, the Access to Public Administration Files Act or the Public Administration Data Protection Act, the Ombudsman may determine that his jurisdiction shall extend to those bodies to the same extent.

8. When assessing the local government part of the public administration, the Ombudsman shall take account of the special conditions under which local government functions.

9. The jurisdiction of the Ombudsman shall extend to the Established Church, except in matters which directly or indirectly involve the tenets or doctrines of the Church.

Chapter 3
The relationship with the Folketing

10. The Ombudsman shall be independent of the Folketing in the discharge of his functions. The Folketing shall lay down general rules governing the activities of the Ombudsman.

11. (1) The Ombudsman shall submit an annual report on his work to the Folketing. This report shall be printed and published.

(2) If the Ombudsman reports a matter to the Folketing, a minister or a local authority, cf Section 24, or if he mentions a case in his annual report, he shall state what the person or authority concerned pleaded in defence.
If any deficiencies in existing laws or administrative regulations come to the attention of the Ombudsman, he shall notify the Folketing and the responsible Minister thereof. In the case of deficiencies in local authority bylaws, the Ombudsman shall notify the local authority concerned.

Chapter 4
Lodging a complaint

13.
(1) Any person may lodge a complaint with the Ombudsman against the authorities referred to in Sections 7-9. Any person deprived of his personal liberty shall be entitled to address written communications to the Ombudsman in a sealed envelope.

(2) A complainant shall state his name.

(3) A complaint shall be lodged within twelve months of the commission of the act complained of.

14.
A complaint against a decision which may be appealed to another administrative authority cannot be lodged with the Ombudsman until that authority has made a decision on the matter.

15.
Complaints about the treatment of persons deprived of their personal liberty through any procedure other than the administration of criminal justice shall be referred to the Supervisory Board appointed by the Folketing in pursuance of Section 71 (7) of the Constitution. The Supervisory Board may invoke the assistance of the Ombudsman in the consideration of such complaints if the latter are made against any person falling within his jurisdiction.

16.
(1) The Ombudsman shall determine whether a complaint offers sufficient grounds for investigation.

(2) If a complaint gives the Ombudsman no occasion for criticism, recommendations etc, the case may be closed without submission to the authority concerned for a statement, cf Section 20 (1).

Chapter 5
Initiating own-initiative investigations and inspection

17.
(1) The Ombudsman may take up a matter for investigation on his own initiative.

(2) The Ombudsman may undertake general investigations of the case processing of an
authority.

18. The Ombudsman may inspect any institution or firm and any place of employment which fall within the jurisdiction of the Ombudsman.

Chapter 6
The case investigation

19. (1) Authorities which fall within the jurisdiction of the Ombudsman shall be under obligation to furnish the Ombudsman with such information and to produce such documents etc as he may demand ex officio.

(2) The Ombudsman may demand written statements from authorities which fall within his jurisdiction.

(3) The Ombudsman may subpoena persons to give evidence in court on any matter of importance to his investigations. This procedure is subject to the rules laid down in Chapter 68 of the Administration of Justice Act.

(4) The Ombudsman may inspect any place of employment and shall have access to all premises.

20. (1) The Ombudsman shall not express criticism, make recommendations etc until the authority or person concerned has had an opportunity to make a statement.

(2) The Ombudsman may determine that a submission letter, a preliminary statement, a preliminary explanation or a preliminary report on a project which the Ombudsman has taken up on his own initiative, cf Section 17 (2), shall not be subject to disclosure under the Access to Public Administration Files Act and the Public Administration Act until the authority concerned has had an opportunity to make a statement on it.

Chapter 7
Assessment and reaction

21. The Ombudsman shall assess whether any authorities or persons falling within his jurisdiction act in contravention of existing legislation or otherwise commit errors or derelictions in the discharge of their duties.

22. The Ombudsman may express criticism, make recommendations and otherwise state his
views of a case.

23. The Ombudsman may recommend that a complainant be granted free legal aid in connection with any matter falling his jurisdiction.

24. If the Ombudsman's investigation of a case reveals that the public administration must be presumed to have committed errors or derelictions of major importance, he shall report the matter to the Legal Affairs Committee of the Folketing and to the responsible minister or the local authority concerned.

25. Actions brought against the Ombudsman in civil procedure form in consequence of his decisions, statements etc may be dismissed at the demand of the Ombudsman.

Chapter 8
Staff, organisation, competence to act etc

26. The Ombudsman shall engage and dismiss his own staff. The number, salaries and pensions of his staff shall be fixed in accordance with the Rules of Procedure of the Folketing. The expenditure incident to the office of Ombudsman shall be charged to the budget of the Folketing.

27. The Ombudsman may order that one of his staff members shall carry out his functions temporarily.

28. The Ombudsman shall observe secrecy in any matter coming to his knowledge in the performance of his functions, provided that secrecy is necessary ipso facto. The staff of the Ombudsman shall be bound by the same obligation.

29. (1) If a case involves circumstances which may give rise to doubt about the impartiality of the Ombudsman, he shall advise the Legal Affairs Committee of the Folketing. The Committee shall determine who shall carry out the Ombudsman's functions.

(2) The Ombudsman shall not, except with the consent of the Legal Affairs Committee of the Folketing, hold any office in public or private firms, undertakings or institutions.

30. The designation ombudsman or any other designation which may be confused therewith shall
not be used except when authorised by an Act passed by the Folketing.

**Chapter 9**  
**Coming into force etc**

31.  
(1) This Act shall enter into force on 1 January 1997.


32.  
(1) The following amendments shall be made to the Aliens Act, cf consolidate Act No. 562 of 30 June 1995, as amended by Section 1 of Act No. 290 of 24 April 1996:

1. Section 33 (5.1) shall be repealed.

2. In Chapter 8 the following new paragraph shall be inserted after Section 58:

'Section 58 a. The jurisdiction of the Ombudsman shall not extend to the Refugee Board, except as provided in Section 17 of the Ombudsman Act.'

(2) Complaints against decisions by the Refugee Board which have been lodged with the Ombudsman before this Act comes into force shall be considered under the rules previously in force.