Act
No. 85/1997 on the Althing Ombudsman

Article 1
Election of the Althing Ombudsman

The Althing Ombudsman is elected by Althing for a period of four years. He shall fulfil the conditions provided by law as to fitness to hold the office of Supreme Court Justice and may not be a Member of Althing.

In the event of the death of the Ombudsman, or his permanent incapacitation for other reasons, Althing shall hold a new election for the office. The same applies if the Ombudsman is released from his duties of his own volition, or if two thirds of the members of Althing vote to dismiss him.

In case of a temporary absence of the Ombudsman the Speaker of Althing will appoint a substitute to act for him meanwhile.

Article 2
Role of the Althing Ombudsman, etc.

The role of the Althing Ombudsman is to monitor, on behalf of Althing and in such manner as is further stated in this Act, the administration of the State and local authorities, and to safeguard the rights of the citizens vis-a-vis the authorities. He shall ensure that the principle of equality is upheld in public administration and that such administration is otherwise conducted in conformity with the law and good administrative practice.

The Ombudsman shall not, in the discharge of his functions, have to take instructions from anybody, Althing included.

Article 3
Jurisdiction of the Althing Ombudsman

The jurisdiction of the Althing Ombudsman extends to State and local administration.

The Ombudsman's jurisdiction also extends to the activities of private parties insofar as they have been by law vested with public authority to decide as to individuals' rights and obligations in the sense of Article 1, para. 2 of the Administrative Act.

The Ombudsman's jurisdiction shall not extend to:

a. proceedings of Althing and its bodies, cf. nihilominus Article 11,

b. proceedings of the courts of law,

c. decisions and other acts of the authorities where the law states expressly that redress should be sought before the courts. This, however, does not apply to cases under Article 5.

Article 4
Complaint to the Althing Ombudsman

The Ombudsman may take up a case following a complaint.

Any person who feels unjustly treated by any of those indicated in paras. 1 and 2 of Article 3 can complain thereof to the Ombudsman.

A person who has been deprived of his or her liberty has the right to lodge a complaint with the Ombudsman in a sealed letter.

Article 5
Cases on initiative

The Ombudsman may, on his own initiative, decide to take up a matter for investigation. He may, similarly, subject the activities and procedures of an authority to a general examination.
Article 6
Conditions for a complaint being considered

A complaint to the Ombudsman shall be in writing and must state the name and address of the complainant. It shall describe the decision or other conduct of the authorities giving rise to the complaint and be accompanied by all the available evidence as to the details of the case.

A complaint shall be lodged within a year of the conclusion of the administrative act in question. Where a case can be appealed to a higher authority a complaint may only be lodged with the Ombudsman after this higher authority has given its ruling. The time limit of one year pursuant to para. 2 applies from the same time.

Article 7
Investigation of a case

The Ombudsman may demand from the authorities such information and written explanations as he may require for his official purposes, including reports, documents, minutes, and all other items with a bearing on the case.

The Ombudsman may summon officials of State and local administration for hearings on matters within the Ombudsman's jurisdiction, as well as to give oral information and explanations regarding individual cases.

The Ombudsman shall have free access to all premises of the authorities in order to carry out investigations for his work. In this he shall be given all necessary assistance by the officials concerned.

The Ombudsman cannot demand to have information which concerns state security, or on such foreign affairs as are to be kept secret, except with the permission of the relevant cabinet minister.

The Ombudsman may cause a person to be summoned before a district judge to give evidence on particulars which the Ombudsman deems to be significant. Such hearings shall be conducted pursuant to procedural law on criminal cases as applicable. Hearings may, if so decided, be held in camera. The Ombudsman is at liberty to engage the help of specialists when called for and to secure such specialized data as he needs.

Article 8
Duty of silence

The Ombudsman shall observe a duty of silence as regards facts which come to his attention in the course of his work and should, because of legitimate public or private interests, be kept secret. The same applies to the Ombudsman's staff. The duty of silence shall remain even after termination of employment.

Article 9
Explanation by the Authorities

The Ombudsman shall, immediately upon deciding to admit a complaint against a public authority, notify the authority concerned of the subject of the complaint, unless investigation of the matter is likely to be harmed thereby.

As a rule, a public authority, against which a complaint has been lodged, shall be given an opportunity to explain matters to the Ombudsman before he concludes the case with an Opinion pursuant to Article 10, para. 2, subsection b. He can set a public authority a specific time limit for this purpose.

Article 10
Conclusion of a case
If, right away at the outset, the Ombudsman feels that a complaint does not provide grounds enough for a closer investigation or that it does not fulfil the conditions of this Act as to admission, he shall notify the complainant accordingly. That is the end of the matter as far as the Ombudsman is concerned.

Once allowed by the Ombudsman a case may be concluded by him as follows:

a. He may dismiss it on receipt of a clarification or explanation from a public authority.

b. He may issue an Opinion as to whether an act of a public authority conflicts with the law or is otherwise contrary to good administrative practice. Where an act of a public authority becomes the subject of reproach or criticism by the Ombudsman he may at the same time adress to such authority a recommendation to make amends.

c. Where a complaint involves a legal dispute which should, in principle, be decided by the courts of law the Ombudsman may conclude the matter by pointing this out.

d. The Ombudsman may recommend to the minister of justice that legal aid be accorded where the Ombudsman deems appropriate that a case within his scope should be put to the courts of law.

e. Where the Ombudsman becomes aware of a breach in office, punishable by law, he may notify the appropriate authority thereof.

**Article 11**

**Flaws in legislation, etc.**

Where the Ombudsman detects legal flaws in current legislation or public rules he shall notify Althing, the relevant cabinet minister, or the local authority concerned.

**Article 12**

**The Ombudsman's Report, etc.**

The Ombudsman shall report annually to Althing on his work during the preceding calendar year. The printed report shall be published before 1st September each year.

If the Ombudsman becomes aware of major errors or transgressions on the part of a public authority, he may submit a special report on the matter to Althing or the relevant cabinet minister. In cases involving local authority officials the Ombudsman may submit a special report to the authority concerned.

The Ombudsman decides, at his own discretion, whether to issue a communiqué on a case and in what form.

Whenever the Ombudsman issues a communiqué on a case he shall specify what the public authority concerned has submitted in its defence.

**Article 13**

**Emoluments of the Althing Ombudsman, etc.**

The salary of the Ombudsman is decided by the Althing Presidium. In other respects, the Ombudsman shall enjoy the same emoluments as justices of the Supreme Court. He shall, at the end of his tenure, be entitled to a retaining salary pursuant to Section VI of the Act on the Rights and Obligations of Civil Servants.

The Ombudsman engages his own staff within the limit set by the fiscal appropriation in force. With the same proviso, the Ombudsman is authorized to engage people to work on specific tasks. The provisions of Article 7 of the Act on the Rights and Obligations of Civil Servants shall not apply as regards posts in the Office of the Ombudsman.
The Speaker of Althing draws up contracts with the staff of the Althing Ombudsman, cf. Article 3 of the Act on Emoluments Agreements for Civil Servants.

**Article 14**
**Eligibility and substitutes**

The Ombudsman may hold no paid employment on behalf of public administrative bodies, nor in private enterprises, except with the consent of the Speaker of Althing. Where the Ombudsman withdraws from a case the Speaker of Althing appoints a substitute to proceed with the case. The substitute shall fulfil the same conditions on eligibility as the Ombudsman, with the exception of those stated in para. 1 of this Article.

**Article 15**
**Audit**

The accounts of the Ombudsman shall be audited by an independent chartered auditor appointed by the Speaker of Althing.

**Article 16**
**Action against the Ombudsman**

Where the Ombudsman so demands, the judge shall dismiss a civil case brought against the Ombudsman on the grounds of decisions taken by him pursuant to Article 10.

**Article 17**
**Rules on work and procedures**

The Althing shall lay down general rules governing the activities of the Ombudsman. These shall be published in Section A of the Official Journal.

**Article 18**
**Entry into force, etc.**

This Act enters into force immediately. Act No. 13 of 20 March 1987 on the Althing Ombudsman is thereby revoked.