

## **Act on the Publicity of Administrative Court Proceedings (381/2007)**

### ***Chapter 1 – General provisions***

#### ***Section 1 – The principle of publicity***

Court proceedings and trial documents are public unless provided otherwise in this Act.

#### ***Section 2 – Scope of application of the Act***

(1) This Act applies to proceedings in an administrative judicial case and to trial documents in administrative courts.

(2) In this Act, “administrative court” refers to the Supreme Administrative Court, the administrative court and the insurance court. The provisions of this Act on administrative courts also apply to the Market Court and to a board established to consider an appeal in a case which is considered in accordance with the Administrative Judicial Procedure Act (586/1996).

#### ***Section 3 – Relationship of the Act with other provisions***

The provisions in the Act on the Openness of Government Activities (621/1999) and in other Acts on the publicity of documents apply in administrative courts, to the extent not provided otherwise in the present Act.

### ***Chapter 2 – Information regarding the court proceedings***

#### ***Section 4 – Publicity of information regarding court proceedings***

(1) Subject to the provisions of section 5, information necessary to identify a party or other participants in the case and that are entered into the cause book or corresponding document register of the administrative court, as well as information on the court considering the case, on the authority that made the decision that is the subject of the appeal, on the specific nature of the case and the stages in the consideration of the case, as well as on the time and place of oral proceedings are, notwithstanding provisions on secrecy, immediately public.

(2) In a case concerning the inspection referred to in section 20(a) of the Act on Competition Restrictions (480/1992), the information referred to in subsection 1 does not become public until the subject of the inspection is informed of the inspection, unless the administrative court decides that the information become public before this.

### **Section 5 – Identifying information to be kept secret**

(1) Information necessary to identify a party or other participants in the case and that are entered into the cause book or corresponding document register of the administrative court shall be kept secret if this is necessary because the information, together with other information entered into the document register or a decision of the administrative court, reveal:

- (1) information that is to be kept secret pursuant to section 24, subsection 1, paragraphs 20 or 23-32 of the Act on the Openness of Government Activities;
- (2) information that is to be kept secret pursuant to the Act on the Publicity and Secrecy of Tax Information (1346/1999); or
- (3) information that is to be kept secret pursuant to another Act in order to protect the privacy or safety of a person or the commercial or professional secret of a company.

(2) In the cases referred to in subsection 1, identifying information regarding a party is nonetheless public on his or her request.

### **Section 6 – Provision of identifying information to be kept secret**

(1) The administrative court may provide identifying information that, subject to section 5, is to be kept secret, as provided in the Act on the Openness of Government Activities for the provision of secret information. In addition, the administrative court may provide identifying information that is to be kept secret, to a person who needs the information in order to secure his or her rights or attend to his or her obligations or who has another corresponding acceptable reason to receive the information.

(2) Notwithstanding the provisions of section 5(1), identifying information may be provided also to the lawful representative or close relative of a party or to another person close to him or her, if the provision of the information is justifiably necessary in order for the party to protect his or her rights and interests.

## **Chapter 3 – Trial documents**

### **Section 7 – Trial documents**

Trial documents refers to a letter of appeal or another document instituting proceedings, the decision that is the subject of the appeal, and other documents submitted to the administrative court in the administrative judicial procedure case. Also the decision of the administrative court and other documents drafted by it in the administrative judicial procedure case as well as the cause book and corresponding document register of the administrative court are trial documents.

### **Section 8 – *Publicity of a trial document***

The provisions of the Act on the Openness of Government Activities and of other Acts on the publicity of documents apply to the publicity and secrecy of trial documents, to the extent not provided otherwise in the present Act. The administrative court may nonetheless, notwithstanding the provisions on secrecy, provide information on a trial document to the extent that is needed in order to ensure due process or to protect an important public or private interest connected with the case.

### **Section 9 – *Right of a party to the receipt of information***

- (1) Subject to the provisions of subsections 2 and 3, a party to the proceedings has the right to receive information also from other than a public trial document that can affect or could have affected consideration of his or her case.
- (2) A party does not have the right referred to in subsection 1:
  - (1) to the secret part of a document, the publicity of which is the subject of the proceedings;
  - (2) to contact information referred to in section 11, subsection 2(7) of the Act on the Openness of Government Activities;
  - (3) to a presentation memorandum or decision drafted in the administrative court and a comparable other document drafted in the administrative court for the preparation of the case, before consideration of the case has concluded in the administrative court in question; and
  - (4) to trial documents to the extent that they contain information on the deliberations in the administrative court referred to in section 15.
- (3) In addition to what is provided in subsection 2, the administrative court may refrain from providing information that is to be kept secret in accordance with section 11, subsection 2, paragraph 1 or 6 of the Act on the Openness of Government Activities, if it is necessary to refrain from providing the information in order to protect the interest referred to in the secrecy provision and refraining from providing the information does not endanger due process.
- (4) The provisions in this section regarding a party do not apply to a person whose right of appeal is based solely on membership of a municipality or other community.

## **Chapter 4 – *Oral proceedings***

### **Section 10 – *Publicity of oral proceedings***

- (1) Every person has the right to be present in oral proceedings unless otherwise provided in this or another Act.
- (2) The administrative court shall give notice of oral proceedings, of the cases to be considered in said oral proceedings and of the composition of the court, at the latest at the beginning of the session.

(3) The provisions of this Act on oral proceedings apply to a judicial view conducted by the administrative court.

### **Section 11 – Closed proceedings**

(1) Oral proceedings shall be held in full or to the necessary extent without the presence of the public if information or a document is presented in the oral proceedings which, pursuant to the Act on the Openness of Government Activities or another Act, is to be kept secret. The administrative court may nonetheless decide that also in such a case the oral proceedings are public if this is necessary in order to ensure due process.

(2) In addition and unless an important public or private interest requires public proceedings, the administrative court may on the request of a private party who is a participant in the case hold oral proceedings without the presence of the public, if public proceedings would cause the party particular detriment and the closed proceedings would promote provision of the administrative court with information in the case.

### **Section 12 – Presence in closed proceedings**

In addition to the parties in the court proceedings and their representatives and counsel, as well as the representatives of the administrative authority that had made the decision and their counsel, those persons whose presence the court deems necessary may be present at closed proceedings.

### **Section 13 – Restriction of the presence of the public**

(1) The administrative court may restrict the presence of the public during open proceedings if this is necessary to protect a witness, another person to be heard or a party or a person related to such person in the manner referred to in chapter 15, section 10(2) of the Criminal Code (39/1889), against a threat to his or her life or health. The administrative court may restrict the presence of the public in open proceedings also if this is necessary to avoid crowding or is due to reasons related to the subject of the judicial view.

(2) The court may prohibit the presence of a person below the age of 15 years in open proceedings if his or her presence may be detrimental to him or her.

### **Section 14 – Recording of oral proceedings**

(1) In open proceedings, someone other than the administrative court may take a photograph, tape record and in another manner record and transfer video and audio signals by technical means only with the permission of the administrative court and in accordance with its instructions.

(2) Permission may be granted unless:

- (1) the recording or transfer would cause significant detriment to the protection of the privacy of a witness, other person to be heard or a party or it endangers his or her safety;
- (2) the recording or transfer would impede the undisturbed progress of the oral proceedings; or
- (3) there are other weighty reasons comparable to those in paragraph 1 or 2 for refusing permission.

## ***Chapter 5 – Decision of the administrative court***

### ***Section 15 – Secrecy of the deliberations of the administrative court***

The deliberations of the administrative court shall be held without the presence of the parties and the public. The contents of the deliberations shall be kept secret. The period of secrecy is 80 years from the time when the case became pending in court.

### ***Section 16 – Publicity of the decision of an administrative court***

- (1) Subject to the provisions of subsection 2, the trial document of the administrative court containing the decision is public.
- (2) If the decision contains information which is to be kept secret in accordance with the Act on the Openness of Government Activities or another Act, the trial document containing the decision shall be kept secret to the extent that is necessary in order to ensure the interest to be kept secret. In a case where personal identifying information is to be kept secret on the basis of section 5, information regarding the decision shall be provided so that the personal identifying information is not revealed. In a case concerning the inspection referred to in section 20(a) of the Act on Competition Restrictions, the trial document containing the decision of the administrative court does not become public until the subject of the inspection has been informed of the inspection, unless the administrative court decides for a particular reason that the trial document becomes public before this.
- (3) The conclusions of and the legal provisions applied in the decision are always public. The administrative court may nonetheless decide that notwithstanding the provisions on secrecy the decision is public also in other respects to the extent that is necessary due to an important public or private interest connected with the case.

### ***Section 17 – Informing a party of the decision***

If the case has social significance or it has caused considerable interest in public, and if necessary also otherwise, the administrative court shall as far as it is able ensure that a party in the court proceedings is informed of the contents of the decision before the public is informed of the document containing the decision.

## **Chapter 6 – Procedural provisions**

### **Section 18 – Decision on the publicity of court proceedings**

(1) The provisions of the Act on the Openness of Government Activities apply to the making of a decision on publicity. If the person referred to in section 14(2) of the Act on the Openness of Government Activities has refused to give the requested information in an administrative court and the request has been submitted for a decision of the administrative court, the matter is decided in the Supreme Administrative Court as an administrative judicial procedure matter, and in another administrative court as an administrative matter.

(2) The provision of information or a trial document is nonetheless decided in accordance with the procedure provided in the Administrative Judicial Procedure Act, if it involves a question of provision of information or a document to a party in the court proceedings and the matter needs to be decided in the pending court proceedings. Also matters concerning the publicity of oral proceedings are decided in accordance with the procedure provided in the Administrative Judicial Procedure Act.

(3) If information or a trial document are requested during court proceedings from the administrative authority which has possession of the information and document for the purpose of providing it or a statement to the administrative court, the administrative authority shall transfer the request for a decision to the administrative court where the court proceedings are pending if it deems that it cannot provide the requested information or document. No decision on dismissal of the request shall be made in the administrative authority. The person who made the request shall be informed of the transfer.

### **Section 19 – Quorum**

(1) The matter referred to above in section 18, subsection 1 is decided:

- (1) in the Supreme Administrative Court, in a composition consisting of at least three legally trained justices; and
- (2) in another administrative court, in a composition including at least one legally trained member.

(2) The matter referred to above in section 18, subsection 2 is decided in the composition that constitutes a quorum in deciding on a decision relating to the consideration of the principal claim. The administrative court is competent to decide such a matter, before deciding on the principal claim, also in a composition consisting only of legally trained members of the court, or in another composition that is competent to decide on measures relating to preparation of the case.

### **Section 20 – Appeal of a decision taken as an administrative matter**

(1) An administrative decision referred to in this Act taken by an administrative court, the Insurance Court and the Market Court is subject to ordinary appeal to the Supreme Administrative Court.

(2) An administrative decision referred to in this Act, taken by the Appeal Board that is part of the system of appeal subject to the Insurance Court, is subject to ordinary appeal to the Insurance Court. Another administrative decision taken by the Appeal Board is subject to ordinary appeal to the administrative court. The decision of the Insurance Court and an administrative court on the basis of an ordinary appeal is subject to ordinary appeal to the Supreme Administrative Court.

(3) The provisions of the Administrative Judicial Procedure Act apply otherwise to the appeal.

### **Section 21 – Appeal of a decision as an administrative judicial procedure case**

A decision taken in a procedure in accordance with the Administrative Judicial Procedure Act is subject to appeal in the same order as for the principal claim. The decision is not subject separately to ordinary appeal.

## **Chapter 7 – Entry into force**

### **Section 22 – Entry into force**

This Act enters into force on 1 October 2007. The provisions that were in force at the time this Act enters into force apply to the publicity and secrecy of information concerning proceedings entered into the document register of the administrative court before this Act enters into force.