

How to manage a request for the disclosure of an official document:

The University is a public authority and covered by the constitutional principle of public access to official documents. This principle entails an obligation to disclose official documents on request (through a copy or by on-site access). Official documents are public, i.e. accessible for disclosure to the general public, unless they contain information protected by a provision in the Public Access to Information and Secrecy Act.

The points below are intended to guide the employee processing a request for disclosure of an official document.

1. Who determines whether or not the document is to be disclosed?

The starting point is that the employee who has access to the document in their day to day work, for example the officer responsible, is the one to assess whether or not a document is to be disclosed.

2. Is it a “document”?

The term document refers to all forms of stored and kept information. The document is also to be located, or should at least be located, at the public authority. This is why for example even a public authority-related email sent to your private email address is still an official document of the public authority.

3. Is the document “official”?

An official document is a document that has been received or produced by the public authority and is stored there. A document can be considered stored at the public authority even if it is not physically present there.

A) Has the document been received by Lund University? Examples of received documents are emails or letters from senders outside Lund University.

B) Was the document produced at Lund University? The document was produced at Lund University if

- it was sent, i.e. dispatched, to someone outside Lund University,
- it was not dispatched: then it is considered to be produced when the matter to which the document relates has been closed,
- it does not relate to a matter and is not to be dispatched: then it is considered to be produced when it has been approved or finalised in some other way (e.g. minutes) or
- it concerns document registers, journals, records and similar documents: then it is considered to be produced as soon as information has been entered in the register, journal, record etc. (e.g. email log, Ladok, document register).

What applies to internal communication?

Email messages which have been sent between employees within the public authority are not considered finalised and therefore are not seen as produced by the public authority as a general rule. They are thereby not official documents. However, please be aware that internal email messages that relate to a matter become official documents once the matter has been finalised (according to point 3B above). Private

email messages, i.e. those that do not concern the public authority's activities, are not considered official documents. However, bear in mind that if you mix private information and work-related information in an email, the message in its entirety may be considered to be a document produced at the University.

Is it obligatory to produce a compilation of information if requested?

As a main rule, a public authority has no obligation to produce a compilation, i.e. to produce a new document made up of information already held by the public authority.

If the compilation can be produced through "routine-like procedures" though, i.e. a simple work effort entailing no major cost, then the public authority is required to produce the compilation and it is then to be considered as an official document. According to court decisions, a simple work effort means work taking up to four hours approximately. Please note that this only applies to compilations. It is not possible to reject a request for an existing official document on the grounds that it would take a long time to retrieve it.

What documents can be claimed to be work material?

Talking about work material is a little misleading as this is not a term used in the legislation. The freedom of the press legislation does however refer to notes and intermediate products. There are separate rules for these types of documents.

Notes are, in the legal sense, documents created during the processing of a matter, such as an aide-mémoire for a presentation of a matter or a compilation of material. A note is an official document if it adds a substantial piece of information to the matter, if it is dispatched or if it is archived.

Intermediate products are drafts or ideas for public authority decisions or documents, which are created as preliminary stages in the production of the final document. An intermediate product is an official document if it is dispatched or archived.

Is a registered document always an official document?

No, document registration (in W3D3 for example) is, apart from an instrument for control, a way of keeping order among the documents within the public authority, which also includes documents that are not yet official. Similarly, a document that has not yet been registered may still be an official document.

4. How specific must a request be?

The person requesting the disclosure of an official document does not need to know exactly what document they are asking for, for example which registration number the document has been assigned. But they must be sufficiently specific to enable the public authority to identify the document. Even if a significant amount of work is required to retrieve a requested official document, it must be retrieved, on condition that it is possible to identify it.

5. Can I ask who is requesting the disclosure of the document, and for what purpose?

If someone requests the disclosure of a document, you are not permitted to investigate who they are or what the purpose of their request is, unless this is necessary in order to establish whether the document is protected by secrecy, which could be the case, for example, if the use of the information were to violate the data protection regulations.

6. Is the official document public or protected by secrecy?

Once you have established that a document is official, it is still not certain that it is public, i.e. to be made accessible to the general public. It may be covered by some form of secrecy. A document can only be covered by secrecy if there is a basis for it in the Public Access to Information and Secrecy Act. Please note that the main rule for official documents is that they are public.

7. When can a document be covered by secrecy?

Official documents are public, i.e. to be made accessible to the general public, unless their content is protected by a provision in the Public Access to Information and Secrecy Act. The public authority cannot determine that secrecy is to apply, if there is no basis for it in the Public Access to Information and Secrecy Act.

A document that contains information protected by secrecy is to be disclosed in the parts that are public. If there is information in the document that is to be kept secret, you are to redact it so that the confidential information is impossible to read but it is clear which parts of the document have been kept secret.

The officer in possession of the documents is normally the one to review whether or not they are protected by secrecy. The person requesting the document should be informed that the request is being processed and that the document's secrecy status will be reviewed. Please contact the Legal Division if you have any questions.

8. What happens if I refuse to disclose a document or if I redact certain parts of the information due to secrecy before releasing it?

If you do not meet the request for disclosure entirely, regardless of the reason (including cases where the document requested for disclosure does not exist), this is considered as a rejection of the request. In such cases, the person requesting the document is to be informed that they have the right to a written decision of rejection with information as to how to appeal. Such a decision is written by the Legal Division and signed by the University Director. The decision can then be appealed to the administrative court of appeal in the first instance. If the request for disclosure of documents is rejected, partially or wholly, the request shall be recorded in a administrative system, such as W3D3, together with your answer and any potential written decision of rejection regarding the request.

9. How does the actual disclosure of the document proceed?

A request for disclosure of a document is to be processed speedily, normally within 24 hours. If the employee who would normally have processed the disclosure is not available, someone else must handle the request.

The person requesting an official document has the right to view it free of charge at the public authority. They are allowed to then read it, copy it by hand or reproduce it in some other way. If the person wishes to receive a copy of the document from the public authority however, they have the right to obtain one against a fixed fee, see point 10.

10. What do copies of official documents cost?

For the release of paper copies of official documents, a fee is to be applied according to the fees ordinance. Nine pages are free of charge. The fee for the tenth page is SEK 50. For each additional page, the fee is SEK 2. Any cost for transport or postage is to be added where applicable.

When the document is disclosed in electronic form and the work required for this exceeds 10 minutes, a fee of SEK 60 is to be applied for each subsequently started ten-minute period. This means that the cost is SEK 60 for 11-20 minutes' work and SEK 300 for one hour's work. Read more (including about what can be included in the time calculation above) about disclosing documents in electronic form in Lund University's regulations for the disclosure of official documents in electronic form.
[LINK](#)

Remember that there may be reasons for proceeding with caution when it comes to electronic disclosure of personal data. It can also be useful to know that public authorities do not have any *obligation* to disclose copies of official documents in electronic form.

Please contact the finance officer at your department or equivalent to find out what information they need in order to issue an invoice.