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**Re: European Green Paper on Public Sector Information in the Information Society**

The Swedish National Archives has been presented with an opportunity to express its views on the European Commission's Green Paper, entitled "Public Sector Information: A Key Resource for Europe". The following answers and views are strictly related to the sphere of activities, entrusted to Swedish Archival Institutions. It must be observed, that archives in the sense given here, include also current records (official documents). As far as Sweden is concerned, it can be added to the account of current national access conditions, that they encompass all official documents, regardless of age, whether still kept by government agencies or being transferred to Archival Institutions.

**1. Answers and comments to questions raised in chapter III**

**Question 1.**

The legalist/institutional approach.

All public information, regardless of administrative or non-administrative function, regardless of date, regardless of being fundamental or not for the functioning of democracy.

**Question 2.**

Yes. Inevitably. Time, format, quantity.

**1. Time.** Examining classified official documents, not to say each piece of information, whether it can be handed out without foreseeable damaging effects - in case absolute secrecy is not applied - might be time-consuming, in striking contrast to the swift on-line delivery of the information itself.

**2. Formats.** Even though some information is available over electronic networks, this does not necessarily mean that the public can download it in formats that are useful to them. The use of proprietary formats that rapidly become obsolete is a well-known problem even

within most organizations in the public sector. The use of publicly available and stable standards/formats is therefore a pre-requisite for wide dissemination of public sector information, without which new technologies may become more of a problem than a solution.

To avoid that (un-)reasonable requests result in an excessive workload it may be necessary to preserve more of public sector information in electronic form than is presently usual. This would facilitate dissemination of public sector information while keeping the need for new resources down, keeping the previous comments concerning formats/standards in mind.

**3. Quantity.** Tailoring vast amounts of raw data is mostly done to meet commercial needs and justifies an appropriate fee, covering the costs. In Sweden the right of access to official documents is considered a civic right, forming part of the right of expression, hence rules are primarily tailored to meet the needs and the interests of the ordinary citizen, not primarily of commercial companies, although they can claim the same rights.

**Question 3**

Yes, directories and archive inventories.

**Question 4**

It follows from the notion, that public access to official documents is a civic right, that it must be free of charge. People with limited or no financial means must not be excluded. Businesses have the means to pay and they will in turn let their customers pay, i.e. the cost will be included in the price. Hence, differences are inevitable, but natural.

**Question 5**

No comment.

**Question 6**

Yes, but copyright rules are presently being harmonized through the preparations for a Copyright Directive.

**Question 7**

Yes. The conflict privacy vs. public access rights has not yet received proper attention. It is by no means self-evident that privacy is best protected by obliterating personal data, once their short-term or administrative purpose is served. Public access rights encompass also the long-term interests of scientific research, scholarly needs, historical or statistical use, in short it opens the source of present and future knowledge of our time. This is not said to deny or minimize the conflict - it is there, it is real and it must be taken seriously. But it is our firm belief, that the privacy of the individual can best be protected by secrecy rules. They are time-limited and so is the life-span of the individual. In the long run, we are all history.

**Question 8**

No comment.

**Question 9**

Inadequate and can be improved. More openness and better transparency would promote public confidence in the Commission and its activities. People must to a larger extent be permitted to seek and get immediate information - i.e. the official documents themselves - beyond what they are told through official web sites, beyond what current access rules permit.

**Question 10**

No comment.

**Conclusive remarks**

It can be agreed upon, that the lack of transparency of public sector information throughout Europe forms a substantial barrier for citizens and business alike. The obvious remedy must be to create harmonized, more generous access rules in the member states. The basis of such a common set of rules should be a civic right to get access to official documents, to the extent well-founded secrecy rules do not impede. Emphasis must lay on the citizen's right to seek and to get information according to his or her own choice, not on the public sector efforts to disseminate pre-selected information.

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cc/ Kulturdepartementet  
Landsarkiven  
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Samtliga enheter inom Riksarkivet

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