

To: "Aphrodite Smagadi" <Aphrodite.Smagadi@unece.org>  
From: "John Damm Sørensen" <john@hovedpuden.dk>  
Date: 02/12/2012 03:06PM  
Subject: Re: Fw: ACCC/C/2008/28 (Denmark) - timeframe for Ministry review

Dear Aphrodite Smagadi,

My English is probably not good enough to describe how my case was handled. Nevertheless I will try to do it in short form. It is my strong belief that this report will support the opinion, that the Danish State is mindly speaking very reluctant to comply with the rules laid down in the Århus Convention and the corresponding EU directive.

As I mentioned in my previous e-mail I represented Åbenhedskomiteén (The Danish Openness Committee) in a case about free access to the veterinary medicine database, Vetstat, in Denmark.

The application for access to the data was made with reference to the obligation for official authorities to order environmental data electronically so the data can easily be accessed by the public.

Reason I used this reference was that Vetstat from the very beginning was an Internet based facility, fulfilling the above mentioned requirements, but the data was not freely accessible by the public, as it is protected by userID and password.

As Åbenhedskomiteén was denied access to the data stored in Vetstat, we files several complaints and at last we filed a complaint to the Danish Ombudsmand.

About the same time Knud Haugmark and Niels Mulvad also filed complaints til The Ombudsman and though they had applied for access to Vetstat referencing other parts of the legislation about freedom of access to environmental data, The Ombudsman decided to bundle all three complaints into one which we all agreed upon.

Now if you carefully read the ruling of The Ombudsman as of November 2011, you will notice that he doesn't even consider the complaint that Åbenhedskomiteén filed. In my opinion it was as opposed to the other two complaints a simple matter to decide whether or a userID and password should have been issued because The Ombudsman had already previously ruled that the data in Vetstat should be categorized as environmental data.

Further more he never gave us any reason why he chose not to make any further investigation of our complaint.

This way he stalled our case for almost 3 years and to us it is a clear sign of the reluctance by The Danish State to comply with the Århus Convention.

To put things in perspective here is another brief story about The Danish Ombudsman and hos he treats requests for access to environmental data.

For seven years The Danish Ombudsman headed a commission that was supposed to provide a proposal for a unified Fredom Of Information Act. This unification would include three laws, but for reasons unclear the question about freedom of access to environmental information was left out of the commissions work and completely left out of the proposal for a new legislation put forward by the commission. Personally I believe the inclusion of environmental data would expose the Danish Freedom Of Information Act as almost the opposite. The proposal put forward by the

commission also contained serious limitations as compared to the existing laws.

During the seven years Åbenhedskomiteén was denied access to information handled by the commission. Since we knew that the commission stored data that could be classified as environmental we made application for access to these data but The Ombudsman simply denied the presence of environmental data in the commissions files.

It was not until we referred to a letter signed by The Ombudsman himself stating that he was going to forward information about a case about environmental data to the commission that we finally got some very limited access to the commissions files. And at that time the seven years had passed and the commission was dissolved.

You are free to contact me for further clarification and also publish my e-mails on your Website.

Best  
John Damm Sørensen  
Åbenhedskomiteén