

Ole Kristian Fauchald
The Faculty of Law
University of Oslo
Postbox 6706, St. Olavs Plass
0130 Oslo

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To the Ombudsman for Public Administration the Ministry of the Environment

Concerning the Ombudsman for Public Administration's decision in case 2011/197

As more than two months have passed since the Ombudsman's decision (dated 17 November 2011), and I have not received any message from the Ministry of the Environment, I deem it necessary to send this reminder. I remind the Ministry that according to section 13 of the Environmental Information Act, there is a duty to decide a request for information within 15 working days. This deadline can only be extended if "it would involve a disproportionate amount of work to provide the information within 15 working days", and in these cases the "the applicant shall receive the information within two months". Moreover, the applicant "shall be informed of any extension of the time limit, of the reasons justifying this and when a decision may be expected, as soon as possible and at the latest 15 working days after the request was received". All of these deadlines have by far expired in the current case.

I will also draw your attention to the fact that the Ministry has still not changed its practice in the recent requests that I have made regarding access to information. I attach refusals of access to information in four cases where the Ministry fails to assess the requests according to the Environmental Information Act, even if the requested information is clearly environmental information. It is also worth noting that the requests were sent to the Ministry at 11:17 am January 25 and that the refusals were provided at 9:00 am January 25. During this time, the Ministry shall have made an assessment of "the environmental and public interests served by disclosure", as well as considered whether parts of the information can be made available (section 11 of the Environmental Information Act). Circumstances of the case indicate that the Ministry has not made any real assessment of these issues in these cases. This confirms the general impression I have had from previous cases concerning access to information.

This practice of the Ministry of the Environment is in my view clearly in non-compliance with the Environmental Information Act. I therefore ask the Ombudsman to consider this case according to section 11 of the Act concerning the Storting's Ombudsman for Public Administration.

Yours sincerely,

Ole Kristian Fauchald