

Unofficial consolidation of the Greenlandic Act No. 8 of June 13, 1994 on case administration in the public administration as amended by:

- The Greenlandic Act No. 21 of October 30, 1998 on the amendment of the Greenlandic Act on case administration in the public administration (marked in red)
- The Greenlandic Act No. 5 of May 31, 2001 on the amendment of case administration in the public administration (marked in green)
- Inatsisartut Act No. 19 of November 22, 2011 on the amendment of the Greenlandic Act on case administration in public administration (consequential amendments due to the implementation of self-government and the enactment of a new criminal code for Greenland etc.) (marked in blue)

Part 1.

Scope of the Act

1. The Act extends to all parts of the public administration under [the Self-Government of Greenland](#) and the municipalities.

Subsection 2. The [Naalakkersuisut](#) may lay down rules specifying that the Act fully or partially applies to specified companies, institutions etc. which cannot be included under the public administration. However, that is only the case if the expenses of their activities are primarily paid by [the Self-Government of Greenland](#) or by a municipality or to the extent that they have been granted the authority to make decisions on behalf of the Home Rule or a municipality, either by law or under the law. The [Naalakkersuisut](#) may e.g. lay down rules regarding the keeping of documents etc. and regarding the duty of non-disclosure.

2. The Act extends to the consideration of cases for which a decision has been made or will be made by an administrative authority.

Subsection 2. The provisions in part 2 relating to disqualification also apply to the consideration of cases regarding the formation of contracts or similar private law operations.

Subsection 3. The provisions in part 8 apply to all business carried out within the public administration.

Subsection 4. The [Naalakkersuisut](#) may lay down rules regarding whether the provisions of the Act in full or in part apply to other administrative activities than those mentioned in subsection 1.

Part 2.

Disqualification

3. Anyone who serves in the public administration is disqualified in relation to a specific case if

- 1) the person in question has a special, personal or economic interest in the outcome of the case or is or has previously been a representative in the same case for someone who has such an interest,
- 2) the relevant person's spouse, relative or relative by marriage in ascending or descending line or of the same lineage as close as nephews and nieces or other closely related persons have a special personal or economic interest in the outcome of the case or are the representatives of someone who has such an interest,
- 3) the relevant person is a part of the management or has other close relations to a company, an association or another private, legal entity which has a special interest in the outcome of the case,
- 4) the case concerns a complaint of or the practicing of monitoring or supervisory activities with regard to another public authority and the person in question previously took part in the decision at that authority or in the implementation of the measures which the case concerns or

5) there are any other circumstances that are eligible to raise doubts regarding the relevant person's impartiality.

Subsection 2. However, there will be no disqualification if, due to the nature or strength of the interest, the nature of the case or the relevant person's functions in connection with the consideration of the case, it cannot be presumed that the decision in the case will be influenced by extraneous considerations.

Subsection 3. Anyone who is disqualified in a case may not make any decisions, participate in the decision or in any other way participate in the consideration of the relevant case.

4. The provisions in S. 3 do not apply if it is impossible or causes significant difficulties to let someone else take the relevant person's place during the consideration of the case.

Subsection 2. The provisions in S. 3 extend to members of a collegiate, administrative authority, even if a deputy cannot be summoned. However, the provision does not apply if the authority would lose its decision-making ability or if the authority's composition would cause significant concern if the member could not participate in the consideration of the case and the consideration cannot be postponed without significantly harming public or private interests.

Subsection 3. For collegiate, administrative authorities' election of members for a task, a member may participate notwithstanding the provisions in S. 3, even if the member has been proposed. The provisions in S. 3 do not extend to municipal councils' decisions regarding remuneration etc. of members.

5. Within certain areas, the [Naalakkersuisut](#) may lay down rules that determine the scope of the provisions in Sections 3 and 4.

6. Anyone who knows that there are circumstances for the relevant person that are mentioned in S. 3(1) must inform his or her superior in the authority as soon as possible unless it is evident that the circumstance is of no significance. With respect to the member of a collegiate, administrative authority, the notification should be given to the authority.

Subsection 2. The question whether a person is disqualified will be decided by the authority mentioned in subsection 1.

Subsection 3. The relevant person may not take part in the consideration and decision of the matter of disqualification, however, see S. 4(1) and (2). However, this does not apply to areas for which other provisions apply pursuant to the Act.

Part 3.

Guidance and representation etc.

7. To the extent necessary, an administrative authority must provide guidance and assistance to persons who approach the authority regarding matters within the authority's field of responsibility.

Subsection 2. If the administrative authority receives a written inquiry which does not relate to its field of responsibility, the inquiry must be forwarded to the proper authority wherever possible.

7 a. Anyone who is a party to this case may state that the person in question wants to be served in Greenlandic or Danish. Such a statement is binding on the authority.

8. Anyone who is a party to a case may at any time during the consideration of the case let themselves be represented or assisted by others. However, the authority may require that the party personally participates when it is of significance to the decision.

Subsection 2. The provision in the first sentence of subsection 1 does not apply if it is found that the party's interest in being represented or assisted should give way to significant considerations for public or private interests or where the law stipulates otherwise.

Part 4.

The party's access to documents

The right of access to documents

9. Anyone who is a party to a case in which a decision has been made or will be made by an administrative authority may **request becoming acquainted with the documents in the case**. The request must state the case whose documents the person in question wants to be acquainted with.

Subsection 2. The provisions regarding the duty of non-disclosure for persons who work in the public service or duty do not reduce the duty to grant access to documents according to this part.

Subsection 3. The provisions in this part do not apply to cases of criminal prosecution of offenses, however, see S. 18.

The scope of access to documents

10. Apart from the exceptions mentioned in Sections 12-15, a party's right of access to documents includes

- 1) all documents that relate to the case, including copies of communication sent by the authority when the communication is assumed to have reached the addressee and
- 2) entries in journals, registers and other records relating to the documents of the relevant case.

Subsection 2. Anyone who applies for or who has applied for employment or a promotion in the public service, however, may only require to be acquainted with the documents etc. that relate to the relevant person's own affairs.

Adjournment

11. If a party submits a request for the right of access to documents during the consideration of the case and that request should be met according to the Act, the decision of the case will be adjourned until the party has been granted the right to become acquainted with the documents.

Subsection 2. However, the provision in subsection 1 does not apply if the adjournment will entail a delay in the statutory deadline for the decision or if it is found that the party's interest in an adjournment of the decision should give way to significant considerations for public or private interests that speak against such an adjournment.

Exclusion of documents

12. The right of access to documents does not include an authority's internal work documents.

Internal documents are

- 1) documents prepared by an authority for internal use in the consideration of a case,
- 2) correspondence between various units within the same authority, and
- 3) correspondence between a municipal council and its committees, departments and other administrative bodies or between these bodies internally.

Subsection 2. Notwithstanding the provision in subsection 1, information about the facts of the case of

significant importance to the decision and solely included in internal work documents must be disclosed in accordance with the provisions in this part.

13. Notwithstanding the provisions in S. 12, the right of access to documents includes internal work documents that are available in their final form when

- 1) the documents only report the content of the authority's final decision regarding the decision of a case,
- 2) the documents only contain a report of information which the authority has a duty to record according to the Act on public access to documents in administrative files, or
- 3) the documents are independent documents that have been created by an authority in order to provide evidential or other similar clarity regarding the facts of a case.

14. The right of access to documents does not include:

- 1) Minutes of [Naalakkersuisut meetings](#) and documents that are created by an authority to be used at such meetings.
- 2) Documents that are exchanged in connection with an authority doing secretarial tasks for another authority.
- 3) Authorities' correspondence with experts to be used in legal proceedings or in the contemplation of whether legal proceedings should be conducted.

Subsection 2. Notwithstanding the provision in subsection 1, information about the facts of the case of significant importance to the decision and solely included in the documents mentioned in subsection 1 must be disclosed in accordance with the provisions in this part.

Exclusion of information

15. Moreover, the right of access to documents may be limited to the extent that it is found that the party's interest in being able to use knowledge of the case documents to attend to the party's interests should give way to central considerations for the person in question or to other private or public interests, including

- 1) the security or the defense of the state,
- 2) foreign-policy or foreign-economic interests, including relations to foreign powers or international institutions,
- 3) the prevention, investigation or prosecution of offenses, the execution of criminal convictions and the like and the protection of defendants, witnesses or others in cases regarding criminal or disciplinary proceedings,
- 4) the implementation of public monitoring, regulatory or planning activities or of projected measures in relation to fiscal legislation or
- 5) the economic interests of the public sector, including the carrying out of the public sector's business activities. *Subsection 2.* If considerations as mentioned in subsection 1 only apply to part of a document, the party must become acquainted with the remaining content of the document.

Decision in cases regarding access to documents

16. The decision regarding whether and in which form a request for access to documents should be met is made by the authority who has the decision of the relevant case in all other respects.

Subsection 2. The authority will determine as soon as possible whether a request can be met. If the request has not been met or has been refused within 10 days after the request was received by the authority, it should inform the party of the reason and of when the decision can be expected.

Subsection 3. If it is of significance to a party's possibility of safeguarding its interests in receiving a

transcript or a copy of the case documents, a request should be met. However, that does not apply if the nature of the documents, the number of documents or their form speaks against it to a decisive degree. The [Naalakkersuisut](#) lays down rules on payment for transcripts and copies.

Subsection 4. Complaints may be made separately against decisions on matters of access to documents to the authority that is the complaint board in relation to the decision of the case to which the request for access to documents relates. The provision in S. 11 applies correspondingly.

Subsection 5. The [Naalakkersuisut](#) may lay down rules that deviate from the provisions in subsection 1 and in the first sentence of subsection 4.

17. If the right to make a complaint against the decision in a case is restricted in time and the request for access to documents is submitted after the party has been informed of the decision but before the expiry of the deadline for complaints, the authority may decide for the deadline for complaints to be suspended. In that case, the deadline for complaints will continue from the time when the party was informed of the right of access to documents or the right was refused, however, not less than 14 days. Information regarding when the deadline for complaints will then expire must concurrently be given to others who are entitled to complain and who have received written notification of the actual decision.

Access to documents in criminal cases

18. Once a decision has been made in a case, a party to a criminal case may require to become acquainted with the case documents to the extent that it is reasonably justified considering the safeguarding of the relevant person's interests and the consideration for the prevention, investigation and prosecution of offenses or special considerations for the protection of defendants, witnesses or others do not speak against it. The provisions in Sections 12-14 apply correspondingly.

Subsection 2. The decision regarding whether and in which form a request for access to documents can be met according to subsection 1 is made by the authority that has made the administrative decision in the criminal case. A complaint may be made against the decision to the relevant, superior administrative authority. The [Naalakkersuisut](#) may lay down rules on payment for transcripts and copies.

Part 5.

Examination of parties involved

19. If it cannot be presumed that a party to a case is acquainted with the fact that the authority has certain information regarding the facts of the case in its possession, no decision should be made until the authority has notified the party of the information and has given the party the possibility to deliver an opinion. However, this only applies if the information is to the disadvantage of the relevant party and is of significant importance to the decision. The authority may set a deadline for delivering the opinion mentioned.

Subsection 2. The provision in subsection 1 does not apply if,

- 1) according to the nature of the information and the merits of the case, it is considered unobjectionable to make a decision in the case on the existing basis,
- 2) an adjournment will cause a delay in the statutory deadline for the decision,
- 3) it is found that the party's interest in adjourning the decision should give way to significant considerations for public or private interests that speak against such an adjournment,
- 4) the party does not have the right of access to documents according to the rules in part 4 as regards the relevant information,
- 5) the presentation of the information to the party will be associated with significant difficulties, for example because the decision includes a very large number of persons with a standing, or
- 6) the law stipulates special provisions that ensure the party the right to become acquainted with the basis of the intended decision and to deliver an opinion in the case before the decision is made.

Subsection 3. The [Naalakkersuisut](#) may lay down rules specifying that specified subject matters in which the provisions of subsection 2(ii) or (v) will generally apply should not be subject to the provision in subsection 1.

20. In cases where the authority, on request from a party, may reverse the decision, the authority may refrain from an examination of the parties involved if the nature of the case and the consideration for the party speak for it.

Subsection 2. If an examination of the parties involved is refrained from in pursuance of subsection 1, the decision must be accompanied by the information of which the party should otherwise have been acquainted with according to the provision in S. 19. At the same time, the party must be informed of the right to reopen the case. The authority may set a deadline for submitting the request for a reopening.

Subsection 3. If the right to make a complaint against another administrative authority is restricted in time and the request for reopening the case is submitted before the expiry of the deadline for complaints, the deadline for complaints will be suspended. In that case, the deadline for complaints will continue from the time when the party was informed of the new decision, however, not less than 14 days.

The right to deliver an opinion.

21. Anyone who is a party to a case may at any time during the consideration of the case require that the decision be adjourned until the party has delivered an opinion in the case. The authority may set a deadline for delivering the opinion mentioned.

Subsection 2. The provision in subsection 1 does not apply if

- 1) an adjournment will cause a delay in the deadline for the decision,
- 2) it is found that the party's interest in adjourning the decision should give way to significant considerations for public or private interests that speak against such an adjournment, or
- 3) the law stipulates special provisions that ensure the party the right to deliver an opinion in the case until the decision is made.

Part 6.

Reason etc.

22. When a decision is communicated in writing, it must be accompanied by a reason unless the decision fully finds for the relevant party.

23. Anyone who has been informed of a decision by verbal communication may require a written reason of the decision unless the decision fully finds for the relevant party. Such a request must be submitted to the authority within 14 days after the party received the notification of the decision.

Subsection 2. A request for a written reason according to subsection 1 must be replied to as soon as possible. If the request has not been replied to within 14 days after the request was received by the relevant authority, it must inform the party of the reason and of when a reply to the request can be expected.

24. A reason to a decision must contain a reference to the rules of law according to which the decision was made. To the extent that the decision depends on administrative discretion according to these rules, the reason must also state the main considerations that were material to the discretion.

Subsection 2. If necessary, the reason should also contain a brief description of the information relating to the facts of the case that were of significant importance to the decision.

Subsection 3. The content of the reason may be limited to the extent that it is found that the party's interest in being able to use knowledge of it to attend to the party's interests should give way to central considerations for the person in question or to other private or public interests, see S. 15.

Part 7.

Complaint guidelines

25. When communicated in writing, decisions against which a complaint may be made to another administrative authority must be accompanied by guidelines regarding the right to complain, indicating the complaint board and information on the procedure when lodging complaints, including any deadline. However, this does not apply if the decision fully finds for the relevant party.

Subsection 2. The [Naalakkersuisut](#) may lay down rules specifying that the complaint guidelines within specified subject matters to which special conditions apply may be refrained from or be done in a way that is different from subsection 1.

26. Decisions that may only be brought before the courts of law subject to a statutory deadline for legal action must be accompanied by such information.

Part 8.

Duty of non-disclosure etc.

Duty of non-disclosure

27. Anyone who works in the public administration is under an obligation to maintain confidentiality, see [S. 50\(1\) and \(3\) and Sections 52 - 54](#) of the Criminal Code, when the law or any other valid provision stipulates that the information is defined as confidential or when it is necessary to keep it confidential in order to safeguard significant considerations for public or private interests, including especially for

- 1) the security or the defense of the state,
- 2) foreign-policy or foreign-economic interests, including relations to foreign powers or international institutions,
- 3) the prevention, investigation and prosecution of offenses, the execution of criminal convictions and the protection of defendants, witnesses or others in cases regarding criminal or disciplinary proceedings,
- 4) the implementation of public monitoring, regulatory or planning activities or of contemplated measures in relation to fiscal legislation.
- 5) the economic interests of the public sector, including the carrying out of the public sector's business activities,
- 6) individuals' or private companies' or associations' interest in protecting information about their personal or internal, including economic, affairs, or
- 7) individuals' or private companies' or associations' economic interest in protecting information about technical setups or procedures or about operational or business conditions.

Subsection 2. In the public administration, a duty of non-disclosure may only be imposed for information when it is necessary to keep it confidential in order to safeguard significant considerations for specific public or private interests as mentioned in subsection 1.

Subsection 3. An administrative authority may decide that a person who is not in the public administration has a duty of confidentiality as to confidential information which the authority discloses to the relevant person without having such an obligation.

Subsection 4. If rules about the duty of non-disclosure are laid down according to S. 1(2) or if a duty of non-disclosure is imposed according to subsection 3, [S. 50\(1\) and \(3\) and Sections 52 - 54](#) of the Criminal Code applies similarly to violations of such rules or orders.

Disclosure of information to another administrative authority

28. Information about individuals' purely private affairs, including information about race, religion and color of the skin, about political, association, sexual and criminal affairs and information about health, significant social problems and stimulant abuse problems and the like may not be disclosed to another administrative authority.

Subsection 2. However, disclosure of the information mentioned in subsection 1 may happen when

- 1) the person who the information concerns has consented,
- 2) when the person who the information concerns is prevented from consenting if the disclosure indisputably happens to safeguard the relevant person's interests,
- 3) the law or provisions stipulated according to the law stipulate that the information should be disclosed,
- 4) the disclosure happens to safeguard private or public interests that clearly exceed the consideration for the interests that give the grounds for the confidentiality, including the consideration for the person who the information concerns, or
- 5) the disclosure is a necessary part of the consideration of the case or is necessary in order for an authority to be able to carry out supervisory and monitoring functions.

Subsection 3. In addition to the cases mentioned in subsection 2, other confidential information may only be disclosed to another administrative authority when it is presumed that the information will be of significant importance to the authority's activities or to a decision that the authority will make.

Subsection 4. Consent according to subsection 2(i) must be given in writing and contain information about the type of information that may be disclosed, to whom the information may be disclosed and to what purpose. However, the requirement for written form may be deviated from when the nature of the case or the circumstances speak for it.

Subsection 5. Consent according to [subsection \(2\)\(1\)](#) will lapse no later than one year after it has been given.

Subsection 6. Local, administrative bodies on which the law confers an independent authority are considered independent authorities according to subsections 1 and 3.

29. However, an authority may disclose the information mentioned in S. 28(1) to the police or other authorities that form part of the crime prevention collaboration if the disclosure is considered necessary for the sake of the crime prevention collaboration. In connection with the crime prevention collaboration, the information may not be disclosed for the purpose of the investigation of criminal cases.

Subsection 2. In case independent institutions that perform tasks for the public sector within the social area and the area of training and education are included in the crime prevention collaboration, information may be exchanged between the authorities and the institutions to the extent mentioned in subsection 1.

Subsection 3. The authorities and institutions that form part of the crime prevention collaboration are not bound to disclose information according to subsections 1 and 2.

30. For cases brought on application, information about the applicant's purely personal affairs may not be obtained from other parts of the administration or from another administrative authority.

Subsection 2. The provision in subsection 1 does not apply if

- 1) the applicant consented,
- 2) otherwise is stipulated in the law or provisions laid down in accordance with the law or
- 3) special considerations for the applicant or a third party clearly exceed the applicant's interest in the information not being obtained.

31. Confidential information that has been obtained solely for the purpose of statistical extracts or as a part of a scientific survey may not be disclosed to an administrative authority for any other use.

32. To the extent that the administrative authority is entitled to disclose information, the authority must disclose the information at the request of another administrative authority if it is of importance to the authority's activities or to a decision that the authority will make.

Subsection 2. However, the provision in subsection 1 does not apply if the disclosure causes additional work for the authority that significantly exceeds the interest that the other authority may have in obtaining the information.

33. In this regard, anyone who works in the public administration may not obtain confidential information that is not significant to the performance of the relevant person's tasks.

Part 9.

Coming into effect, relationship to other legislation etc.

34. The Act will take effect on January 1, 1995.

Subsection 2. Concurrently, part 2 in Act No. 208 of June 10, 1970 on public access to documents in administrative files is repealed with respect to the authorities comprised by the Act.

35. The provisions in other acts or provisions laid down in accordance with the law which imply disqualification to a greater extent than the provisions in part 2 are kept in force.

36. The provisions in part 4 of the Act apply to documents that have been prepared by an authority or which that authority has come into possession of on October 1, 1964 or later.

Subsection 2. However, information about facts included in documents that have been prepared by an authority or which the authority has come into possession of before October 1, 1964 is comprised by the provisions of part 4 if the documents have formed part of a case that is being or has been considered by an administrative authority after the time mentioned and the information is or has been of significant importance to the decision.

Subsection 3. The provisions in other acts regarding the parties' access to document are kept in force. However, this does not apply to provisions that, to an extent that is narrower than part 4 of this Act, grant the party the right of access to documents unless they have come into force on October 1, 1964 or later.

37. Provisions in other acts or provisions laid down pursuant to an act that make demands on the content of the reason that are more comprehensive than the ones resulting from S. 24 are kept in force.

The Self-Government of Greenland, June 13, 1994

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