



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Confederation

Federal Department of the Environment,
Transport, Energy and Communications DETEC

Federal Office for the Environment FOEN
Legal Affairs Division

Aarhus-Convention: Access to information and documents of internal communication

Salome Sidler, Federal Office for the Environment,
Task Force on Access to Information, Geneva,
9.12.2015



Swiss legislation on access to information in environmental matters

Freedom of information Act (FoIA)

Environmental Protection Act (EPA), Art. 10g
EPA



Internal communications / Swiss regulation (I)

- Art. 6 par. 1 FoIA: Any person has the right to inspect official documents and to obtain information about the content of official documents
- Art. 5 par. 3 FoIA: Not deemed to be official documents are any documents which are intended for personal use



Internal Communications / Swiss regulation (II)

Two types of documents for personal use:

- a) Documents with official function intended to be used only by the writer or by a very restricted number of persons

- b) Documents without an official function (e.g. shopping list)



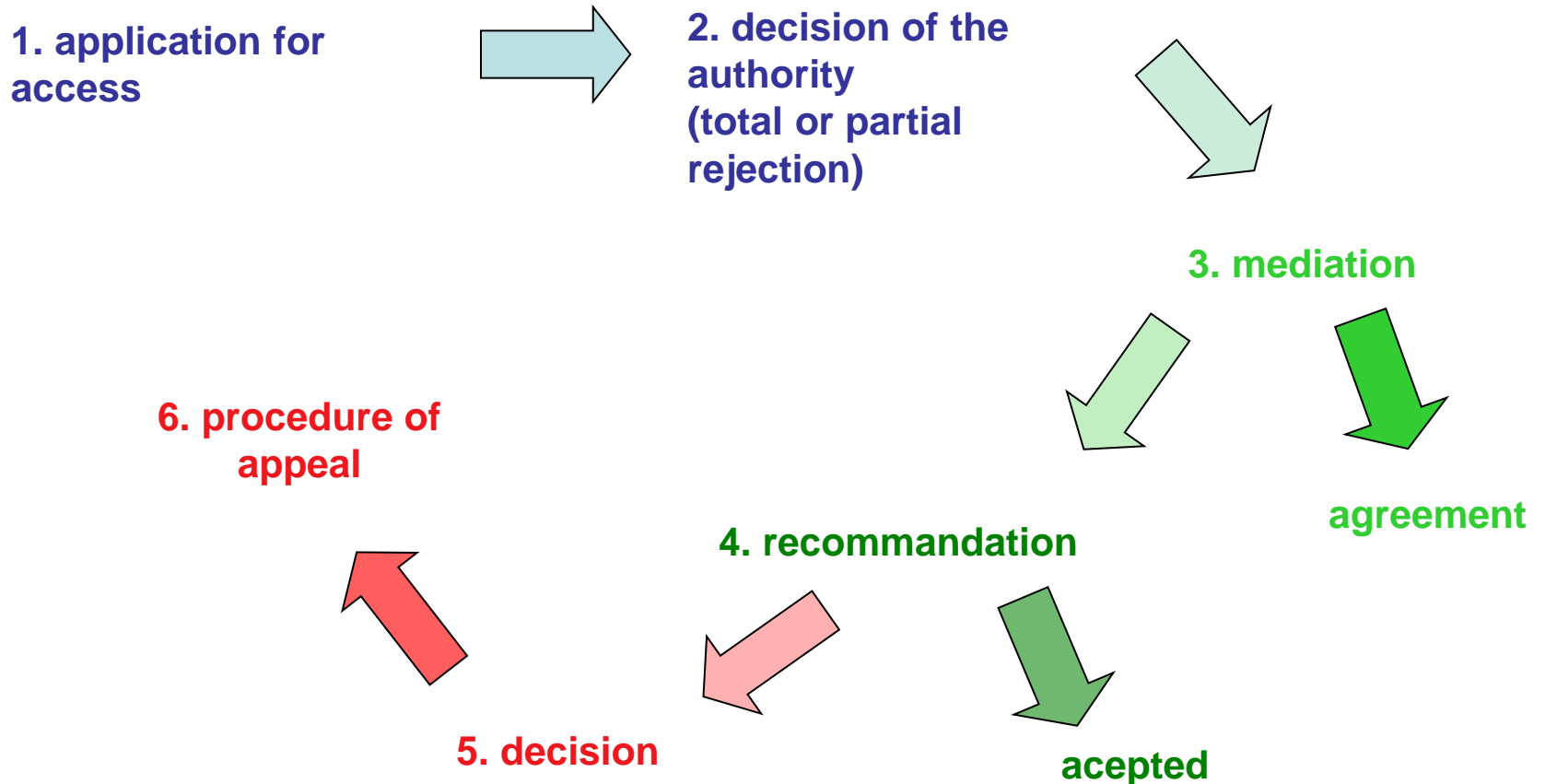
Internal Communications / Swiss regulation (III)

Two conditions for documents with an official function, which can be considered as a document for personal use:

- a) They are used only by the writer or a very restricted number of persons
and
- b) are used as an auxiliary mean, e.g.
 - Handwritten notes to prepare a meeting
 - Notes as a reminder
 - Short summary



Internal Communications: Procedure for Access to official documents in Switzerland





Internal communications: examples of cases in Switzerland (I)

1. Emails between employees dealing with official topics are not internal documents
2. A reporting system on the course of business is not an internal document
3. A synopsis with an overview on several options of possible regulations issued for the use in a working group is not an internal document
4. A handwritten text prepared as a base for an interview is an internal document



Internal communications: examples of cases in Switzerland (II)

5. The outlook-agenda of the director of a federal office is not an internal document
6. An email of the director to his head of department on a business issue is not an internal document
7. A detailed e-mail instead of an official meeting report is not an internal document
8. Preparatory notes for a meeting to be used by the creator are considered as an internal document



Internal communication: Conclusions

- Only a small number of documents are considered internal
- The fact that only a restricted number of persons have access to a document is not sufficient to qualify a document as internal
- If a document is classified as internal it does not mean automatically a disadvantage for an applicant since the content of it may be reproduced in an official document at a later stage