

Free Access to Legislation in Finland – Principles, Practices and Prospects

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The Puzzle of Free Access to Legislation – Formulating the Principles



- Historical background and principles
- Legislative and philosophical reforms

Free Access to Legislation – the Steps

- **Finland under Swedish rule ->1809**
 - Swedish Act of 1766 on Freedom of the Press and Access to Public Records
 - First Collection of Legal Codes in Finnish in **1759**
- **Finland under Russian rule -> 1917**
 - Legislation available in Finnish and Swedish since 1860 with free access **“to be read out loud from the pulpit”**
 - Legislation in Russian, Finnish and Swedish 1902-1905
- **Finnish Independence 1917 =>**
 - Legislation available in Finnish, Swedish and Sámi languages
 - Legislation online since 1972
 - Free access to legislation since 1995/1997



Syväre luettu ja vastan
otettu Herrain Päivillä
Suonna 1734.

Pääntiein ansesta
GEORG SALONIUS / **IDA**

Caling. Gemeinde / Suurupella
onella calingilla,
Suonna 1734.

Matth. Caloni

TURSA,

Pöytäkirja Diakoneilla ja Evangelisilla Kirjan-
Pöytäkirja Suuren Keskikirkon Suomea,
JACOB MERCKELL / **IDA**.

Free Access – the Problematic Concept

Free Access

- Free = not only free-of-charge
 - without limits
 - without constraints
- with various choices and options
- No limitations in metadata or contents
- No technical restrictions to copy-paste or printing
- No time-limit for new or old legislation
- No limitations for re-use of information

Free **Access** – the **Problematic Concept** (2)

- Access => without limits - without constraints – with various choices and options
- Accessibility => Web Content Accessibility and WAI
 - **Access by all potential users (incl. disabled persons, senior citizens etc.**
 - **Keep it Simple**
 - **The content is more important than format**
- The objective: to make the public aware of laws and to make these laws obligatory and binding for all citizens
- Access not only to Legal Gazettes, but also to consolidated legislation and other legislative materials
- Access to authentic legislation?

Acceptability of a legal information system

- A combination of social acceptability and practical acceptability
- **Social acceptability** refers to pluralism and to the possibilities for the user to find the information using different approaches, intuitive methods, user interfaces and websites
- **Practical acceptability** refers to the cost, compatibility, reliability and usefulness of the service
- **Usability** refers to an electronic service which is easy to learn and efficient to use, which includes few errors and which is subjectively pleasing.

(Jakob Nielsen)

Acceptability in Practice

- **Social acceptability** can be achieved by
- Providing **several options** for the retrieval (quick free-text search, rich metadata, keywords, intuitive search, annual folders, different file formats)
- Providing the legislative materials via **different user interfaces** or websites
(keyword-based websites for citizens, specific feeds for websites of ministries and agencies)
- **Practical acceptability** can be achieved by simple and informative web pages, reliable technical services (24/7) and up-to-date information

Access to Legislation in Practice

- **Access to Current law (new legislation) in different formats (HTML, PDF, TIFF, RSS feeds)**
- **Access to Historical law (point-in-time, historical version of a certain date)**
- **Access to Law in force (consolidated law)**
- **Access to Law of a certain business sector**
- **Access to Case Law, draft laws, parliamentary documents, secondary legislation, treaties**

Finlex- Electronic Legislation in Finland

- October 1972: the first pilot project was started, searching the text of the electronic Criminal Code and some other laws
- Nov. 1972: first database of case law established (the database of the Supreme Administrative Court).
- Databases operated in the computers of the State Computer Centre, with software called IMDOC-T, which was procured from Sweden.
- The brand Finlex has been used since 1981 and the first generation of Finlex was an information system consisted of over 40 different databases in early 1990s. The Finnish Ministry of Justice has been responsible for the Finlex from the very beginning.

Reforming the principles in 1990s

- The emergence of the Internet with global and national debate on the access to information
- The principles of access reformed with new laws
- Act on the Openness of Government Activities (1999) and Act on Statutes of Finland (2000)
- New thinking in a Committee report of the Ministry of Justice (1996)
- New Finlex with a new direction: not sufficient to provide only the material of the Legal Gazette to the citizens, but to provide **free access to consolidated legislation and other legislative materials**, as well.

Free Access – the Elements

1. The historical principle of Public Access (since 1766)
2. The right to information (Constitution and the Act on the Openness of Government Activities)
3. The definition of the non-copyright of laws, decrees, decisions and judgments in the Copyright Act.
4. The broad concept of access to legislation by the Parliament and the Ministry of Justice, including access to Legal Gazette, consolidated legislation, Government bills and parliamentary documents, international treaties and conventions, court judgments, secondary legislation etc.

The broad concept – free access to

- Legal Gazette in Finnish, Swedish and Sámi languages
- Consolidated legislation in Finnish and Swedish languages
- Index of legislation since 1734
- Government bills and parliamentary documents
- Information on legislative projects
- international treaties and conventions
- court judgments
- secondary legislation (norms of ministries and agencies)
- collective agreements
- specific legislation via the Suomi.fi and websites of ministries
- decisions of the supervisors of legislation (Justice Councillor and Parliamentary Ombudsman)
- translations of Finnish legislation
- Finnish legislation via the N-Lex service

Re-use of Public Sector Information

- The commercial legal publishers have utilized the materials of legislation and case law available in Finlex since 1990s free-of-charge. Therefore the impact of the **EU directive** on public sector information (2003/98/EC) in Finland has not been notable.
- Finland as a small country and small language area has a tiny information market on legal information.
- The commercial publishers have not opposed the Free Access to Legislation actions. They have added **added-value elements** to their own services, in addition to the basic materials on legislation and case law (e.g. expert writings, monographs, etc.)

Free Access - Prospects of Authenticity

- Authenticity of electronic legislation and especially of Legal Gazettes is a new challenge, with several solutions:
- Authentication via seamless workflow in the legislative process and in the production of Legal Gazettes
- Authentication via electronic signatures in XML or PDF versions of Legal Gazettes or on the servers providing access to the authentic version
- Separate websites for the authentic versions of Legal Gazettes
- How much authenticity is needed and requested by the customers?

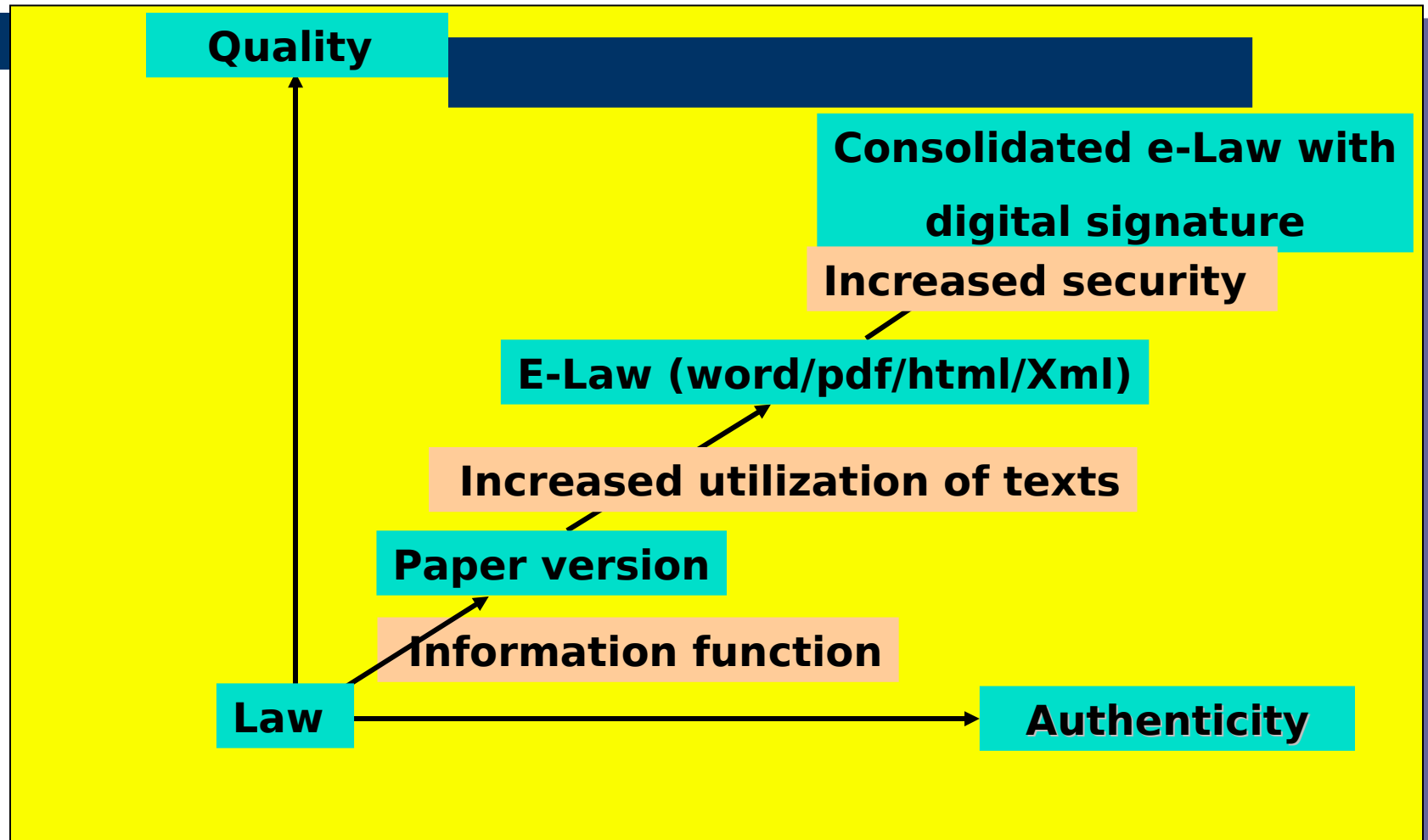
Key requirements to Free Access to Legislation

- Efficiency – standard-based, easily accessible materials regularly updated
- Quality – rich metadata, correctness
- Multiformats – customers want several document formats for different purposes
- Authenticity – the source can be verified
- Historical versions of legislative acts

Future Prospects of Free Access to Legislation

- Sophisticated Free Access also in Governmental Services?
- Development of new products
 - Value-added online services with personalised interfaces: must there be a difference between governmental and commercial services?
 - On-demand services, personalized services: “send me the laws on real estates and taxation” “send me new laws on company legislation”
 - LexAlert services: getting the latest acts and amendments
 - Consolidated texts of acts are still the most user-friendly versions

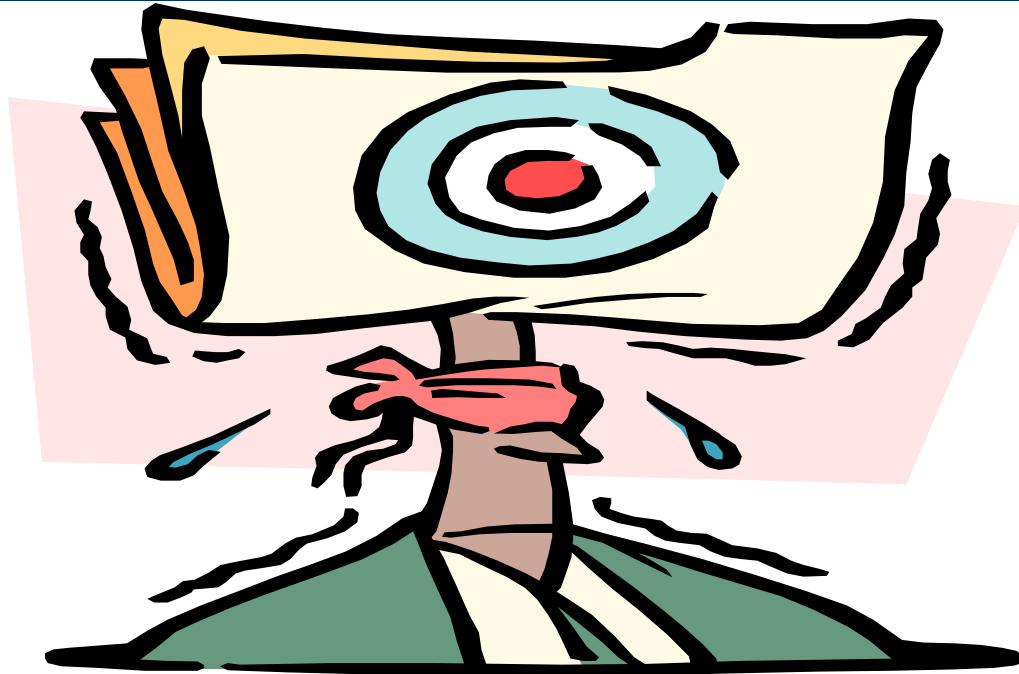
Towards Legal e-Gazettes - vision



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Questions - comments



Grazie!