

DECLARATION OF CONFIDENTIALITY

I hereby acknowledge that I have been given access by the Director General of the National Archives to the following restricted records, pursuant to the Public Administration Act Section 13:

RECORDS IN QUESTION

in connection with:

TITLE OF RESEARCH PROJECT

I am aware that pursuant to the Public Administration Act Section 13 e, second paragraph, the following terms and conditions apply to my use of restricted records, as stated in the Director General of the National Archives' letter of xx.yy.zzzz:

- The duty of secrecy protects individuals against the disclosure of their personal matters. Therefore, I must not use restricted information in a way which would divulge the identity of persons protected by the duty of secrecy.
- I am prohibited from contacting any persons protected by the duty of secrecy.
- I may copy or photograph restricted records for the purposes of the research project. However, such copies must not be shared with persons who have not submitted a declaration of confidentiality to the Director General of the National Archives.
- I must keep copies and notes from restricted records safe and secure in order to prevent unauthorized access.
- At the conclusion of my research project, I will completely destroy any copies, photographs etc. of documents containing restricted information from the above-mentioned archival material. I will also notify The National Archives of the destruction of the said documents.

I am fully aware of the provisions of Section 13 e of the Public Administration Act, which are set out on the back of this form.

I am also aware that violation of the duty of secrecy, or of the terms and conditions laid out by the Director General of the National Archives pursuant to the Public Administration Act Section 13 e, second paragraph, is punishable pursuant to Section 209 of the General Civil Penal Code.

Place and date

Name JANE DOE

Signature

ACT OF 10 FEBRUARY 1967 RELATING TO PROCEDURE IN CASES CONCERNING THE PUBLIC ADMINISTRATION
(THE PUBLIC ADMINISTRATION ACT) (UNOFFICIAL TRANSLATION, EXCERPT)

Section 13 b. (Limitations to the duty of secrecy by reason of private or public interests)

The pledge of secrecy in pursuance of section 13 shall not prevent:

1. information in a case from being made known to the parties to the case or their representatives,
2. the information from being used for achieving the purpose for which it was provided or obtained; such information may inter alia be used in connection with the preparation of a case, the actual decision, the follow-up and control,
3. the information from being accessible to other public officials within the administrative agency or service to the extent that this is necessary to establish suitable work routines and filing systems, inter alia for use as guidance in other cases,
4. the information from being used for statistical processing, for official reports and planning assignments, or in connection with auditing or other forms of control of the public administration,
5. the administrative agency from providing other administrative agencies with information concerning a person's relationship with the agency and decisions made and, in addition, from giving such information as it may be necessary to provide in order to facilitate performance of the tasks assigned to the said agency pursuant to statute, instructions, or its terms of reference,
6. the administrative agency from reporting or providing information (cf. also item 5) about violations of the law to the prosecuting authorities or the relevant supervising authority if this is deemed desirable in the public interest or if prosecution of the offence falls naturally within the scope of the reporting agency's functions,
7. the administrative agency from giving another administrative agencies with information (coordination) as required in the Act on Reporting Obligations.
8. the administrative agency from giving an administrative agency in another EEA state with information as provided for in the Services Act

A party or a party's representative who is apprised of information in accordance with the first paragraph, item 1, may only use such information to the extent this is necessary to protect the said party's interests in the case. The administrative agency shall notify him accordingly. The administrative agency may impose a duty of secrecy if witnesses and the like receive information subject to the duty of secrecy in connection with statements they make to the agency. Breach of the duty of secrecy under this paragraph is punishable pursuant to section 209 of the Penal Code, provided the person concerned has been warned that any breach may lead to such consequences.

Section 13 d. (Information for use in research)

The Ministry may, when this is deemed reasonable and no undue inconvenience is caused thereby to other interests, decide that an administrative agency may or shall provide information for use in research and that this shall be done notwithstanding the agency's duty of secrecy pursuant to section 13.

Terms and conditions may be attached to such administrative decisions as are mentioned in the first paragraph. Such terms and conditions may, inter alia, contain provisions as to who shall be responsible for the information and who shall have access to it, as well as provisions regarding the safekeeping and return of borrowed material, the destruction of transcripts, whether researchers shall be entitled to contact or obtain further information concerning those persons about whom information has already been provided, and on the use of such information in other respects.

The King may prescribe further regulations concerning administrative decisions pursuant to this section.

Section 13 e. (Researchers' duty of secrecy)

It is the duty of any person who performs any service or work in connection with a research assignment which an administrative agency has supported, approved or to which it has provided information subject to secrecy, to prevent others from gaining access to or knowledge of :

1. information subject to secrecy which the research worker obtains from an administrative agency,
2. information received from private sources upon pledge of secrecy in connection with the research work, and
3. information concerning persons who are dependent upon the instance (school, hospital, institution, enterprise, public authority etc.) which has arranged for their contact with the researcher.

The information may only be used for the purpose necessary for the research itself and in accordance with such terms and conditions as may be laid down pursuant to section 13 d, second paragraph. If the results of the research work are to be published or used in any other way, section 13 a, items 1 and 2, shall apply correspondingly.

Breach of the duty of secrecy or of terms and conditions pursuant to section 13 d, second paragraph, is punishable pursuant to section 209 of the Penal Code. The Ministry or administrative agency concerned shall apprise the researcher and his staff of the duty of secrecy and of the penal provision, cf. also section 13 c, first paragraph.

PENAL CODE OF 20 MAY 2005 (UNOFFICIAL TRANSLATION, EXCERPT)

Section 209. Breach of a duty of confidentiality.

A penalty of a fine or imprisonment for a term not exceeding one year shall be applied to any person who reveals information in respect of which he/she has a duty of confidentiality pursuant to statute or regulations, or exploits such information with intent to obtain an illicit gain for himself/herself or for other persons.

The first paragraph applies correspondingly to breach of a duty of confidentiality pursuant to applicable instructions for service or work for a central or local government body.

In the case of a person working or performing a service for a central or local government body, the first and second paragraphs also apply to breach of the duty of confidentiality after conclusion of such service or work.

The same penalty applies for a grossly negligent violation.

Contribution is not penalised.