

University of Borås

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UNIVERSITY
OF BORÅS

Information on the Handling of Official Documents and Recommendations Regarding the Processing of Post and E-mail at the University of Borås

Information

Introduction

The rules regarding the processing of official documents are common to all governmental authorities. Among other things, governmental authorities have to ensure that the regulations of the Swedish Freedom of the Press Act, the Public Access to Information and Secrecy Act, and the Administrative Procedure Act are complied with. In the Swedish Freedom of the Press Act, there are rules regarding the definition of the concept of the "official document" and the individual's right to access these; in the Public Access to Information and Secrecy Act (2009: 400) there are rules on the registration of official documents; and in the Administrative Procedure Act (2017: 900), there are rules on how questions from individuals and case management must take place.

This document is intended to provide information on what the above rules mean. Furthermore, recommendations are given regarding the processing of personally-addressed post and externally received messages via e-mail, as such management is of great importance for how the university can guarantee that the rules are followed.

Official documents

In Chapter 2, Sections 3, 4, 6 and 7, the Swedish Freedom of the Press Act defines the term "official document" ("*allmän handling*" in Swedish).

What is meant by "document" is anything that contains information. The appearance, design and type of information carrier is irrelevant. The concept of document also includes recordings that can be perceived only by means of technical aids, e.g. e-mail messages.

A document is "public" if it

- *held by* an authority and
- is considered to be *received* or *made* there.

A traditional document is considered *held by* an authority if it is physically located at the authority. An e-mail message is considered to be held by an authority if it is available to the authority via technical aids--thus it can be read.

A document has been *received* by an authority when

- it has arrived at the authority, or
- it has been received by an employee.

This means that internal e-mail messages--that is, e-mail between employees--are not to be considered as received, but they can be made as below.

A document is considered to be *made* when, for example.

- the document is processed
- if the document is not to be processed, when the case to which the document belongs is finalised by the authority
- if the action does not belong to a particular case, when it has been adjusted by the authority or otherwise completed
- Archives, journals as well as such registries or other lists that are updated on a continuous basis, when the document is finalised, for logging or entry (e.g. the e-mail log)
- minutes or similar documents after being adjusted or finalised.

An official document that may be disclosed--which must be done if no secrecy rule is expressly applicable--shall, on request, and in accordance with Chapter 2. Section 12-13 of the Swedish Freedom of the Press Act, immediately or as soon as possible, be provided to those who wish to receive it.

Disclosure of official documents

In the case of a request for an official document, an examination of whether a document may be disclosed must be made promptly, in order to follow the rules in the Swedish Freedom of the Press Act. This normally means while the person is waiting or at least during the course of the work day or, in exceptional cases, the following day. Whether it takes a long time and requires a lot of work is of no consequence. Neither can the request be denied with the reason that the requested documents are difficult to identify and thus impossible to find. The administrative law has been clear in these cases (see, for example, RR 79 Ab6 and RR 82 Ab 262).

Registration

In order to be able to follow the rules of the Swedish Freedom of the Press Act, the authority must keep records of official documents. The university is therefore, with certain exceptions, obliged to keep a registry of documents that come in or are drawn up here.

The basic rule for record-keeping management is in Chapter 5. Section 1 of the Public Access to Information and Secrecy Act (2009: 400). This indicates that an official document must be registered as soon as it has been received or drawn up at the university if it is not clear that the document is of little importance to the university's activities. According to a Parliamentary Ombudsmen (JO) decision 2002-09-30 (Reg. 4349-2001), the registration should normally take place no later than the following working day. Registration can be omitted if the document is not subject to any secrecy rule and it is kept in order in such a way that it can be determined without difficulty that it has been received.

Regarding the rules presented above, JO (decision 2001-11-16, Reg. 2022-2000) has stated the following:

"In the light of the provisions of the Swedish Freedom of the Press Act and the Public Access to Information and Secrecy Act on official documents and on the registration of such documents, it is important that documents that come in to an authority are processed as soon as possible. Post addressed to an employee must therefore not be left unopened if the employee is for some reason not present ... On the other hand, the possibility that the post does not relate to the work position but is a purely private matter related to the recipient must not be ignored. Opening the post can therefore pose a conflict of interest in safeguarding privacy, cf. the provision in Chapter 4, Section 9 of the Penal

Code on intrusion in a safe depository. In order for an authority to be able to deal with the problems that may arise with respect to personally-addressed mail, it is appropriate that employees give power of attorney to someone else at the authority to open post that is personally-addressed. However, the authority may not *require* that all employees authorise the Registrar's Office or someone else.

If an employee chooses not to provide a power of attorney, the post may not be opened by the authority, but must be forwarded to the employee. In a large organisation where this can take several days, it may be considered more appropriate for the Registrar's Office to contact the employee, who may then pick up the post at the place where post is collected. If it turns out that the post contains official documents, it is the employee's responsibility to ensure that the documents are registered without delay. Special measures must be taken during periods when any employee is away for a longer period due to holidays or otherwise. In the first instance, a power of attorney is to be issued for this time. Other measures that are close at hand are to obtain consent in the individual case to open the post or, as a last resort, call the employee in to work. (See also the decision in the JO annual report, Directors 1982/83 p. 248)."

Regarding e-mail messages, JO (2002/2003 p. 497, Reg. 2668-2000) has specifically stated "... that an e-mail message that has been received by an employee in her/his e-mail mailbox at the authority may constitute an official document if the stated conditions are met. The fact that the employee, when the message comes in, is absent due to holiday or for any other reason is irrelevant to the assessment of whether the message is to be considered an official document. The fact that the person who sent the message receives a reply message stating that the employee is not present also does not alter the fact that the message received may constitute an official document. The authority must therefore have access to e-mail messages that come in to an employee when he or she is absent. "

Questions from individuals

In addition to the rules in the Swedish Freedom of the Press Act and the Public Access to Information and Secrecy Act, the university has to comply with the rules in the Administrative Act. The Administrative Procedure Act contains many rules in which the handling of official documents is of great importance. Section 7 of the Administrative Procedure Act states, for example, that an authority should be available for contact with individuals and inform the public about how and when these can take place. The authority is to take the necessary measures regarding accessibility in order for it to be able to fulfil its obligations to the public in accordance with Chapter 2 of the Swedish Freedom of the Press Act on the right to access official documents. Incoming post to the university must therefore be monitored to ensure that any questions are answered in time.

Processing of cases

According to Section 9 of the Administrative Procedure Act, the university must also ensure that cases to which any individual--e.g. a student--is party are processed as quickly, easily and cost-effectively as possible.

By the term "processing," what is usually meant is activity that begins with the submission of a case and ends with a decision, e.g. examination. The following steps can be considered in the processing:

- post opening and registration
- preparation
- presentation
- decision
- dispatch
- archiving.

A case can be filed on the initiative of an individual (e.g. student), on the initiative of the university itself, or another authority. A referral from an individual usually takes the form of an application or a

notification. Frequently, the submission is done by the individual by submitting a letter of some form, which is why the post must be continuously monitored.

Recommendations

In accordance with the above-mentioned rules and JO decisions, post (ordinary post and e-mail) may not remain unopened. The university is required to, when relevant, register official documents as well as promptly begin an examination of whether a document should be disclosed in such a case. The university also has a requirement to answer questions and process cases. Therefore, it is important that the university has knowledge of and access to all official documents that are not of very minor importance to the university's activities. This means that all post--including that which is personally-addressed, i.e. the employee's name comes before the university's, and messages in the e-mail box-- must be checked daily to determine whether it contains documents that are of importance to the university's activities.

Personally-addressed post (envelopes)

Post addressed to the university (envelopes on which the university's name comes before the employee's) is opened daily by the Registrar's Office.

With regard to personally-addressed post (envelopes on which the employee's name comes before that of the university), the individual employee is responsible for ensuring that the university can guarantee that the rules in the Swedish Freedom of the Press Act, the Public Access to Information and Secrecy Act, and the Administrative Procedure Act are complied with.

Employees at the university may choose to give power of attorney regarding the opening of a personally-addressed post to the university. If an employee chooses not to give this power of attorney, personally-addressed mail (envelopes) will not be opened by the authority. If it turns out that the posted item contains official documents, then it is the employee's responsibility to ensure that the documents are registered without delay. Special measures must be taken during periods when any employee is away for a longer period due to holiday or otherwise.

By signing a power of attorney, the employee can provide consent to the opening of personally-addressed post (envelopes) to the Registrar's Office. The authorisation is to be submitted to the Registrar's Office. The authorisation is valid from the time of signature.

If an employee chooses not to give a power of attorney, the post will not be opened by the university. The employee then is personally responsible for ensuring that his/her post is opened daily and, if applicable, is registered quickly; that the university has access to official documents; that questions are answered; and that case processing can be started.

In the event of a longer absence, the employee must thus be available daily--via telephone or via e-mail--in order for the university to be able to obtain permission to open the post. If the employee in this situation does not wish to give a consent to the opening of the post, it may as a last measure mean that the university must call in the person into service with immediate effect (JO decision, Reg. 2022-2000).

E-mail

Messages that have been received by employees at the university in their e-mail mailbox at the authority may constitute official documents. The employee is responsible for ensuring that these messages are handled in such a way that record-keeping, question management, and case processing are in accordance with the rules of the Public Access to Information and Secrecy Act and the Administrative Procedure Act. The employee can then give one or more colleagues access to an e-mail box through delegation. The person entitled to open post and e-mail is appointed by the authorising employee. This delegation is handled by the employee personally. Instructions on how e-mail

delegation is done can be found in a special manual on the IT Office's website. Use of a function mailbox should also be considered (see below).

In the event of a longer absence, the employee should apply an auto reply function to the e-mail account with information about when the employee will again be at work and to whom the writer can turn in the meantime. However, this does not change the fact that incoming e-mail can constitute an official document, so the account must be monitored daily.

If the university receives a request for the dispatch of an official document that is only available in an e-mail box that a certain employee has access to, the university will contact the employee to inform her/him that the document must be examined in accordance with the rules in the Swedish Freedom of the Press Act, and, if applicable, be disclosed. The employee is responsible for ensuring that the university has immediate access to the document. In cases where the university does not receive immediate access to the document, the university must enter the e-mail mailbox.

Function Mailbox

In order to facilitate the university's handling of official documents received by e-mail, each Faculty, department etc. should consider using function mailboxes when contacting individuals, e.g. students. By using function mailboxes as far as possible, it becomes easier for the university to ensure that the rules in the Swedish Freedom of the Press Act and the Administrative Procedure Act are complied with. It also makes it easier for the individual employee as there is always someone who is monitoring the incoming e-mail.

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Editorial change made in the text on the grounds that the Secrecy Act (1980: 200) has been replaced by the Public Access to Information and Secrecy Act (2009: 400). No change in the content.

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Disclaimer: This document has been translated from Swedish into English. If the English version differs from the original, the Swedish version takes precedence.