JUSTIITS- JA DIGIMINISTEERIUM

Council of Europe
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Information updates according to Article 14, paragraph 2, of the Convention - Estonia

Madam Jäderblom and other members of the AIG

Estonia is very thankful for the Council of Europe Group on Access to Information (AIG) for providing opinion on the definition of "official documents" according to the Council of Europe Convention on Access to Official Documents (CETS No.205). The opinion is and will remain an invaluable input to Estonia in our efforts to increase access to public information.

With the following letter Estonia is transmitting to the AIG an update of the information on the legislative and other measures taken to give effect to the provisions of this Convention.

Ongoing process to amend Public Information Act

On March 11, 2024, the Minister of Justice formed a working group consisting of the Data Protection Inspectorate, the Estonian Bar Association, the Estonian Cooperation Assembly, the Association of Estonian Cities and Municipalities, the Estonian Media Companies Association, the e-Governance Academy, the Ministry of Defence, the Ministry of Economic Affairs and Communications, Open Knowledge Estonia, the Ministry of Finance, the Government Office, the Chancellery of the Riigikogu, the Ministry of the Interior, the University of Tartu, and the Ministry of Foreign Affairs. The aim was to map the implementation practices and identify shortcomings of the Public Information Act (PIA). The working group also discussed the recommendations made by the Consultation of the Parties based on a report from the Access Info Group. In January 2025, the analysis was published, which highlighted that the recommendations raised in the AIG report require amendments to the PIA.

In 2025, the Ministry of Justice and Digital Affairs was preparing a legislative intent for amending the PIA, which also addressed ways to modify the PIA to align with the recommendations outlined in the AIG report. To finalize the legislative intent, it was important to understand for Estonia how AIG interprets the term "drawn up" before proposing changes to the PIA. Opinion on the definition of "official documents" according to the Council of Europe Convention on Access to Official Documents (CETS No.205) was published in November 2025.

As, in the end of 2025, the European Commission made proposals for changes within the framework of the digital omnibus package and these amendments impact the PIA as a whole, therefore, the full review of the PIA has been suspended until the amendments have been agreed upon by the co-legislators. The Commission's proposals include the transformation of the Open Data Directive (Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information) into a directly applicable regulation. As a result, once these amendments enter into force, it will also be necessary to amend the PIA, through which the Open Data Directive has been transposed into Estonian law.

Guidance on the implementation of Public Information Act

In 2025 the Minister of Justice and Digital Affairs in cooperation with Data Protection Inspectorate published guidelines on the processing of personal data and public information and on the regulation of data bases in draft laws. The guidelines explain that as a general rule, § 35 of the PIA should cover all possible cases of limitations to access public information. However, if this is not the case, a new legal basis must be provided in the special law. The proposed provision must specify:

1) what information is being protected;
2) for what purpose this information is being protected.

The explanatory memorandum of the draft law must indicate under which limitation stated in the Tromsø Convention the proposed restriction falls.

It is also pointed out in the guidelines that it should be noted that the limitation to access public information set out in § 35 of the PIA do not apply automatically; rather, the holder of the information has an obligation in each case to assess whether the restriction should be applied to the information. It should also be borne in mind that even if information has been classified as internal-use only, in situations, where an information request is submitted, the holder of the information must each time assess which parts of the information can still be disclosed and which parts are subject to limitation, and must cover the restricted parts before disclosure (PIA § 38(2)).

Yours sincerely,

(digitally signed)

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