

Instructions for the Parliamentary Ombudsman for Public Administration

Implementing legislation: Adopted by the Storting on 19 February 1980 under section 2 of the Act of 22 June 1962 No. 8 relating to the Parliamentary Ombudsman for Public Administration.

Amendments: Amended by administrative decisions of 22 October 1996 No. 1479, 14 June 2000 No. 1712, 2 December 2003 No. 1898, 12 June 2007 No. 1101 and 17 June 2013 No. 1251.

Section 1. Purpose

(See section 3 of the Parliamentary Ombudsman Act)

The Parliamentary Ombudsman for Public Administration shall seek to ensure that individual citizens are not unjustly treated by the public administration and that senior officials, officials and others engaged in the service of the public administration do not make errors or neglect their duties.

Section 2. Sphere of responsibility

(See section 4 of the Parliamentary Ombudsman Act)

The Norwegian Parliamentary Intelligence Oversight Committee shall not be considered as part of the public administration for the purposes of the Parliamentary Ombudsman Act. The Ombudsman shall not consider complaints concerning the intelligence, surveillance and security services that the Committee has already considered.

The Ombudsman shall not consider complaints about cases dealt with by the Storting's ex gratia payments committee.

The exception for the activities of the courts of law under section 4, first paragraph, c), also includes decisions that may be brought before a court by means of a complaint, appeal or other judicial remedy.

0 Amended by Storting decisions of 22 October 1996 No. 1479, 2 December 2003 No. 1898 (in force from 1 January 2004), 17 June 2013 No. 1251 (in force from 1 July 2013).

Section 3. Formulating and substantiating complaints

(See section 6 of the Parliamentary Ombudsman Act)

Complaints may be submitted directly to the Ombudsman. A complaint should be made in writing and be signed by the complainant or a person acting on their behalf. In the event that the Ombudsman receives an oral complaint, he shall ensure that it is immediately recorded in writing and signed by the complainant.

As far as possible, the complainant should provide an account of the grounds for the complaint and present evidence and other documents in the case.

Section 4. Exceeding the time limit for complaints.

(See section 6 of the Parliamentary Ombudsman Act)

If the time limit for a complaint under section 6 of the Act – 1 (one) year – has been exceeded, this does not prevent the Ombudsman from taking up the matter on his own initiative.

Section 5. Conditions for considering a complaint.

If a complaint is made concerning a decision that the complainant is entitled to have reviewed by a higher administrative body, the Ombudsman shall not deal with the complaint unless he finds that there are special grounds for considering it immediately. The Ombudsman shall give the complainant advice on their right to have the decision reviewed through administrative channels. If the complainant is unable to have the decision reviewed because the time limit for complaints has been exceeded, the Ombudsman shall decide whether the circumstances indicate that he should nevertheless consider the case.

If a complaint concerns other matters that can be brought before a higher administrative authority or specific regulatory body, the Ombudsman should direct the complainant to take up the case with the competent authority or to submit the case to the authority in question, unless the Ombudsman finds special grounds for considering the case immediately himself.

The provisions of the first and second paragraphs do not apply if the King is the only complaints body available.

Section 6. *Investigating complaints*

(See sections 7 and 8 of the Parliamentary Ombudsman Act)

Complaints which the Ombudsman considers further should as a general rule be presented to the administrative body or official concerned. The same applies to subsequent statements and information from the complainant. The administrative body or official concerned must always be given the opportunity to comment before the Ombudsman issues an opinion as set out in section 10, second and third paragraphs, of the Parliamentary Ombudsman Act.

The Ombudsman will decide what measures should be taken in order to clarify the circumstances of the case. He may obtain the information he considers necessary in accordance with the provisions of section 7 of the Parliamentary Ombudsman Act, and may set a deadline for complying with an order to provide information or submit documents, etc. He may also make further inquiries of the administrative body or enterprise to which the complaint applies, see section 8 of the Parliamentary Ombudsman Act.

The complainant is entitled to familiarise himself with the statements and information provided in the case, unless he is not entitled to do so under the rules applicable to the administrative body involved.

If he for special reasons finds it necessary, the Parliamentary Ombudsman can obtain an expert opinion.

Section 7. *Notifying a complainant when a complaint is not investigated*

(See section 6, fourth paragraph, of the Parliamentary Ombudsman Act)

If the Parliamentary Ombudsman finds that there are no grounds for dealing with a complaint, the complainant shall be notified immediately. In such cases, the Ombudsman should, as far as possible, advise the complainant of any other legal avenues that may exist or forward the case to the appropriate authority himself.

Section 8. *Cases considered on the Ombudsman's own initiative*

(See section 5 of the Parliamentary Ombudsman Act)

If the Ombudsman finds reason to do so, he may further investigate proceedings, decisions or other matters on his own initiative. The provisions of section 6, first, second and fourth paragraphs, shall apply correspondingly to such investigations.

Section 8a. *Special provisions relating to the Parliamentary Ombudsman as national preventive mechanism*

The Ombudsman may receive assistance from persons with specific expertise in connection with its function as the national preventive mechanism in accordance with section 3a of the Parliamentary Ombudsman Act.

The Ombudsman shall establish an advisory committee to provide expertise, information, advice and input in connection with its function as the national preventive mechanism.

The advisory committee shall include members with expertise on children, human rights and psychiatry. The committee must have a good gender balance and each sex shall be represented by a minimum of 40 % of the membership. The committee may include both Norwegian and foreign members.

0 Added by Storting decision of 17 June 2013 No. 1251 (in force from 1 July 2013).

Section 9. *Completion of the Ombudsman's procedures in a case*

(See section 10 of the Parliamentary Ombudsman Act)

The Ombudsman shall personally make a decision in all cases that are accepted following a complaint or that he has considered on his own initiative. He may nevertheless give specific members of staff the authority to complete cases that clearly must be rejected or that clearly do not provide sufficient grounds for further consideration.

The Ombudsman's decision is issued in a statement in which he gives his opinion on the questions that apply in the case and that come within his sphere of responsibility, see section 10 of the Parliamentary Ombudsman Act.

0 Amended by Storting decision of 2 December 2003 No. 1898 (in force from 1 January 2004).

Section 10. *Instructions for employees at the Ombudsman's office*

(See section 2 of the Parliamentary Ombudsman Act)

The Ombudsman will issue out further instructions for his staff. He may give the employees the authority to make the necessary preparations for cases that are dealt with by the Ombudsman.

Section 11. *Access to the Parliamentary Ombudsman's case documents*

1. The Ombudsman's case documents are public unless otherwise provided by the duty of confidentiality or the exceptions listed in subsections 2, 3 and 4 below. The term 'the Ombudsman's case documents' means documents prepared in connection with the Ombudsman's handling of a case. Case documents prepared or obtained during the public administration's handling of the case are not publicly available through the Ombudsman.
2. Case documents from the Ombudsman may be exempted from public disclosure when special reasons so indicate.
3. The Parliamentary Ombudsman's internal case documents may be exempted from public disclosure.
4. Documents exchanged between the Storting and the Ombudsman and that concern the Ombudsman's budget and internal administration may be exempted from public disclosure.
5. Access may be requested to the public content of the records the Ombudsman maintains for registering documents in cases that are opened. The Archives Act of 4 December 1992 No.

126 and the Archives Regulations of 11 December 1998 No. 1193 apply correspondingly to the Ombudsman's activities to the extent they are appropriate.

0 Amended by Storting decision of 14 June 2000 No. 1712 (in force from 1 January 2001).

Section 12. *Annual report to the Storting*

(See section 12 of the Parliamentary Ombudsman Act)

The Ombudsman's annual report to the Storting shall be submitted by 1 April each year and shall cover the Ombudsman's activities in the period 1 January–31 December of the previous year.

The report shall contain a summary of procedures in cases which the Ombudsman considers to be of general interest, and shall mention those cases in which he has called attention to shortcomings in acts, regulations or administrative practice, or has issued a special report under section 12, second paragraph, of the Parliamentary Ombudsman Act. In the annual report, the Ombudsman shall also provide information on activities to oversee and monitor that the public administration respects and safeguards human rights.

If the Ombudsman finds reason to do so, he may refrain from mentioning names in the report. The report shall in any case not include information that is subject to the duty of confidentiality.

The account of cases where the Ombudsman has expressed an opinion as mentioned in section 10, second, third and fourth paragraphs, of the Parliamentary Ombudsman Act, shall summarise any response by the relevant administrative body or official about the complaint, see section 6, first paragraph, third sentence.

A report concerning the Ombudsman's activities as the national preventive mechanism shall be issued before 1 April each year. This report shall cover the period 1 January–31 December of the previous year.

0 Amended by Storting decision of 14 June 2000 No. 1712 (in force from 1 January 2001), 12 June 2007 No. 1101 (in force from 1 July 2007), 17 June 2013 No. 1251 (in force from 1 July 2013).

Section 13. Entry into force

These instructions enter into force on 1 March 1980. From the same date, the Storting's Instructions to the Parliamentary Ombudsman of 8 June 1968 are repealed.