

Act on the Ombudsman of the Icelandic Parliament Althingi

No. 85 27 May 1997

Parliamentary process Bill of Legislation

Entered into force 6 June 1997. Amended by [Act No.88/2008](#) (entered into force on 1 January 2009 with the exception of Temporary Provision VII, which entered into force on 21 June 2008), [Act No.142/2008](#) (entered into force on 18 December 2008), [Act No.86/2010](#) (entered into force on 2 July 2010), [Act No.162/2010](#) (entered into force on 1 January 2011), [Act No.84/2011](#) (entered into force on 30 June 2011, except for Art. 1 and sub-paragraph c of Art. 14, which entered into force on 1 September 2012), [Act No.126/2011](#) (entered into force on 30 September 2011) and [Act No. 147/2018](#) (entered into force on 13 December 2018).

■ **Art. 1** *Election of the Althingi Ombudsman*

The Althingi elects the Ombudsman for a four-year term. He/She shall meet the statutory requirements to serve as Supreme Court Justice and may not be a Member of the Althingi.

[The Althingi Speaker's Committee shall nominate one person for the election. Other nominations must be received by the Speaker in good time to ascertain the eligibility of nominees before the election takes place.]¹⁾

In the event of the Ombudsman's death or should he/she be otherwise permanently prevented from performing his/her duties, Althingi shall elect a new Ombudsman. The same shall apply if the Ombudsman resigns from office at his/her own request, or if two-thirds of the members of the Althingi agree to dismiss him/her.

In the event of temporary unavailability of the Ombudsman, the Speaker of Althingi shall appoint a substitute to the position during the absence.

¹⁾ [Act No.84/2011, Art. 42.](#)

■ **Art. 2** *Role of the Althingi Ombudsman etc.*

The role of the Althingi Ombudsman is to monitor, on behalf of Althingi, the administration by the central and local authorities as prescribed in more detail in this Act, and to safeguard citizens' rights vis-a-vis the country's authorities. [He/She shall ensure that equal treatment is practiced in public administration and that such administration is otherwise conducted in accordance with law, good administrative practices and codes of ethics adopted on the basis of the Act on Government Offices and the Act on the Rights and Obligations of State Employees.]¹⁾

[The Ombudsman shall also function as the national preventive mechanism specified in Art. 3 of the Optional Protocol of 18 December 2002 to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984.]²⁾

In carrying out his/her duties the Ombudsman shall be independent of instructions from others, including the Althingi.

¹⁾ [Act No.86/2010, Art. 2.](#) ²⁾ [Act No.147/2018, Art. 1.](#)

■ **Art. 3** *Mandate of the Althingi Ombudsman*

- The Ombudsman's mandate covers the administration of the central and local authorities.
- The Ombudsman's mandate also includes activities of private parties to the extent that they have been by law given official authority to make decisions on individuals' rights or obligations, according to the second paragraph of Art. 1 of the Public Administration Act.
- [In fulfilling the role prescribed in the second paragraph of Art. 2, the Ombudsman's mandate furthermore includes private institutions or residences where individuals reside who have been deprived of their liberty, when this deprivation of liberty is based on the instructions of public authorities, at their instigation, with their consent or without objection on their part.]¹⁾
- The Ombudsman's mandate does not include:
 - a. activities of the Althingi and its institutions, cf. however, Art. 11;
 - b. activities of the courts;
 - c. decisions and other acts of the government for which, according to express statutory instructions, redress is to be sought before the courts. This does not, however, apply to cases referred to in Art. 5.

¹⁾ [*Act No. 147/2018, Art. 2.*](#)

■ **Art. 4** *Complaints to the Althingi Ombudsman*

- The Ombudsman may examine a case after receiving a complaint.
- Any person who feels unjustly treated by any of the parties covered by the first or second paragraph of Art. 3 can complain thereof to the Ombudsman.
- A person deprived of his/her liberty is entitled to file a complaint with the Ombudsman in a sealed letter.

■ **Art. 5** *Own initiative cases*

- The Ombudsman may decide to examine a case on his/her own initiative. He/She may furthermore make a general examination of the activities and procedures of an authority.

■ **Art. 6** *Admissibility Criteria*

- A complaint to the Ombudsman must be made in writing and state the name and address of the complainant. It shall describe the authorities' decision or other conduct giving rise to the complaint. All available evidence on the circumstances of the case must accompany the complaint.
- A complaint must be filed within one year of the final administrative act in question.
- If a case may be referred to a higher administrative authority, a complaint may not be filed with the Ombudsman until the higher authority has given its ruling in the case. The one-year time limit referred to in the second paragraph commences from that time.

■ **Art. 7** *Investigation of a case*

- [The Althingi Ombudsman may demand from the authorities and others subject to supervision by the Ombudsman such information and written explanations as his/her work requires; he/she may, for instance, demand the delivery of reports, documents, protocols and any other documentation concerning cases, supervision or inspections by the Ombudsman, including health information, medical records and information on the placement and treatment of individuals. This authorisation also includes obtaining such documentation in electronic format. Documentation shall be delivered to the Ombudsman without charge.]¹⁾
- The Ombudsman may summon employees of the central and local authorities [and private parties subject to supervision by the Ombudsman]¹⁾ for discussions on matters within the Ombudsman's mandate, or to give oral information and explanations regarding individual cases.
- The Ombudsman shall have free access to all establishments of public authorities [and of private parties to the extent they are within the Ombudsman's mandate]¹⁾ in connection with investigations related to his/her work; employees shall provide the Ombudsman with all

necessary assistance on such occasion. [The Ombudsman shall furthermore, without requiring a court order, have free access to institutions and residences operated by private parties, where persons reside who have been or may be deprived of their liberty, cf. the third paragraph of Art. 3. The Ombudsman may speak privately to the employees of such institutions and residences and persons who reside there. The same applies to the Subcommittee on Prevention, cf. Art. 2 of the Optional Protocol of 18 December 2002 to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984.]¹⁾

The Ombudsman cannot demand information concerning national security or foreign affairs which shall be kept secret, except with the permission of the Minister concerned.

The Ombudsman may request that a District Court judge summon a person to give evidence concerning events of significance in the Ombudsman's opinion. Such statement shall be governed by the provisions of the Act on [Criminal]²⁾ Procedure as applicable. A decision may be taken to hold closed depositions.

The Ombudsman may seek the assistance of experts in special circumstances and obtain specialised information as necessary.

[In investigating a case and making inspections as referred to in the first and third paragraphs, the Ombudsman may seek the assistance of the police in special circumstances; in such case the police are obliged to provide assistance at the Ombudsman's request.]¹⁾

¹⁾ [Act No.147/2018, Art. 3.](#) ²⁾ [Act No.88/2008, Art. 234.](#)

■ **Art. 8 Confidentiality**

The Ombudsman is obliged to observe confidentiality regarding events of which he/she becomes aware in the course of his/her work, which should remain secret due to legitimate public or private interests. The same applies to the Ombudsman's employees [and others who work for the Ombudsman].¹⁾ The obligation of confidentiality remains even after employment ceases.

¹⁾ [Act No.147/2018, Art. 4.](#)

■ **Art. 9 Authorities' explanations**

Should the Althingi Ombudsman decide to examine a complaint against a public authority, the authority shall immediately be informed of the substance of the complaint, unless there is a risk that this could be detrimental to the investigation.

A public authority against which a complaint has been directed shall as a rule be given an opportunity to explain the matter to the Ombudsman before the latter concludes the case with an opinion, as provided for in sub-paragraph b of the second paragraph of Art. 10. The Ombudsman can give the public authority specific deadline to reply.

■ **Art. 10 Conclusion of a case**

If from the outset the Ombudsman is of the opinion that a complaint provides insufficient grounds for closer investigation or does not satisfy the requirements of this Act for further examination, he/she shall notify the complainant of this conclusion. The case is then closed as far as the Ombudsman is concerned.

In the event that the Ombudsman has undertaken further examination of a case, it may be concluded in the following manner:

a. He/She may dismiss the case following correction or an explanation from a public authority.

b. [He/She may issue an opinion as to whether the authority's act violates the law or is in other respects contrary to good administrative practices or a code of ethics adopted on the basis of the Act on Government Offices and the Act on the Rights and Obligations of State Employees.]¹⁾ If the acts of a public authority are subject to censure or criticism by the Ombudsman, the latter may in addition make recommendations to the authority to remedy the situation.

c. If a complaint concerns a legal dispute that falls under the jurisdiction of the courts, which they should appropriately resolve, the Ombudsman may close the case with a recommendation to this effect.

d. The Ombudsman may propose to [the Minister]²⁾ that legal aid be made available in a case falling within the scope of the Ombudsman's mandate which he/she considers it appropriate for the courts to resolve.

e. If the Ombudsman is of the opinion that a breach of duty has been committed which is punishable by law he/she may notify the appropriate authorities thereof.

[Furthermore, the Ombudsman may, in addition to what is stated in the second paragraph, express his/her opinion on whether aspects of the activities of the institution or residence, or concerning the treatment and living conditions of persons who have been deprived of their liberty, are contrary to principles of humanity and human dignity. He/She may make recommendations to parties subject to his/her supervision aimed at improving the treatment and living conditions of individuals deprived of their liberty and preventing torture and other cruel, inhuman or degrading treatment or punishment.]³⁾

¹⁾ [Act No.86/2010, Art. 3.](#) ²⁾ [Act No. 126/2011, Art. 250](#) ³⁾ [Act No.147/2018, Art. 5.](#)

■ **Art. 11** *Flawed legislation etc.*

Should the Ombudsman become aware of flaws in existing legislation or general administrative provisions he/she shall notify the Althingi, the responsible Minister or the local authority thereof.

■ **Art. 12** *The Ombudsman's report to Althingi etc.*

The Ombudsman shall report annually to Althingi on his/her work during the preceding calendar year. [In tandem with the report, an account shall be provided of the Ombudsman's work pursuant to the third paragraph of Art. 3 and shall be made public before 1 September each year.]¹⁾

Should the Ombudsman become aware of major mistakes or transgressions by a public authority, he/she may submit a special report on the matter to Althingi or the responsible Minister. If an employee of a local authority is involved, the Ombudsman may submit a special report to the local authority.

The Ombudsman shall decide whether to issue an official announcement regarding a case and, if so, the manner of it.

Whenever the Ombudsman issues an announcement on a case, he/she must [state the explanations provided by the party at which the Ombudsman's supervision is directed in connection with those issues raised by the Ombudsman.]¹⁾

¹⁾ [Act No.147/2018, Art. 6.](#)

■ **Art. 13** *The Ombudsman's terms of employment etc.*

The salary of the Ombudsman is decided by the Althingi Speakers' Committee. Apart from this, the Ombudsman shall enjoy the same terms of employment as a Supreme Court Justice. He/She shall be entitled to a temporary retaining salary after leaving office as provided for in Chapter VI of the Act on the Rights and Obligations of State Employees.

The Ombudsman hires his/her employees within the limits of his budget. Similarly, he/she may hire persons to work on specific projects. Provisions of Art. 7 of the Act on the Rights and Obligations of State Employees do not apply to those who work for the Ombudsman.

The Speaker of the Althingi concludes collective bargaining agreements with employees of the Althingi Ombudsman, cf. Art. 3 of the Act on Collective Bargaining Agreements of Civil Servants.

■ **Art. 14** *Eligibility rules and substitutes*

The Ombudsman may not carry out paid work for public institutions or private enterprises without the consent of the Speaker of the Althingi.

If the Ombudsman recuses him-/herself from handling a case, the Speaker shall appoint a

substitute to handle the case. The substitute must satisfy the same eligibility criteria as the Ombudsman, with the exception of the condition set out in the first paragraph of this Article.

[If an elected Ombudsman is entrusted with a special temporary task by the Althingi, the Speakers' Committee may, at the request of the elected Ombudsman, agree to appoint another person to perform the duties of the Ombudsman during that period or in tandem with the elected Ombudsman. The person appointed for this work must satisfy the same eligibility criteria as the Ombudsman. If the person appointed works in tandem with the elected Ombudsman, the two shall decide on the division of tasks between themselves and make the details of this available on the website of the Ombudsman's office. Should a dispute arise over the division of tasks, the elected Ombudsman shall take the decision thereupon.]¹⁾

¹⁾ [Act No. 142/2008, Art. 19.](#)

■ **Art. 15 Audit**

The accounts of the Ombudsman shall be audited by an independent chartered auditor appointed by the Speaker of Althingi.

■ **Art. 16 Court action against the Ombudsman**

A judge shall dismiss a court action brought against the Ombudsman arising from decisions taken on the basis of Art. 10, at the request of the latter.

■ **Art. 17 Rules on work and procedures**

The Althingi shall set more detailed rules on the Ombudsman's tasks and procedures and publish them in Section A of the Official Journal of Iceland (*Stjórnartíðindi*).¹⁾

¹⁾ [Stjtið. 82/1988, cf. Advertisement A 106/1994](#)

■ **[Art. 18 Protection of persons reporting violations**

Notwithstanding provisions of acts, codes of conduct or agreements on obligations of secrecy or confidentiality, any person who possesses information or documentation on violations of acts, good administrative practices, codes of conduct or other rules and practices in the activities of parties subject to supervision by the Ombudsman is authorised, for the benefit of the public interest which the Ombudsman is to safeguard, to disclose this to the Ombudsman and deliver to him/her documentation in this regard.

Any person wishing to disclose information or deliver documentation, as referred to in the first paragraph, shall specify whether he/she wishes to enjoy protection under this Article. The Ombudsman shall inform the person concerned whether the information has given cause for action with the result that the provisions of the fourth paragraph apply.

The Ombudsman shall observe secrecy concerning the personal information gathered or received as referred to in the first paragraph, unless the person concerned had given his/her unconditional consent, cf. however, sub-paragraph e of the second paragraph of Art. 10. This implies that the right of individuals to be informed of what personal data concerning them the Ombudsman has used does not apply. Personally identifiable information and other data received by the Ombudsman as referred to in the first paragraph, or which the Ombudsman has obtained, may be deleted when no longer considered necessary in handling a case.

No person may be subjected to unjust treatment who has, in good faith, provided information to the Ombudsman which has resulted in action by the Ombudsman in connection with the information disclosure. Such treatment includes e.g. loss of rights, termination or rescission of a contract, or retribution by other means towards any person who has provided information to the Ombudsman. If such is considered likely, the counterparty must demonstrate that its decision was based on grounds other than the disclosure of information to the Ombudsman.

Violations of the fourth paragraph are liable to fines or imprisonment for up to two years.

The provisions of this Article also apply to persons who disclose to the Subcommittee

referred to in Art. 2 of the Optional Protocol of 18 December 2002 to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 violations or irregularities in the activities of institutions and residences referred to in the third paragraph of Art. 3.]¹⁾

¹⁾ [Act No. 147/2018, Art. 7.](#)

■ [Art. 19]¹⁾ *Entry into force, etc.*

This Act shall enter into force at once. ...

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¹⁾ [Act No. 147/2018, Art. 7.](#)