

NB: Unofficial translation

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Act on the Publicity of Court Proceedings

(945/1984; amendments up to 1545/2001 included)

Section 1—Scope of application

This Act shall apply to the publicity of court proceedings in the High Court of Impeachment, the Supreme Court, the Supreme Administrative Court, the Court of Appeal, the Administrative Court, the District Court, the Insurance Court, the Labour Court and the Military Court. This Act shall also apply to the publicity of court proceedings in the Market Court as provided in the Act on the Market Court (1527/2001).

Section 2—Information on court proceedings (624/1999)

- (1) Entries marked in a court register or other document index concerning the name of a party as well as the nature of a matter and the time and place of a hearing shall enter the public domain when the entries have been made. In a matter concerning a coercive measure referred to in section 5a of the Coercive Measures Act, the marked entries shall enter the public domain only when the use of coercive measures need, at the latest, to be notified to the suspect of a crime, unless the court decides otherwise.
- (2) Access to information concerning the identity of a victim in a criminal matter which involves particularly sensitive information about an individual's private life may be refused regardless of the provisions laid down in subsection 1.

Section 3—Open proceedings

- (1) The public shall have the right to be present during a preparatory and main hearing unless otherwise provided in this or another Act.
- (2) The provisions on the hearing laid down in this Act shall also apply to the oral questioning and hearing of a party, a witness and an expert as well as judicial inspection.

Section 4—Mandatory closed proceedings

The public may not be present during the hearing if open proceedings could endanger the external security of the State or impair the relations of the State with another State or an international corporation.

Section 5—*Discretionary closed proceedings*

- (1) On the motion of a party or for another specific reason, the court may also decide that the hearing shall be held in full or in part without the presence of the public when
 - (1) the case concerns a sexual offence, defamation of character or invasion of privacy or other such criminal matter which involves particularly sensitive information about an individual's private life;
 - (2) the case concerns marriage, paternity, adoption, child custody and right of access, guardianship or other such civil case or petitionary matter and when particularly sensitive information about an individual's private life is presented in court; or
 - (3) the person accused of a crime is below the age of 18.
- (2) The court may also decide that the hearing shall be held, when necessary, without the presence of the public when
 - (1) a confidential document is presented or information covered by the duty of non-disclosure is disclosed during the hearing;
 - (2) one is under the obligation during the hearing to disclose information or to present an object or a document for examination which one may otherwise refuse to disclose or present, or one is under the obligation to answer a question which one may otherwise refuse to answer, or when the document to be presented contains a communication between the defendant and a person who is related to him/her in the manner referred to in chapter 17(20) of the Code of Judicial Procedure or contains information of which a person referred to in section 23 of the mentioned chapter may not testify in court or information which a person referred to in section 24 may refuse to disclose; or (1254/1988)
 - (3) a person below the age of 15 or a person whose legal capacity has been restricted is heard. (451/1999)

Section 5 a—*Publicity of hearings in certain criminal matters* (404/1995)

- (1) The court may decide that the hearing of a matter concerning detention, travel ban and admission of evidence before the charges are heard shall be held without the presence of the public, if the person who puts forward a claim for coercive measures for investigative reasons or the defendant himself/herself requests this or if the court otherwise finds a reason for it. Contrary to the request of the defendant, the matter may be heard in the presence of the public only for a specifically persuasive reason. In addition, the provisions laid down in sections 4 and 5 apply, where

appropriate, to the publicity of hearing a matter referred to in this section.

- (2) A matter concerning a coercive measure referred to in section 5a of the Coercive Measures Act shall be heard and the decision, including the applicable provisions and conclusions, shall be pronounced without the presence of the public. The decision and the trial documentation shall enter the public domain when the use of coercive measures need, at the latest, to be notified to the suspect of a crime, unless the court decides otherwise.

Section 5b—Hearing of certain classified information during court proceedings (624/1999)

- (1) Information declared classified in section 24(1)(24—27), (29), (30) and (32) of the Act on the Openness of Government Activities (621/1999) or corresponding information in another Act may be presented orally or by using technical means during an open hearing as well as included in the decision that is issued publicly in the extent this is necessary for the hearing of the matter and the statement of reasons for the decision.
- (2) Information declared confidential in section 24(1)(31) of the mentioned Act may not be heard during an open hearing nor included in the decision that is issued publicly, unless there is a specifically persuasive reason for this.

Section 6—Attendance during closed proceedings

In addition to the parties and their representatives and counsel, those whose attendance the court finds necessary may be present during a closed hearing.

Section 7—Deliberations and voting

The deliberations and voting shall take place without the presence of the public and the parties.

Section 8—Pronouncement of the judgment or decision

- (1) The public has the right to be present during the pronouncement of the judgment or decision.
- (2) If the hearing has been closed in full or in part, the court may also decide to pronounce the judgment or decision without the presence of the public. However, even in such cases the applicable provisions and the conclusions to the decision shall be stated publicly.

Section 9—Publicity of trial documentation

- (1) The provisions laid down in the Act on the Openness of Government Activities shall apply to the publicity of trial documentation, unless otherwise provided in section 2 or subsection 2 or 3 of this section. The provisions laid down on documents shall also apply to other trial

documentation. (624/1999)

- (2) If the hearing has been closed in full or in part by virtue of section 4 or 5, or a confidential document or object is presented, or information covered by the duty of non-disclosure is revealed during the hearing, the court may decide that, with the exception of the applicable provisions and the conclusions to the decision, the trial documentation shall be kept secret, where appropriate, for a specified period which may not, however, exceed 40 years from the date the decision or judgement was pronounced. Documents declared classified in section 24(1)(26), (27), (29), (30) and (31) of the Act on the Openness of Government Activities or corresponding documents declared classified in another Act given to the court, as well as documents declared classified in paragraph 24, 25 and 32 or corresponding documents declared classified in another Act given to the court, which concern the parties to a matter or a third party in a criminal matter, or the parties to a matter or a third party in a civil matter or an administrative judicial matter or which contain information about the health of a person shall be kept secret also without a decision of the court, unless the court decides otherwise due to a pressing public interest in the matter. (624/1999)
- (3) The trial documentation gathered during the admission of evidence or the hearing of a coercive measure held before the charges are heard may be ordered to be kept secret, to the extent referred to in subsection 2, only until the charges are heard or when a decision is reached in the matter and the matter is discontinued. (1254/1988)

Section 10—*Procedural provisions*

- (1) A person below the age of 15 may not attend the hearing if the court finds that this may be detrimental to him/her.
- (2) In order to avoid crowding, the chairman of the court shall have the right to restrict the number of persons attending the hearing or the pronouncement of the judgment or decision.
- (3) Photography, tape recording as well as other recording of image or sound and transmission using technical means may be allowed in the court room with the permission of the chairman.

Section 11—*Appeal*

The decision reached under this Act by the court or its chairman shall not be subject to separate appeal.

Section 12—*Entry into force*

- (1) This Act shall enter into force on 1 April 1985.

- (2) This Act repeals the Act on the Publicity of Court Proceedings (26/1926) adopted on 5 February 1926 including its later amendments as well as the Royal Letter on the Obligation of Royal Agents and Prosecutors to be Absent from Court When Matters are Discussed in which They Have Exercised Their Right to be Heard signed on 26 November 1736.
- (3) Confidentiality orders issued under the Act on the Publicity of Court Proceedings shall remain in force as such; however, the confidentiality of court documentation shall expire after forty years, at the latest, from the entry of this Act into force.