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# **Open Government, Electronic Government, Legal Information in Austria**

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## Austria - Map



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## Austria – General information

	Austria	Finland
Capital	Vienna	Helsinki
Area	84,000 km <sup>2</sup>	338,424 km <sup>2</sup>
Population	8,660,000	5,480,000
Regions	9	18 + Åland

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## Open Government<sup>1</sup> – „Official secrecy“-clause

- Constitution of Finland – section 12  
„Documents and recordings in the possession of the authorities are public, unless their publication has for compelling reasons been specifically restricted by an Act. Everyone has the right of access to public documents and recordings.”
- Constitution of Austria – article 20 (**official secrecy**)  
“All executive officers ... pledged to confidentiality about all facts of which they have obtained knowledge exclusively from their official activity...”  
“All executive officers ... shall impart information about matters pertaining to their sphere of competence in so far as this does not conflict with a legal obligation to maintain confidentiality...”
- Austrian Constitution:  
[http://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Erv&Dokumentnummer=ERV\\_1930\\_1](http://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Erv&Dokumentnummer=ERV_1930_1)

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## Open Government<sup>2</sup> – Initiative for abolishment of official secrecy

- Proposal to abolish the official secrecy (spring 2014) – Austria last country in EU having the “official secrecy”-clause in its constitution
- Government needs for the adoption of the resolution in the Parliament a 2/3 majority (but no party of the opposition is in favour of the proposal; in their opinion too many exemptions from access to documents)
- Still ongoing political controversy and negotiations
- Currently no decision → NO Act on the Openness in Government Activities in Austria

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## Open Government<sup>3</sup> – PSI-Directive

- Directive 2003/98/EC 17 November 2003 on the re-use of public sector information (PSI-Directive)
- National implementation in Austria:  
Informationsweiterverwendungsgesetz (BGBl. I Nr. 135/2005) – Law for re-use of information of the public sector
- Before the Open Government Data (OGD) Initiative  
PSI framework was (is) used to support the public with documents of the Federal Ministries

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## Open Government Data

- Open Government Data (OGD) are the non-personal and non-infrastructure-critical data inventories that are made freely accessible in the interest of the general public without any restriction regarding free use, dissemination and further use.
- Since 2011 - [www.data.gv.at/](http://www.data.gv.at/)
- Content (selection)
  - Results of elections
  - Statistics of residents
  - Legal Information
  - Directory of authorities ...

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## Electronic Government<sup>1</sup>

- Electronic Government has the goal improving the quality and efficiency of public administration
- Austria has a top position of E-Government of the E-Government ranking in Europe
- The Platform *Digital Austria*, which was created in 2005, has become the centre point for coordination and strategy of E-Government in Austria by the Federal Government
- Samples for E-Government applications:
  - “citizen portal” of the Austrian administration [www.HELP.gv.at](http://www.HELP.gv.at) (FI: [www.suomi.fi](http://www.suomi.fi))



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## Electronic Government<sup>2</sup>

- Samples for E-Government applications in Austria:
  - Commercial register, Land register (against payment)
  - Business Service Portal – single point of contact  
<https://www.usp.gv.at/> (FI: [www.yrityssuomi.fi/en/](http://www.yrityssuomi.fi/en/))
  - Finanz Online – communication with the finance authorities (annual tax declaration); <https://finanzonline.bmf.gv.at/fon/>
  - Data processing register - <https://dvr.dsb.gv.at/>
  - Citizen Card (Signature card) / mobile phone signature  
Citizen Card allows you to easily provide evidence of your identity on the web - [www.buergerkarte.at/](http://www.buergerkarte.at/)  
FI: Finnish Electronic Identity Card (FINEID; FINUID-number)
  - **RIS – Austrian Legal Information System**



# **Austrian Legal Information System - RIS**

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## Legal Information System (RIS)?

- Electronic database operated by the Federal Chancellery
- [www.ris.bka.gv.at](http://www.ris.bka.gv.at)
- Information platform on the current law and selected court decisions of the Republic of Austria
- Official publication of the Federal Law Gazettes and 9 State Law Gazettes (regions with Regional Councils)
- Free of charge

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## Development of RIS

- 1983  
Decision within the Federal Chancellery to build up the RIS, first concepts
- 1980s, 1990s  
Development of RIS at a mainframe computer system
- June 1997  
RIS in internet
- Since that time further expansions (e.g. new applications)

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# RIS – Content<sup>1</sup>

- Overview
  - Federal law
  - State Law („Regional Law“)
  - Municipal law
  - Jurisprudence
  - EU-law
  - Decrees of Federal Ministries

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## RIS – Content<sup>2</sup>

- Federal Law
  - Federal law - consolidated version
  - Austrian Federal Law Gazettes
    - Federal Law Gazettes since 2004 - authentic
    - Federal Law Gazettes 1945 - 2003 - not authentic
    - Law Gazettes 1848 - 1940
    - Historic Law Gazettes  
(link to the Austrian National Library)
  - Draft bills (since 2004)
  - Government bills (since 2004)
  - Selected Austrian laws in English translation (104 documents)

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## RIS – Content<sup>3</sup>

- State Law
  - State law - consolidated version
  - State Law Gazettes - authentic (since 2015)
  - State Law Gazettes - not authentic
  - Historical State Law Gazettes  
(links to the Austrian National Library)

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## RIS – Content<sup>4</sup>

- Municipal Law (regulations)
- Only in RIS for selected municipalities from the following states:
  - Carinthia
  - Lower Austria
  - Salzburg
  - Styria
  - Vienna
- Total number of municipalities: AT: 2100 – FI: 313



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## RIS – Content<sup>5</sup>

- EU-Law
  - Link to EUR-Lex  
<http://eur-lex.europa.eu/de/index.htm>

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## RIS – Content<sup>6</sup>

- Jurisprudence of courts
  - High Courts of public law
    - Constitutional Court
    - Supreme Administrative Court
  - Administrative Courts
    - Federal Administrative Court
    - 9 State Administrative Courts
  - Civil and criminal law
    - Supreme Court of criminal and civil matters
    - Selected decisions of Higher Regional Courts of Appeal, Regional Courts and District Courts

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## RIS – Content<sup>7</sup>

- Jurisprudence of tribunals
  - Data Protection Authority
  - Disciplinary Commissions of the Federal Ministries
  - etc.

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## RIS – Content<sup>8</sup>

- Decrees
  - Selected decrees of Federal Ministries

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## **RIS – General Information<sup>1</sup>**

- User guide for each application (only in German)
- Short information for each input field
- Data management in XML
- Web Accessibility Initiative (WAI) conform
- Representation of all documents in 3 file formats (HTML, PDF, RTF)
- Easy linking to all RIS documents

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## RIS – General Information<sup>2</sup>

- Judicature:
  - Decision document vs. abstract document
  - No complete documentation
  - Anonymization of name, address etc. of the parties
  - In RIS after delivery to the parties

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## RIS – Collection of data<sup>1</sup>

- Local data input  
over 40 authorities/courts in Austria
- Interface to transfer the documents
  - XML  
Comprised metadata and link to documents DOCX (ODT),  
PDF
  - DOCX (ODT), PDF  
Text of court decision

# RIS – Collection of data<sup>2</sup>

```
<?xml version="1.0" encoding="UTF-8" standalone="true"?>
- <vfg xmlns:ns2="http://www.ris.bka.gv.at/import/types/" xmlns="http://www.ris.bka.gv.at/import/vfgh/">
  <doknr>JFT_20130912_13B00647_00</doknr>
  <applikation>VFGH</applikation>
  <organ>Verfassungsgerichtshof</organ>
  <einbringer>Verfassungsgerichtshof</einbringer>
  <email>evidenzbuero@vfgh.gv.at</email>
- <gz>
  <ns2:item>B647/2013</ns2:item>
</gz>
<typ>Erkenntnis</typ>
- <index>
  <ns2:item>L6800 Ausländergrunderwerb, Grundverkehr</ns2:item>
</index>
- <norm>
  <ns2:item>B-VG Art7 Abs1 / Verwaltungsakt</ns2:item>
  <ns2:item>Oö GVG 1994 §20</ns2:item>
</norm>
<entscheidungsdatum>2013-09-12</entscheidungsdatum>
<sw>Grundverkehrsrecht, Versteigerung exekutive, Beschwer, Bindung (der Verwaltungsbehörden an Gerichtsakte)</sw>
<leitsa>Keine Verletzung im Gleichheitsrecht durch Zurückweisung der Berufung der Verpflichteten des Zwangsversteigerungsverfahrens gegen die Erteilung der grundverkehrsbehördlichen Genehmigung des Zuschlages mangels Beschwer</leitsa>
- <te>
  - <dokumentliste>
    - <ns2:hauptdokument>
      - <ns2:inhalt>
        <ns2:dateiformat>DOCX</ns2:dateiformat>
        <ns2:uri>hauptdokument.docx</ns2:uri>
      </ns2:inhalt>
      - <ns2:inhalt>
        <ns2:dateiformat>PDF</ns2:dateiformat>
        <ns2:uri>hauptdokument.pdf</ns2:uri>
      </ns2:inhalt>
    </ns2:hauptdokument>
  </dokumentliste>
</te>
</vfgh>
```



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## RIS – Statistic

- Number of RIS documents
  - Federal Law Gazettes (authentic)  
10.100 documents (since 2004)
  - Federal Law Gazettes (not authentic)  
32.800 documents (1945 - 2003)
  - Federal Law consolidated version  
346.000 documents
  - Jurisprudence of the 3 high courts  
675.000 documents
  - Total: about 1.4 million documents

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# kiitos tarkkaavaisuudestanne!

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