

## To Whom It May Concern

The Swedish Transport Agency (STA) is a Swedish government administrative authority, and has overall responsibility for drawing up regulations and ensuring that authorities, companies, organizations and citizens abide by them.

STA's task is practically to implement the decisions taken by the Parliament and government. As a government administrative authority, the Swedish Transport Agency is independent. This means that the Agency acts on its own responsibility but according to the guidelines, the government has drawn up by regulations and so-called regulatory letters. The government has great opportunities to control the authorities' operations. However, it shall not in any case control how an authority shall apply a law or decide in a single case relating to the exercise of authority.

Sweden complies with EU regulations and EU directives, and in the field of transport, UN agencies and other international associations affect our regulatory work.

Early in 2018, STA decided to expand its type-approval activities. The basis for this ambition is an increased interest from manufacturers. This has raised some questions. One of these questions is about privacy and a wish from manufacturers is that the Swedish Transport Agency signs a confidentiality agreement with them in order to secure the protection of their business secrets.

As an authority in Sweden, STA has a number of regulations to follow, including:

### **Government letter of formal notice**

Every year, the government decides on a letter of formal notice for the authorities. The letter of regulation regulates the agency's work and the financial framework for this work

### **The Administrative Procedure Act (2017: 900)**

The Administrative Procedure Act regulates the management authorities' activities. Administrative Procedure Act includes disqualification (16-18§§). The purpose of the rule of law is to avoid the occurrence of conflicts of interest for employees in authorities that make their objectivity questionable. There must be no reason to suspect that any personal reasons or other irrelevant circumstances may affect the processing.

**The Freedom of the Press Act (TF 1949: 105)**

The Freedom of the Press Act is a constitutional law containing the basic rules for how STA deals with our documents. The principle of publicity is one of the cornerstones for the Swedish legal order. It will ensure the legal certainty and effectiveness of government and public governance. The principle of publicity forms the basis for the rules for the protection of press freedom and public disclosure.

As a Swedish government administrative authority, STA applies to the principle of publicity. The principle of publicity means that the public - both as an individual and as a legal person - is entitled to, among other things, get access to the public documents available at the Agency. This right applies to both Swedish and foreign citizens. The main rule is that openness applies but exceptions can be made. Since certain information in the public documents may be sensitive, they may be excluded from the public by confidentiality. Provisions for secrecy for data are regulated in the Public Access to Information and Secrecy Act.

**The Public Access to Information and Secrecy Act (2009: 400)**

In Swedish law, the principle of publicity holds a very strong position. The Freedom of the Press Act states that the main rule is that all information of an authority such as STA is public. All exceptions to this principle must be governed by law. Confidentiality rules are contained in the Public Access to information and Secrecy Act (2009: 400).

This means that authorities cannot make a basic decision that certain information should generally be confidential. The structure of the law is instead such that the authority must make a confidentiality assessment each time a request for information arises. The consequence is that companies and individuals cannot agree with authorities that certain information should be confidential.

According to Chapter 30, Section 23, confidentiality applies - to the extent that the government announces regulations, in the activities of a government agency that consists in investigation, planning, pricing, licensing, supervision or support in respect of production, trade, transport or business in general.

1. for an individual's business or operating conditions, inventions or research results, if it can be assumed that the individual is suffering from damage if the task is revealed; and
2. For information on economic or personal circumstances other than those

referred to in 1 for the person who has entered into a business relationship or similar relationship with the person who is the subject of the authority's activities.

This section of a law is the basis for the authority's privacy management of the type approval case because it is regarded as licensing.

Information classified as secret is subject to confidentiality obligation. This confidentiality obligation will remain/will continue even after the employment or assignment has ceased.

Persons who are newly employed by STA and are granted permission to access classified information receives information about the confidentiality rules and what they mean in connection with the employment. In connection with the review, a privacy reminder may be signed. The reminder explains the confidentiality rules that may be relevant to our function.

Documents classified as confidential or documents containing other sensitive information are kept safe so that no unauthorized person can access the data. Electronic documents are handled with the same security as paper documents. The IT-systems are therefore provided with features to prevent unauthorized or unintentional access, modification or deletion of information through permissions and logging, unless it is not obvious that it is not necessary.

In order to maintain control over the authority's classified documents, the circle of persons working with such documents is limited. Only those who need the documents for their work within the authority will get access to them.

As an employee of the authority, the employee also has regulations to follow:

**The Public Employment Act (1994: 260)**

The law regulates the employment of most people working for the government, and in some aspect also for those working for Swedish municipalities.

**Rules on bribery (Chapter 10, The Swedish Penal Code (BrB 1962: 700))**

At STA, the principle is that you do not accept gifts, rewards or benefits. For public servants and contractors, both rewarding and taking bribes are a crime that falls under public prosecution.

For more information use the web-links below

About us - <https://www.transportstyrelsen.se/en/About-us/>  
Charges - <https://www.transportstyrelsen.se/en/About-us/Charges/>  
Finances - <https://www.transportstyrelsen.se/en/About-us/Financing/>