APPROVING THE REGIME GOVERNING ACCESS TO ADMINISTRATIVE AND ENVIRONMENTAL INFORMATION AND RE-USE OF ADMINISTRATIVE DOCUMENTS

Law No 26/2016 of 22 August 2016,
as amended by Law No 58/2019 of 8 August 2019,
Law No 33/2020 of 12 August 2020, and Law No 68/2021 of 26 August 2021

Chapter I

General provisions

Article 1

Subject matter

1 – This Law regulates access to administrative documents and administrative information, including in environmental matters, transposing into national law Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC.

2 – This Law also regulates the re-use of documents relating to activities carried out by the bodies and entities referred to in Article 4, transposing into national law Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information.

3 – Access to information and named documents, particularly where they include health data, produced or held by the bodies or entities referred to in Article 4, where undertaken by the data subject, a third party authorised by the data subject or someone who proves they have a direct, personal, legitimate and constitutionally protected interest in the information, shall be governed by this Law, without prejudice to the legal regime for the protection of personal data.

4 – This Law shall not prejudice the application of provisions set out in specific legislation, particularly concerning:

(a) the regime governing the exercise of the right of citizens to be informed by the public administration about the progress of proceedings in which they are directly concerned and to know the final decisions taken concerning them, which shall be governed by the Code of Administrative Procedure;

(b) access to information and documents regarding internal and external security and criminal investigations or to investigations intended to determine liability for administrative offences, financial, disciplinary, or merely administrative liability, which shall be governed by specific legislation;

(c) access to notarial and registration documents, civil and criminal identification documents, information, and documentation included in the electoral register, as well as access to documents covered by other information systems governed by special legislation;

(d) access to information and documents covered by judicial confidentiality, tax secrecy, statistical confidentiality, banking confidentiality, medical confidentiality, and other professional secrets, as well as to documents held by inspectorates-general and other entities, where they concern matters resulting in financial, disciplinary, or merely administrative liability, provided that the procedure is subject to a secrecy or confidentiality regime, under the applicable law.

Article 2

Open administration principle

1 – Access to and re-use of administrative information shall be ensured in accordance with the other principles of administrative activities, namely the principles of equality, proportionality, justice, impartiality, and collaboration with private individuals.

2 – Public information relevant to guaranteeing the transparency of administrative activity, particularly information related to the functioning and control of public-sector activity, shall be actively disseminated regularly and updated by the respective bodies and entities.

3 – When disseminating information and making it available for re-use via the Internet, its comprehensibility and free and universal access must be ensured, as well as the accessibility, interoperability, quality, integrity and authenticity of the published data and their identification and location.

Article 3

Definitions

1 – For the purposes of this Law:

(a) "administrative document" shall mean any content, or part of such content, which is in the possession or held on behalf of the bodies and entities referred to in the following Article, whether the information is in written, visual, aural, electronic or any other material form, particularly on:

(i) procedures for issuing administrative acts and regulations;

(ii) public procurement procedures, including contracts concluded;

(iii) budgetary and financial management of bodies and entities;

(iv) management of human resources, namely procedures for recruitment, assessment, exercise of disciplinary power and any changes to the respective legal relationships.

(b) "named document" shall mean a document containing personal data within the meaning of the legal regime for the protection of natural persons with regard to the processing of personal data and the free movement of such data;

(c) "open format" shall mean a data format made available to the public without any restriction and re-usable regardless of the platform used, under the legal regime establishing the adoption of open standards in state IT systems;

(d) "machine-readable format" shall mean a file format structured so that software applications can identify, recognise, and extract specific data, including statements of fact and their internal structure;

(e) "environmental information" shall mean any information of an administrative nature, in written, visual, aural, electronic or any other material form on:

(i) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape, and natural sites, including wetlands, coastal and marine areas, biological diversity, and its components, including genetically modified organisms, and the interaction between those elements;

(ii) factors, such as substances, energy, noise, radiation, or waste, including radioactive waste, emissions, discharges, and other releases into the environment, affecting or likely to affect the elements of the environment referred to in the previous point;

(iii) political, legislative, and administrative measures, particularly environmental agreements, plans, programmes, and activities affecting or likely to affect the elements or factors referred to in the preceding points, as well as measures or activities designed to protect them;

(iv) reports on the implementation of environmental legislation;

(v) cost-benefit and other economic assessments and assumptions used within the framework of the environmental measures and activities referred to in point (iii);

(vi) the state of human health and safety, including the contamination of the food chain, conditions of life, cultural sites and built structures insofar as they are or may be affected by the state of the elements referred to in point (i) or through those elements by any of the factors or measures referred to in points (ii) and (iii);

(f) "formal open standard" shall mean a standard laid down in written form, detailing specifications for the requirements on how to ensure software interoperability;

(g) "re-use" shall mean the use by natural or legal persons of administrative documents or data held by the bodies and entities referred to in the following Article or held on their behalf for commercial or non-commercial purposes other than the initial purpose for which the documents were produced;

(h) "anonymisation" shall mean the process of changing information, data, or documents, regardless of their form or format, in such a manner that they cannot reveal an identified or identifiable natural person referred to therein or the process of rendering personal data anonymous in such a manner that the data subject is not or is no longer identifiable;

(i) "high-value datasets" shall mean documents or data identified by European Commission implementing acts the re-use of which is associated with important socio-economic benefits;

(j) "open data" shall mean data in an open format that can be used, re-used, and shared by anyone for any purpose under this Law and other legislation on access to information and administrative documents;

(k) "dynamic data" shall mean documents in a digital form, subject to frequent or real-time updates, in particular, because of their volatility or rapid obsolescence, such as data generated by sensors;

(l) "research data" shall mean documents or data in a digital form, other than scientific publications, which are collected or produced in the course of scientific research activities and are used as evidence in research processes or are commonly accepted in the research community as necessary to validate research findings and results.

2 – The following shall not be deemed administrative documents for the purposes of this Law:

(a) personal notes, sketches, notations, personal electronic communications, and other records of a similar nature, whatever their medium;

(b) documents whose drafting is not related to administrative activities, particularly those relating to meetings of the Council of Ministers and/or meetings of Secretaries of State, as well as their preparation;

(c) documents produced within the scope of the Portuguese State's diplomatic relations.

Article 4

Subjective scope

1 – This Law shall apply to the following bodies and entities:

(a) bodies that exercise sovereign power and bodies of the state and the autonomous regions that form part of the public administration;

(b) other bodies of the state and the autonomous regions insofar as they exercise materially administrative functions;

(c) bodies of public institutes, independent administrative entities and public associations and foundations;

(d) bodies of public undertakings;

(e) bodies of local authorities, of inter-municipal entities and any other local public associations and federations;

(f) bodies of regional, municipal, inter-municipal or metropolitan undertakings, as well as any other local undertakings or municipalised public services;

(g) private-law associations or foundations in which the bodies and entities provided for in this paragraph exercise management control powers or directly or indirectly appoint the majority of the members of the administration, management, or supervisory body;

(h) other entities responsible for managing public archives;

(i) other entities exercising materially administrative functions or public powers, namely those holding concessions or delegations of public services.

2 – The provisions of this Law shall also apply to documents held or drawn up by any entities having legal personality that have been created to specifically fulfil general interest needs, which are not industrial or commercial in nature, and for which one of the following circumstances applies:

(a) their activity is mainly funded by one of the entities referred to in the previous paragraph or this paragraph;

(b) their management is subject to control by one of the entities referred to in the previous paragraph or this paragraph;

(c) their administration, management or supervisory bodies are made up, by more than half, of members appointed by one of the entities referred to in the previous paragraph or this paragraph.

3 – While they may no longer fall within its subjective scope, this Law shall also apply to entities that fulfilled the requirements referred to in the preceding paragraphs at an earlier time with regard to documents corresponding to that period.

4 – The provisions on access to environmental information shall also apply to:

(a) any natural person or legal person of a public or private nature belonging to the indirect administration of the bodies or entities referred to in the preceding paragraphs with powers or competences, exercising public administrative functions or providing public services related to the environment, namely public business entities, mixed-ownership companies, and concessionary companies;

(b) any natural or legal person holding or physically keeping environmental information for or on behalf of any bodies or entities referred to in the preceding paragraphs.

Article 5

Right of access

1 – Everyone shall, without the need to set out any interest, have the right to access administrative documents, including the rights of consultation, reproduction and to information about their existence and content.

2 – The right of access shall be implemented regardless of whether the administrative documents are included in current, intermediate, or definitive archives.

Article 6

Restrictions on the right of access

1 – Documents containing information the knowledge of which is deemed likely to jeopardise fundamental interests of the state shall be subject to a ban on access or access under authorisation, for the time that is strictly necessary, by means of classification operated through the regime governing state secrets or other legal regimes governing classified information.

2 – Documents protected by copyright or related rights, namely those held by museums, libraries, and archives, as well as documents that reveal secrets relating to literary, artistic, industrial, or scientific property, shall be accessible without prejudice to the applicability of restrictions resulting from the Code of Copyright and Related Rights and the Industrial Property Code and other legislation applicable to the protection of intellectual property.

3 – Access to administrative documents involved in preparing a decision or contained in proceedings that have not been concluded may be deferred until the decision has been taken, the proceedings have been discontinued, or a year has elapsed since they were drawn up, depending on which event occurs first.

4 – Access to the content of audits, inspections, enquiries, investigations, or fact-finding examinations may be deferred until the period for bringing disciplinary proceedings has elapsed.

5 – Third parties shall only have the right to access named documents where:

(a) they have written authorisation from the data subject that is explicit and specific as to its purpose and the type of data to which they wish to access;

(b) they provide substantiated proof that they have a direct, personal, legitimate, and constitutionally protected interest that is sufficiently relevant after weighing all the fundamental rights at stake and the principle of open administration within the framework of the principle of proportionality to justify access to the information.

6 – Third parties shall only have the right to access administrative documents containing commercial or industrial secrets or secrets about the internal life of an undertaking where they have written authorisation from the latter or provide substantiated proof that they have a direct, personal, legitimate and constitutionally protected interest that is sufficiently relevant, after weighing all the fundamental rights at stake and the principle of open administration within the framework of the principle of proportionality, to justify access to the information.

7 – Without prejudice to the other restrictions provided for by law, administrative documents shall be subject to a ban on access or access under authorisation for the time strictly necessary to safeguard other legally relevant interests by decision of the competent body or entity, where they contain information the knowledge of which is likely to:

(a) affect the effectiveness of supervision or oversight, including supervision or oversight plans, methodologies, and strategies;

(b) jeopardise the operational capacity, safety or security of facilities or personnel of the Armed Forces, the intelligence services of the Portuguese Republic, security forces and services and criminal police bodies, probation establishments, prison services and educational centres provided for in Law No 166/99 of 14 September 1999 approving the Educational Guardianship Law, as well as the safety and security of diplomatic and consular representations and critical infrastructure; or

(c) cause severe and difficult-to-reverse damage to property or asset-related interests of third parties that is greater than the assets and interests protected by the right to access administrative information.

8 – Administrative documents subject to access restrictions shall be subject to partial communication where it is possible to expunge information relating to restricted matters.

9 – Without prejudice to the considerations set out in the preceding paragraphs, in requests for access to named documents which do not contain personal data revealing ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic, biometric or health-related data, or data concerning a person's privacy, sex life or sexual orientation, it shall be presumed, in the absence of any other information provided by the applicant, that the request is based on the right of access to administrative documents.

Article 7

Access to and communication of health data

1 – Access to health information by the data subject, or by third parties with their consent or as laid down by law, shall occur through a doctor where the data subject so requests, in compliance with the provisions of Law No 12/2005 of 26 January 2005.

2 – Where it is impossible to ascertain the data subject's wishes regarding access, that access shall always occur through a doctor.

3 – In case of access by third parties with the data subject's consent, only the information explicitly covered by the consent instrument shall be communicated.

4 – In other cases of access by third parties, only the information strictly necessary to fulfil the direct, personal, legitimate, and constitutionally protected interest on which access is based may be transmitted.

Article 8

Illegitimate use of information

1 – The use or reproduction of information in breach of copyright and related rights or industrial property rights shall not be permitted.

2 – Named documents communicated to third parties may not be used or reproduced in a manner that is incompatible with the authorisation granted, the grounds for access, the purpose for which they were collected or the legalising instrument under penalty of liability for losses and damages and criminal liability, as laid down by law.

Article 9

Person responsible for access

Each body or entity referred to in Article 4(1) must designate a person responsible for compliance with the provisions of this Law, who shall namely be responsible for organising and promoting the obligations to actively disclose information to which the body or entity is bound, supervising the procedural details of requests for access and re-use, and establishing the necessary coordination for the Commission for Access to Administrative Documents, hereinafter referred to as CADA, to exercise its competences.

Article 10

Active dissemination of information

1 – The bodies and entities to which this Law applies shall publicise the following on their websites on a regular and updated basis, at least every six months:

(a) the administrative documents, data or lists that inventory them that they deem fit to make freely available for access and re-use in accordance with this Law, without prejudice to the legal regime for the protection of personal data;

(b) the e-mail address, place, and time for in-person consultation, and the request form or other appropriate means by which requests for access to and re-use of the information and documents covered by this Law can be submitted;

(c) the information the knowledge of which is relevant to ensure the transparency of the activity related to their operation, including at least the following:

(i) activity plans, budgets, activity reports and statements of accounts, social balance sheets and other similar management instruments;

(ii) the composition of their management and supervisory bodies, an organisational chart, or another internal organisational model;

(iii) all documents, particularly internal normative orders, circulars, and guidelines containing strategic frameworks for administrative activities;

(iv) a list of all documents containing a generalised interpretation of positive rights or a generic description of administrative procedures, mentioning, in particular, their title, subject matter, date, source and the location where they can be consulted;

(d) the rules and conditions for the re-use of information applicable in each case.

2 – The administrative information available on the websites referred to in the previous paragraph shall be indexed in the online public information search system in accordance with Article 49 of Decree-Law No 135/99 of 22 April 1999, as amended by Decree-Law No 29/2000 of 13 March 2000, Decree-Law No 72-A/2010 of 18 June 2010 and Decree-Law No 73/2014 of 13 May 2014.

3 – The information referred to in this Article must be made available in an open format and in such a way as to allow access to the contents in an unrestricted manner, favouring availability in machine-readable formats that allow its subsequent automated processing.

4 – The administrative information referred to in paragraph (1)(c) must remain available for two years or, in the case of local authorities, for the period corresponding to the duration of each term of office, excluding the period of validity, where applicable, or for the time appropriate to the satisfactory disclosure of its contents, if longer.

5 – The active dissemination of information must ensure respect for the restrictions on access provided for in this Law, and partial disclosure must always occur where it is possible to expunge the information regarding the restricted matter.

6 – The application of the provisions of this Article shall be optional for parishes with less than 10 000 electors, with the exception of the provisions of paragraph (1)(c).

Article 11

Active dissemination of environmental information

1 – The bodies and entities to which this Law applies shall collect and organise environmental information within the scope of their duties and shall ensure that it is made available to the public systematically and periodically, namely in electronic form, and must ensure its progressive availability in databases that are easily accessible via the Internet.

2 – The information referred to in this Article must be updated at least every six months and include at least:

(a) texts of international treaties, conventions or agreements and the Portuguese and European legislation on or related to the environment;

(b) policies, plans and programmes on the environment;

(c) reports on the implementation of the instruments referred to in the previous points;

(d) a national report on the state of the environment, in accordance with the following paragraph;

(e) data or summaries of the data resulting from the control of the activities that affect or may affect the environment;

(f) licences and authorisations with a significant impact on the environment, environmental agreements, or reference to the place where such information may be requested or obtained;

(g) environmental impact studies and risk assessments regarding environmental elements mentioned in Article 3(1)(e)(i), or reference to where such information can be requested or obtained.

3 – The national report on the state of the environment, which shall be drawn up and published annually by the member of the government responsible for the environment, shall include information on the quality of the environment and the pressures exerted on it.

4 – The competent public bodies and entities must ensure that, in the event of an imminent threat to human health or the environment caused by human action or natural phenomena, all environmental information is immediately disclosed, enabling populations at risk to take measures to avoid or reduce the damage resulting from that threat.

Chapter II

Exercise of the right to access and re-use administrative documents

Section I

Right of access

Article 12

Access requests

1 – Access to administrative documents must be requested in writing using a request form containing the essential elements for identifying the applicant, namely their name, their natural or legal person identification details, contact details and signature.

2 – The request form for access must be made available by the entities on their website.
3 – The requested entity may also accept verbal requests and must do so in cases where the law expressly requires it.
4 – The submission of a complaint to CADA, under this law, presupposes a written request for access or, at the very least, the formalisation in writing of the rejection of a verbal request.
5 – The bodies and entities to which this Law applies shall be responsible for assisting the public in identifying the documents and data they require, in particular by informing them of how their archives and records are organised and used and by publishing on their website the manner, means, place and time, if applicable, for requesting access.
6 – Where the request is not sufficiently precise, the requested entity shall, within five days of receiving it, inform the applicant of the shortcoming and invite them to remedy it within a time limit set for that purpose and shall endeavour to assist them in formulating the request, in particular by providing information on the use of its archives and records.

Article 13

Manner of access

1 – Access to administrative documents shall occur by the following means, according to the applicant's choice:

(a) consultation free of charge, electronically or in person at the departments that hold them;
(b) reproduction by photocopy or any technical means, particularly visual, aural, or electronic;
(c) a certificate.

2 – Documents shall be transmitted in an intelligible format and in such a way as to match the content of the record rigorously.
3 – Where there is a risk that reproduction may damage a document, the applicant may, at their own expense and under the direction of the department holding the document, have it copied by hand or reproduced by another means that does not jeopardise its preservation.
4 – Computerised documents shall be sent by any means of electronic data transmission, where possible, provided that it is an appropriate means for the intelligibility and reliability of their content and in terms that strictly match the content of the record.
5 – The requested entity may simply indicate the exact location of the requested document online unless the applicant demonstrates the impossibility of using that manner of access.
6 – The requested entity shall not be required to create or adapt documents to comply with the request, nor shall it be required to provide extracts of documents where that would involve a disproportionate effort beyond simply handling them.

Article 14

Reproduction charges

1 – Access via the means provided for in paragraph (1)(b) and (c) of the previous Article shall be made via a single copy, subject to payment by the applicant of a set fee, which must comply with the following principles:

(a) it shall be equivalent to the sum of the proportional charges for the use of machines and tools to collect, produce and reproduce the document, the costs of the materials used, and the service provided, and may not exceed the average amount practised on the market for an equivalent service;
(b) when issuing a certificate, where the document provided is the material result of an administrative activity for which fees or emoluments are due, the charges referred to in the previous point may be increased by a reasonable amount, taking into account the direct and indirect costs of the investments and the good quality of the service, under the applicable legislation;
(c) the cost of anonymising the documents and the shipping charges where this is done by post may be added to the fees charged, where applicable and required by law;
(d) in the case of reproduction by electronic means, namely by e-mail, no fee is payable.

2 – Taking into account the provisions of the previous paragraph, the government, and regional governments, in consultation with CADA and national associations representing local authorities, shall set the fees to be charged for reproductions and certificates of administrative documents.
3 – Entities with autonomous taxing powers may not set fees that exceed by more than 100 % the values set under the previous paragraph, which shall apply until they publish their own tables.
4 – The bodies and entities to which this Law applies shall publish on their website and display in a location accessible to the public a list of the fees they charge for reproductions and certificates of administrative documents, as well as information on applicable exemptions, reductions, or waivers of payment.
5 – Environmental non-governmental organisations and similar organisations, as defined in the applicable legislation, shall enjoy a 50 % reduction in the payment of any fees due for access to environmental information.
6 – Beneficiaries of legal aid, recognised as such under the law, shall be exempt from any fees due for access to administrative information necessary to investigate the case for which they have been granted the respective aid.
7 – Victims of domestic violence and their representative associations, recognised as such under the law, shall be exempt from any fees due for access to administrative information necessary to the investigation inherent to requests for administrative protection or judicial action aimed at preventing or prosecuting acts of domestic violence committed against them or their associates.

Article 15

Response to requests for access

1 – The entity to which the request for access to an administrative document has been addressed must, within 10 days:

(a) communicate the date, place, and manner for carrying out the consultation, where requested;

(b) issue the reproduction or certificate requested;

(c) communicate in writing the reasons for the total or partial refusal of access to the document, as well as the guarantees of administrative and legal recourse available to the applicant against that decision, namely the lodging of a complaint with CADA and the serving of a judicial summons on the requested entity;

(d) declare that it does not have the document and, where it is aware of which organisation does so, forward the request form to them, informing the applicant;

(e) contact CADA regarding any questions about the decision to be taken so that the latter may issue an opinion.

2 – In the case of point (e) of the previous paragraph, the requested entity must inform the applicant and send CADA a copy of the request and all the information and documents that help to process it properly.

3 – Entities are not required to comply with requests which, given their repetitive and systematic nature or the number of documents requested, are manifestly abusive without prejudice to the applicant's right to complain.

4 – In exceptional cases, where the volume or complexity of the information so justifies, the time limit referred to in paragraph (1) may be extended to a maximum of two months, and the applicant must be informed of that fact, stating the respective reasons, within 10 days.

Article 16

Right to complain

1 – The applicant may complain to CADA in case of a lack of response after the period provided for in the previous Article has elapsed, rejection, partial fulfilment of the request or any other decision limiting access to administrative documents within 20 days.

2 – Lodging a complaint shall interrupt the period for bringing an application before the courts for a summons to provide information, consult files or issue certificates.

3 – Except in cases of preliminary rejection, CADA must invite the requested entity to respond to complaints within 10 days.

4 – Both in the case of a complaint and in the case of the consultation provided for in Article 15(1)(e), CADA shall have 40 days to draw up the respective report assessing the situation and send it, with the appropriate conclusions, to all interested parties.

5 – Once the report referred to in the previous paragraph has been received, the requested entity shall notify the applicant of its final reasoned decision within 10 days.

6 – Both a decision and the lack of a decision within the time limit referred to in the previous paragraph may be challenged by the interested party before the administrative courts, and the rules of the Code of Procedure for Administrative Courts shall apply *mutatis mutandis* to the summons procedure referred to in paragraph (2).

Section II

Right of access to environmental information

Article 17

Right of access to environmental information

The bodies and entities to which this Law applies shall ensure the right of access to environmental information under the terms set out in the previous Section and shall also:

(a) make available to the public, free of charge, lists naming all the bodies and entities that hold environmental information, preferably on a single website that centralises the respective sites where the information is accessible and the identity of the person responsible for access, under Article 9;

(b) create and maintain adequate facilities for consulting information, providing support to the public in exercising the right of access;

(c) adopt procedures that guarantee the standardisation of environmental information in order to ensure accurate, up-to-date, and comparable information;

(d) state, when providing the environmental information referred to in Article 3(1)(e)(i) and Article 3(1)(e)(ii), where the information on the measurement procedures used to collect it can be found and obtained, where available, including the methods of analysis, sampling and prior treatment of samples, or reference to the standardised procedure used to collect the information.

Article 18

Rejection of access requests

1 – Requests for access to environmental information may be rejected where the administrative document requested is not and should not be held by the body or entity to which the request is addressed. Where the body or entity is aware that the information is held by another entity, it must immediately forward the request directly to that body or entity, informing the applicant accordingly.

2 – Where the request refers to an ongoing procedure, the entity shall forward it to the entity coordinating the case, which shall inform the applicant of the expected time limit for its conclusion, as well as of the legal provisions of the respective procedure regarding access to information.

3 – Where the request refers to information contained in internal communications between entities or includes access to named documents, approval shall only take place where the public interest underlying the disclosure of the information prevails and, in any case, where the request concerns information on emissions into the environment.

4 – In addition to the provisions of the previous paragraphs, requests for access to administrative documents containing environmental information may only be rejected in the following cases:

(a) where the request is manifestly abusive or refers to erroneous or incomplete documents or data;

(b) where it is not possible to remedy the shortcoming referred to in Article 12(6);

(c) where the disclosure of such information jeopardises:

(i) the confidentiality of the case or information, where such confidentiality is provided for by law, namely in the case of banking secrecy, statistical confidentiality, and tax secrecy;

(ii) international relations, public security, or national defence;

(iii) judicial confidentiality, secrecy in the context of administrative offences, disciplinary, financial, or purely administrative procedures, as long as they are provided for by law, access to justice or its proper functioning;

(iv) the confidentiality of commercial or industrial information, where such confidentiality is legally provided for in order to protect a legitimate economic interest, as well as the public interest in statistical confidentiality, fiscal secrecy, and banking secrecy;

(v) copyright or related rights and industrial property rights;

(vi) the interests or protection of anyone who has voluntarily provided the information without being or becoming legally required to do so unless that person has authorised the disclosure of that information;

(vii) the protection of the environment to which the information relates, namely the location of protected species.

5 – The grounds for rejection and the respective protected interests must be interpreted in a restrictive manner in relation to the public interest underlying the disclosure of the information, and those referred to in points (i), (iv), (vi), and (vii) of the previous paragraph may not be invoked where the request concerns information on emissions into the environment.

6 – The environmental information requested must be made partially available where it is possible to expunge the information that was the reason for the rejection.

Section III

On the re-use of documents

Article 19

Scope of re-use

1 – Administrative documents to which access is authorised under this Law may be re-used for commercial or non-commercial purposes unless otherwise provided for in this Law or specific legislation.

2 – The provisions of this Section shall be without prejudice to the use of texts of conventions, laws, regulations, reports or administrative or judicial decisions or those of any state or public administration bodies or entities, as well as to the use of official translations of these texts.

3 – The provisions of this Section shall not apply to documents held or drawn up by public service broadcasters, their subsidiaries and other entities performing public service broadcasting functions.

4 – The exchange of administrative documents between the bodies and entities referred to in Article 4, exclusively in the context of performing their duties and the public interest purposes they are charged with pursuing, shall not constitute re-use.

5 – Unless agreed by the entity that holds them, anyone who re-uses administrative documents may not change the information contained therein, nor may they allow its meaning to be distorted, and must always mention the sources and the date on which the information was last updated.

6 – Documents shall be made available in the format or language they already exist and, if appropriate, in open and machine-readable formats, with the respective metadata, both of which must comply with open formal standards.

7 – The provisions of the previous paragraph must be complied with as far as possible and shall not imply a duty on the part of the holding entity to create or adapt documents or provide extracts where this involves a disproportionate effort that goes beyond simply handling them.

8 – Public administration bodies and entities shall not be required to maintain the production, availability, and storage of a particular type of document with a view to its re-use.
9 – Entities subject to this Law must ensure that the documents and data they produce or make available are, where possible, open from their creation, with a view to their future availability.
10 – Public administration bodies and entities may not invoke the right of the manufacturer of a database to prohibit the re-use of all or a substantial part of its content, as provided for in Article 12(1) of Decree-Law No 122/2000 of 4 July 2000, in order to prevent the re-use of documents or restrict it beyond the limits established in this Law.
11 – The re-use of named documents shall have its own regime, and their processing and anonymisation for the purposes of re-use and dissemination in a digital environment shall be carried out in accordance with the legal regime for the protection of natural persons with regard to the processing of personal data and the free movement of such data and other applicable legislation.

Article 19-A

Dynamic data

1 – Public administration bodies and entities shall make dynamic data available for re-use immediately after collection via the appropriate Application Programming Interface (API) and, where relevant, as a bulk download.

2 – Where making dynamic data available immediately, pursuant to the previous paragraph, is likely to exceed the financial and technical capacities of the public sector body, thereby imposing a disproportionate effort, it may take place within a reasonable timeframe or with temporary technical restrictions that do not unduly impair the exploitation of their economic and social potential.
3 – Open data made available via APIs must be registered in the data catalogues made available on the *dados.gov* portal.

Article 20

Excluded documents

The following documents cannot be re-used:

(a) documents arising from the exercise of an activity involving the private management of the entity concerned;

(b) documents whose intellectual property rights are held by third parties or whose reproduction, dissemination or use may constitute unfair competition practices;

(c) named documents, unless authorised by the data subject, there is a legal provision expressly providing for it, a legal basis under the applicable legislation on personal data for its processing or where the personal data can be anonymised without the possibility of reversal, in which case special security measures to protect special categories of data, and in general those whose access or re-use is excluded or restricted under the legal regime for the protection of personal data, must be provided for in the authorisation granted and in accordance with Article 23(1);

(d) documents containing only logos, coats of arms and insignia;

(e) documents held by public undertakings where related to activities directly exposed to competition;

(f) documents containing special categories of data due to:

(i) protection of internal security or national defence;

(ii) confidentiality of statistical data;

(iii) confidentiality of commercial data, in particular, trade, professional or business secrets;

(g) documents held by cultural institutions, except libraries, including libraries of higher education establishments, museums, and archives;

(h) documents held by primary and secondary education establishments, higher education establishments and research establishments, including organisations set up to transfer research results, except research documents, in accordance with Article 27-B.

Article 21

Requests for re-use

1 – The re-use of documents made available via the Internet shall not require authorisation from the entity that holds them, except where there is an indication to the contrary or where it is clear to any recipient that the document is protected by copyright or related rights.
2 – In all other cases, the re-use of documents shall be subject to authorisation by the entity holding them, upon a request made by the applicant, and the provisions of Article 12 shall apply.
3 – Where documents are to be re-used for educational or research and development purposes, the applicant must explicitly state this fact.

Article 22

Response to requests for re-use

1 – The entity to which a request for re-use of a document was addressed must, within 10 days:

(a) authorise the re-use of the document, indicating, if any, which conditions or licences apply, in accordance with the following Article; or

(b) reply to the re-use applicant, stating the reasons for the total or partial rejection of the request, as well as the guarantees of administrative and legal recourse available to the applicant against that decision, namely the lodging of a complaint with CADA and the serving of a judicial summons on the requested entity.

2 – Requests for re-use of a document can only be rejected on the grounds of a breach of legal provisions, namely any of the provisions of this Law on the right of access and re-use, or where the body or entity no longer has an obligation to produce, hold or store the information.

3 – The obligation to state the grounds for refusal includes the indication of the natural or legal person who holds the copyright or related rights to the document or, alternatively, the indication of the licensing entity that transferred the document, where that ownership is the reason for refusing the intended re-use.

4 – The indications referred to in the previous paragraph shall not be compulsory if the requested entity is a library, including libraries of higher education institutions, a museum, or an archive.

5 – The time limit provided for in paragraph (1) may be extended once, for an equal period, in the case of extensive or complex requests, and the applicant must be informed of that fact, stating the respective grounds, within a maximum time limit of five days.

6 – The provisions of the previous paragraphs shall not apply to educational establishments, research bodies or research funding bodies.

7 – Compliance with the duty to make documents or data available for re-use, under this law, must, where possible, be carried out by publishing, cataloguing, or uploading the requested data on the *dados.gov* portal and sending the applicant the address where they can be accessed on that portal.

Article 23

Conditions for re-use

1 – The authorisation granted under the previous Article may be subject to compliance with different conditions for re-use, to be defined by the entities, in which case it must be covered by a licence made available in digital format, capable of electronic processing, namely:

(a) a predefined open access licence, available online, granting broader re-use rights without legal, technological, financial, or geographical restrictions;

(b) a predefined licence available online, with legal, technological, financial, geographical, or other restrictions;

(c) a non-predefined licence.

2 – The re-use of documents or data shall tend to be free of charge and may be subject to the payment of fees by the applicant, where necessary, set by the entities in accordance with the provisions of the following paragraphs.

3 – Without prejudice to the provisions of Article 15 of the Code of Administrative Procedure, the re-use of the following documents shall be free of charge:

(a) documents made available via the Internet under Articles 10 and 11;

(b) documents made available for educational or research and development purposes;

(c) high-value datasets, pursuant to Article 27-A;

(d) research data, pursuant to Article 27-B.

Article 23-A

Fees for re-use

1 – Fees charged for re-use shall be limited to the marginal costs incurred in the collection, production, reproduction, making available and dissemination of the documents or data, as well as the anonymisation of personal data, measures to protect confidential business information, and shipping costs, where this is done by post.

2 – Where the document made available is the material result of an administrative activity for which fees or emoluments are due, the costs referred to in the previous paragraph may be increased by a reasonable amount, taking into account the direct and indirect costs of the investments and the good quality of the service, pursuant to the applicable legislation.

3 – Where the document or data requested are part of a library, including libraries of higher education institutions, a museum or an archive, the fees shall also include the costs of its collection, production, preservation as well as storage and acquisition of rights, and may be increased by a reasonable return on investment in view of the direct and indirect costs of the investments and the good quality of the service, pursuant to paragraph (8) and other applicable legislation.

4 – When setting the fees to be charged under the preceding paragraphs, the requested entity shall base them on the costs during the normal accounting year, calculated in accordance with the applicable accounting principles.

5 – The conditions for re-use and the fees charged shall not unnecessarily restrict the possibilities for re-use, and the requested entity shall not thereby discriminate against equivalent categories of re-use, including cross-border re-use, or limit competition.

6 – Entities may reduce or exempt the re-use requested by profit-making or non-profit-making entities from fees, provided that they pursue purposes and activities of recognised social interest.

7 – Public sector organisations that are required to generate revenue to cover a substantial part of their costs related to the performance of their public service missions and public undertakings may charge higher fees than those provided for in paragraph (1).

8 – The formulae for calculating the fees provided for in the previous paragraph shall be set by regulatory decree in accordance with the following criteria:

(a) commutativity, with the fee ensuring the recovery of marginal costs, in accordance with paragraph (1);

(b) harmonisation, whereby the fee must be calculated in accordance with the accounting principles applicable to the entity;

(c) sustainability, with the fee allowing a reasonable return on investment by applying a percentage that adds to the amount of the marginal costs but does not exceed the European Central Bank's fixed interest rate by more than five percentage points.

9 – The public sector bodies referred to in paragraph (7) shall be listed on the *dados.gov* portal.

10 – Without prejudice to the provisions of the following Article, the formulae for calculating the applicable fees, established pursuant to the regulatory decree referred to in paragraph (8), shall be disclosed on the *dados.gov* portal, which shall provide a simulator for calculating them.

11 – Public bodies and entities that re-use documents shall only be subject to the fees and other legal conditions within the scope of their private management activity.

Article 24

Publicity

1 – The conditions for re-use and the applicable fees, including the time limit, amount and form of payment and any reductions or exemptions provided for, shall be pre-established and publicised, where possible, by electronic means, and the basis for calculating the amounts to be charged shall be indicated, as well as the means of protection available to the applicant in the event of refusal to re-use the document.

2 – The bodies and entities to which this Law applies shall publish on their website and display in a location accessible to the public a list of the fees they charge for reproductions and certificates of administrative documents, as well as information on applicable exemptions, reductions, or waivers of payment.

3 – In cases where the information whose re-use is requested determines the application of fees that are not predetermined, due to its relative unavailability, nature or complexity, the requested entity shall inform the applicant in advance of the factors that are taken into account when calculating the amounts to be charged.

4 – Where the fees to be applied have not been set, predetermined, or publicised, and for as long as they are not, the re-use is considered to be free of charge.

Article 25

Exclusive agreements

1 – The re-use of documents shall be permitted to all potential market players.

2 – Agreements concluded between bodies and entities of the public administration or public undertakings in possession of such documents and third parties shall not create exclusive rights.

3 – In cases where it is necessary to grant an exclusive right for the provision of a service of public interest, the respective grounds must be reassessed at least every three years.

4 – Exclusive agreements must be transparent and published on the *dados.gov* portal at least two months before their date of entry into force and whenever they are subject to change.

5 – The provisions of the preceding paragraphs shall not apply to the digitisation of cultural resources.

6 – Exclusive rights agreed for the digitisation of cultural resources must not exceed a period of 10 years, without prejudice to the regime relating to copyright and related rights.

7 – Where the period provided for in the previous paragraph is exceeded, the respective grounds must be reassessed in that year, and thereafter, where applicable, the reassessment must take place every seven years.

8 – The exclusive agreements referred to in paragraph (6) shall provide for a copy of the digitised cultural resources to be delivered free of charge to the public sector body, which must be available for re-use, where possible in open formats, at the end of the exclusivity period.

9 – Any legal or regulatory provisions or practices which, while not explicitly granting an exclusive right, are aimed at or foreseeably lead to a limitation of the availability for re-use of documents by third parties must be transparent and published online on the *dados.gov* portal at least two months before they enter into force and whenever they are subject to change.

10 – The effects of the provisions and practices provided for in the previous paragraph must be reassessed periodically and, in any case, reviewed every three years.

Article 26

Summons to re-use documents

Where the request for re-use formulated under this Section is totally or partially rejected, the interested party may submit a complaint to CADA pursuant to Article 16, and its corresponding provisions shall apply with regard to the request to serve a summons on the requested entity to authorise re-use, which may be submitted to the competent administrative court, under the Code of Procedure for Administrative Courts.

Article 27

Disclosure of documents available for re-use

1 – Entities covered by the provisions of this Section shall make available up-to-date lists of documents and data available for re-use on their website.

2 – Where possible, inventories of the most important documents shall be provided, together with the related accessible metadata, and a multilingual search of documents and data shall be possible.

3 – The information provided for in the previous paragraphs should be indexed on the *dados.gov* portal to facilitate the search for documents or data available for re-use.

4 – Open documents and data must be findable, accessible, interoperable, and re-usable.

5 – The *dados.gov* portal is the central catalogue of open data in Portugal, with the task of aggregating, referencing, publishing, and hosting open data from different bodies and sectors of central, regional, and local public administration, as well as acting as an indexing portal for content hosted on other sectoral or decentralised open data portals or catalogues, so that:

(a) the open data made available on it must maintain levels of updating and permanent quality so that they can be reliably re-used by other computer applications;

(b) the metadata related to the open data must always be made available in an up-to-date form to the *dados.gov* portal to facilitate their search and location as open data, including cases where the entity producing the open data makes them accessible from its own systems;

(c) where the entity producing the open data does not make them accessible from its own systems, it must make those data available to the *dados.gov* portal so that they are accessible from that system, and it must also ensure that they are always updated there.

6 – The application of the provisions of this Article shall be optional for parishes with fewer than 10 000 voters.

Article 27-A

High-value datasets

1 – High-value datasets shall have the following thematic categories:

(a) geospatial;
(b) earth observation and environment;
(c) meteorological;
(d) statistics;
(e) companies and company ownership;
(f) mobility.

2 – The thematic categories of high-value data that may be added by the European Commission under Chapter V of Directive 2019/1024 of the European Parliament and of the Council of 20 June 2019 to reflect technological and market developments shall be deemed to be included in the preceding paragraph.

3 – The specific high-value datasets identified by the European Commission through a delegated act under Chapter V of Directive 2019/1024 of the European Parliament and of the Council of 20 June 2019 in the thematic categories provided for in paragraph (1) or which are added pursuant to the preceding paragraph shall be:

(a) made available free of charge, without prejudice to the provisions of the following paragraph;
(b) machine-readable;
(c) accessible via API; and
(d) provided as a bulk download, where justified.

4 – The provision free of charge provided for in the previous paragraph shall not apply to specific sets of high-value data held by:

(a) public undertakings, where it would lead to a distortion of competition in the relevant markets;
(b) libraries, including university libraries, museums, or archives;
(c) public sector bodies that are required to generate revenue to cover a substantial part of their costs related to the performance of their public service tasks, where it has a substantial impact on their budget until the expiry of the two-year period following the entry into force of the European Commission delegated act referred to in the previous paragraph.

Article 27-B

Research data

1 – Research data may be re-used for commercial or non-commercial purposes where:

(a) they are publicly funded; and

(b) researchers, research bodies or research funding bodies have already made them available to the public through:

(i) an institutional or thematic repository;
(ii) other data infrastructures or open access publications; or
(iii) the *dados.gov* portal.

2 – When disclosing research data, research bodies and research funding bodies must ensure that pre-existing intellectual property rights, the protection of personal data, confidentiality, security and legitimate business interests

and knowledge transfer activities are respected, ensuring that the data are as open as possible but as closed as necessary.

3 – Access to research data must be promoted through open access policies by default, ensuring that data are findable, accessible, interoperable, and re-usable.

4 – The re-use of research data under this Article shall be free of charge.

Chapter III

Commission for Access to Administrative Documents

Article 28

Nature

1 – CADA is an independent administrative entity that operates under the aegis of the *Assembleia da República* and is responsible for ensuring compliance with the provisions of this Law.

2 – CADA shall have an annual budget, whose allocation shall be entered into the budget of the *Assembleia da República*.

Article 29

Composition

1 – CADA shall be made up of the following members:

(a) one justice of the Supreme Administrative Court, to be appointed by the Supreme Council of the Administrative and Fiscal Courts, who shall preside;

(b) two personalities of recognised integrity and merit, elected by the *Assembleia da República* according to the d'Hondt highest average method;

(c) one law professor appointed by the President of the *Assembleia da República*;

(d) two personalities appointed by the Government;

(e) one personality appointed by each of the Regional Governments;

(f) one personality appointed by the National Association of Portuguese Municipalities;

(g) one lawyer appointed by the Portuguese Bar Association;

(h) one member appointed by the Portuguese Data Protection Authority from among its members.

2 – Full members shall be replaced by an alternate member appointed by the same entities.

3 – The members of CADA shall take office before the President of the *Assembleia da República* within 10 days of their appointment being published in the 1st series of *Diário da República*.

4 – The terms of office of the full members shall be three years, without prejudice to the provisions of the following paragraph, and shall end only when the new full members take office.

5 – The *Assembleia da República* shall elect the members referred to in point (b) at the beginning of each legislature and for its duration.

6 – Terms of office shall be renewable twice.

Article 30

Competence

1 – CADA shall be responsible for:

(a) drawing up its internal regulations, to be published in the 2nd series of *Diário da República*;

(b) assessing complaints submitted to it under Articles 16 and 26;

(c) issuing opinions on access to administrative documents, under Article 15(1)(e);

(d) issuing opinions on the communication of documents between services and bodies of the public administration at the request of the requested entity or the interested party, unless there is a risk of data interconnection, in which case the issue shall be submitted to the Portuguese Data Protection Authority;

(e) providing its opinion on the system for registering and classifying documents;

(f) issuing opinions on the application of this Law, as well as on the drafting and application of complementary legislation, on its own initiative or at the request of the *Assembleia da República*, the Government and the bodies and entities referred to in Article 4;

(g) drawing up an annual report on the application of this Law and its activities, to be sent to the *Assembleia da República* for publication and consideration, and to the Prime Minister;

(h) drawing up a report every three years on the availability of public sector information for re-use and on the conditions under which it is made available, in particular concerning fees due for the re-use of documents that are higher than marginal costs, as well as on practices concerning legal remedies, which should be sent to the *Assembleia da República* for publication and consideration, and to the Prime Minister, with a view to its referral to the European Commission;

(i) contributing to clarifying and disseminating the different ways of accessing administrative documents within the framework of the open administration principle;

(j) issuing decisions on the imposition of fines in the administrative offence proceedings provided for in this Law.

2 – Draft opinions and decisions shall be drawn up by the members of CADA, with the support of technical services.

3 – Opinions shall be published in accordance with the internal regulations.

Article 31

Cooperation of the administration

1 – All senior officials, staff and agents of the bodies and entities to which this Law applies shall have a duty to cooperate with CADA, under penalty of disciplinary or other liability, under the law.

2 – For the purposes of the previous paragraph, all information relevant to the knowledge of the issues presented to CADA within the scope of its competences must be communicated.

Article 32

Statute of CADA members

1 – Citizens who are not in full possession of their civil and political rights may not be members of CADA.

2 – CADA members shall have the following duties:

(a) to exercise their office with impartiality, rigour, and independence;

(b) to participate actively and assiduously in the work of CADA.

3 – The members of CADA may not be harmed in terms of the stability of their employment, their professional career, in particular any promotions to which they may have become entitled in the meantime, or in terms of the public tenders for which they may apply or the social security system they enjoy at the time of the start of their term of office.

4 – The members of CADA shall be irremovable and may not cease to hold office before the end of their term, except in the following cases:

(a) death;

(b) permanent physical incapacity or incapacity that is expected to last beyond the end of the term of office;

(c) resignation from office;

(d) loss of office.

5 – Resignations shall become effective upon submission of the respective written declaration to the President of CADA and shall be published in the 2nd series of *Diário da República*.

6 – CADA members affected by incapacity or incompatibility provided for by law or who miss three consecutive meetings or six interpolated meetings in the same calendar year shall lose their office unless there is a justified reason.

7 – The loss of office shall be the subject of a decision to be published in the 2nd series of *Diário da República*.

Article 33

Remuneration

1 – The President shall receive the remuneration and other benefits to which they are entitled as a Justice of the Supreme Administrative Court, as well as a monthly allowance for representation expenses amounting to 20 % of their basic salary.

2 – With the exception of the President, all members may exercise their mandate in accumulation with other functions and shall receive an allowance corresponding to 25 % of the amount of index 100 of the wage scale for senior officials in the civil service.

3 – With the exception of the President, all members shall receive an allowance corresponding to 5 % of the amount of index 100 of the wage scale for senior officials in the civil service for each CADA session in which they participate.

4 – All members shall be entitled to expense allowances and reimbursement of transport and telecommunications expenses under the terms laid down for the post of director-general.

5 – Where personalities appointed by the Regional Governments are travelling, their expense allowance shall be processed in accordance with the rules in force in their respective regional administrations.

Article 34

Competence of the President

1 – Within the framework of the guidelines given by CADA, the President shall exercise, with the possibility of delegation to the Secretary, the powers laid down by law for the office of head of an autonomous body in matters of personnel, financial, property and administrative management.

2 – CADA may delegate powers to the President to consider and decide on:

(a) complaints that are manifestly unfounded or untimely;

(b) withdrawals;

(c) cases of supervening uselessness;

(d) complaints on issues that have already been considered by CADA in a uniform and repeated manner.

Article 35

Support services

CADA shall have its own technical and administrative support services provided for in organic regulations approved by law.

Chapter IV

Regime governing sanctions

Article 36

Undue access to named data

1 – Anyone who, intending to unduly access named data, falsely declares or attests before the body or entity referred to in Article 4(1) that they have a direct, personal, legitimate, and constitutionally protected interest that justifies access to the information or documents sought, shall be punished with imprisonment of up to one year or a fine.
2 – Attempts shall be punishable.

Article 37

Administrative offences

1 – Natural or legal persons who engage in the following commit an administrative offence that shall be punishable by a fine:

(a) re-use public sector documents without authorisation from the competent entity;
(b) re-use public sector documents without complying with the conditions for re-use set out in Article 23(1);
(c) re-use public sector documents without having paid the amount provided for in Article 23(2).

2 – The offences provided for in points (a) and (c) of the previous paragraph shall be punishable by the following fines:

(a) in the case of a natural person, a minimum of (euro) 300 and a maximum of (euro) 3 500;
(b) in the case of a legal person, a minimum of (euro) 2 500 and a maximum of (euro) 25 000.

3 – The offence provided for in paragraph 1(b) shall be punishable by the following fines:

(a) in the case of a natural person, a minimum of (euro) 150 and a maximum of (euro) 1 750;
(b) in the case of a legal person, a minimum of (euro) 1 250 and a maximum of (euro) 12 500.

4 – Attempts shall be punishable.

Article 38

Imposition of fines

1 – The investigation of administrative offences shall be the responsibility of the public administration services that detect them and may be completed by CADA's support services.
2 – Imposing fines shall be the exclusive competence of CADA, and the respective decision shall be a sufficiently enforceable title where it is not challenged within the legal time limit.

Article 39

Destination of revenue collected

The sums collected as a result of the imposition of fines shall revert as follows:

(a) 40 % to CADA;
(b) 40 % to the Portuguese State;
(c) 20 % to the entity harmed by the offence.

Article 40

Failure to fulfil a duty

Where the administrative offence results from the failure to fulfil a duty, the imposition of the sanction and the payment of the fine shall not exempt the offender from complying with it, where that is still possible.

Article 41

Judicial challenges

1 – Challenges to CADA's decisions shall take the form of a complaint, to be submitted within 10 days of the respective notification.

2 – In the face of such a challenge, CADA may change or revoke its decision, notifying the defendants of the new final decision.

3 – Where it upholds the previous decision, CADA shall refer the complaint, within 10 days, to the Public Prosecution Service at the Administrative Court of the Lisbon Circuit.

Article 42

Judicial proceedings

1 – CADA shall be responsible for sending all the information necessary and relevant to the case to the Public Prosecution Service so that it can finalise the case file and present it to the judge.

2 – The judge may decide the matter under this Law via a simple order, where the defence, the Public Prosecution Service or CADA do not object.

3 – Where there is an audience, its formalities shall be kept to an absolute minimum, and no evidence shall be recorded, nor shall more than three witnesses be heard for each administrative offence charged.

4 – The judge shall always have the power to award compensation to those they believe are entitled to it.

5 – The judge's final decision may be appealed *per saltum* to the Supreme Administrative Court, which shall decide as a matter of law.

Chapter V

Legislative amendments

Article 43

Amendment to CADA's Organic Regulations

Article 3 of CADA's Organic Regulations, approved in the Annexe to Law No 10/2012 of 29 February 2012, shall be replaced by the following:

"**Article 3**

[...]

1 – ...

2 – ...

3 – ...

4 – The provisions of Article 26 of Decree-Law No 545/99 of 14 December 1999, as amended by Decree-Law No 197/2015 of 16 September 2015, shall apply to the senior legal technical officials referred to in paragraph (1) for as long as they perform their duties at CADA.

5 – The other staff referred to in paragraph (1), while performing their duties at CADA, shall receive the remuneration corresponding to the following remunerative position in their respective category or career."

Article 44

Amendment to Decree-Law No 16/93 of 23 January 1993

Article 17 of Decree-Law No 16/93 of 23 January 1993 (establishing the general regime for archives and archival heritage), as amended by Law No 14/94 of 11 May 1994 and Law No 107/2001 of 8 September 2001, shall be replaced by the following:

"**Article 17**

[...]

1 – Access to documents held in public archives shall be guaranteed, subject to the limitations arising from the imperatives of preserving the species, and the restrictions arising from general and special legislation on access to administrative documents shall apply.

2 – Documents containing named data shall be accessible:

(a) 30 years after the date of death of the persons to whom the documents relate; or

(b) where the date of death is not known, 40 years after the date of the documents, but not before 10 years have elapsed since the death is known.

3 – Sensitive data relating to legal persons, as defined by law, can be communicated 30 years after the date of extinction of the legal person, where the law does not stipulate a shorter period.
4 – ..."

Article 45

Amendment to Law No 12/2005 of 26 January 2005

Article 3 of Law No 12/2005 of 26 January 2005 (Personal genetic information and health information) shall be replaced by the following:

"**Article 3**

[...]

1 – ...
2 – ...
3 – Access to health information by the data subject or third parties with their consent or as laid down by law shall occur through a duly qualified doctor, where the data subject so requests.
4 – Where it is impossible to ascertain the data subject's wishes regarding access, it shall always be carried out through a doctor."

CHAPTER VI
Final and transitional provisions

Article 46

Transitional provisions

1 – Existing exclusive agreements that do not comply with the provisions of Article 25 shall expire at the end of the respective contract.
2 – The provisions of Article 25 of this Law shall not affect the expiry of exclusive agreements that has already taken place.
3 – Parishes with fewer than 10 000 voters shall have a transitional adaptation period until 1 May 2017 to ensure the publicising of the information provided for in Article 10(1)(c).
4 – The terms of office of CADA members prior to the entry into force of this Law, as well as the terms of office in progress at the time of its entry into force, shall not be relevant for the application of the limit on terms of office provided for in Article 29(6).

Article 47

Repeal

The following are hereby repealed:

(a) Law No 19/2006 of 12 June 2006, as amended by Decree-Law No 214-G/2015 of 2 October 2015;
(b) Law No 46/2007 of 24 August 2007, as amended by Decree-Law No 214-G/2015 of 2 October 2015.

Article 48

Entry into force and application of the law over time

1 – This Law shall enter into force on the first day of the second month following its publication, without prejudice to the provisions of the following paragraphs.
2 – Article 43 of this Law shall enter into force on 1 January 2017.
3 – The provisions of Article 29 shall apply to the appointment of CADA members in 2016.