

The Norwegian Act on the Parliamentary Ombud's Committee for the Norwegian Armed Forces

Chapter 1. Mandate, tasks and work methods

§ 1. *Purpose and mandate*

The Parliamentary Ombud's Committee for the Norwegian Armed Forces (hereinafter referred to as "Ombud's Committee") shall promote and protect the rights and interests of persons who have a duty of national service under the Norwegian Defence Act and persons who have served in international operations, and in its work also seek to contribute to increasing efficiency of the Norwegian Armed Forces.

§ 2. *Tasks*

The Ombud's Committee has the following tasks:

- a. to monitor and report on the work conditions of personnel, including making recommendations to ensure that their interests are safeguarded,
- b. to independently carry out investigations and address issues concerning the interests of personnel,
- c. to inform and guide personnel,
- d. to facilitate co-operation and dialogue between personnel and the Norwegian Armed Forces, and
- e. to participate in international co-operation.

The Ombud's Committee cannot take a position on whether there is a breach of rights or obligations in individual cases.

§ 3. *Enquiries and their follow-up*

Anyone can approach the Ombud's Committee for matters concerning persons as mentioned in § 1. The Ombud's Committee decides which enquiries are to be followed up and which investigations are to be carried out.

If the Ombud's Committee takes the enquiry further in writing to the Norwegian Armed Forces, the petitioner shall be given an opportunity within a reasonable timeframe to familiarise him- or herself with the Norwegian Armed Forces' response regarding the case.

The Ombud's Committee shall not process enquiries that need to be referred up the chain of command.

§ 4. *Oversight*

The Ombud's Committee may conduct an audit of the Norwegian Armed Forces.

The Ombud's Committee has access to any location under control of the Norwegian Armed Forces, where security considerations so allow.

Within its field of work and pursuant to § 1, the Ombud's Committee has access to information that the Ombud's Committee deems necessary to carry out its tasks in accordance with the law and only up to the "RESTRICTED" security level.

Cases concerning document publicity with the Ombud's Committee or its administration are dealt with and decided by the Ombud's Committee. Where appropriate, the Norwegian Freedom of Information Act is applied.

Following an audit, the Ombud's Committee shall write a report. The report should point out any conditions worthy of criticism, and make recommendations if necessary. Before the report is published as unclassified, it should be submitted to the Norwegian Ministry of Defence for its opinion.

§ 5. Annual report and separate notes

The Ombud's Committee shall present an annual report on its activities to the Storting (Norwegian Parliament). The report should give account of development trends and any specific recommendations that the Armed Forces Ombud has made in the course of the year. The report shall be presented by 1 April each year and cover the activities between 1 January and 31 December of the previous year. The report shall be made public to the extent that it does not contain confidential or classified information.

The Ombud's Committee may issue special reports to the Storting.

Chapter 2. Relationship with the Storting, appointment, organisation, etc.

§ 6. Relationship with the Storting

The Ombud's Committee performs its tasks autonomously and independently.

Within the framework of this Act, the Storting may issue supplementary provisions on the Ombud's Committee's activities.

The Storting, the Storting's Standing Committee on Foreign Affairs and Defence, the Norwegian Ministry of Defence and the Chief of Defence may submit cases within the Ombud's Committee's responsibility for the Ombud's Committee opinion.

§ 7. Appointment, resignation and dismissal

The Ombud's Committee shall consist of seven members, all of whom are appointed by the Storting. One of the members is appointed to be the Storting's Armed Forces Ombud (Armed Forces Ombud) and is chair of the committee, and another is appointed vice chair.

Members of the committee are appointed for four years at a time. They can be reappointed only once. Replacement of more than three members at the same time should be avoided.

If any of the committee members pass away during their tenure, become permanently unable to perform their duties, resign, or are dismissed by the Storting, the Storting appoints a new member.

A committee member can only be deprived of their position by the Storting.

§ 8. More about the activities of the Ombud's Committee

The Ombud's Committee has overall responsibility for the professional activities, finances and operation of the Ombud's Committee's office.

The committee may not make decisions unless at least four members are present. In the event of a tie in the committee's meetings, the Armed Forces Ombud's vote is decisive. In the absence of the Armed Forces Ombud, the committee's meeting is chaired by the vice chair.

§ 9. Salary and remuneration

The Armed Forces Ombud is a full-time position. Salaries for the Armed Forces Ombud and remuneration for the committee members are determined by the Storting.

§ 10. Head of administration

The Ombud's Committee employs a head of administration at the Ombud's Committee's office.

The head of administration is responsible for day-to-day operations, personnel matters and the institution's internal organisation within the framework determined by the committee. The head of administration is the committee's secretary and is responsible for carrying out the tasks and priorities decided by the committee.

The head of administration is employed for a term of six years, with the possibility of one extension.

§ 11. Staff

Staff at the Ombud's Committee's office are employed by the committee.

The Norwegian Civil Servants Act §§ 4 to 7, on announcement, recommendation and employment apply, with the exception of § 5(4). Disputes about preferential rights in accordance with the Norwegian Civil Servants Act § 13 are decided by the committee.

Staff regulations are determined by the committee. The Storting may revise staff regulations.

For employees at the Ombud's Committee's office, salaries, pensions and working conditions are determined in accordance with the agreements and provisions that apply to employees in government posts.

The Norwegian Public Administration Act applies in cases of disciplinary action, resignation, suspension or dismissal. The appellate body is the Storting.

The Norwegian Civil Service Disputes Act of 18 July 1958 no. 2 applies to employees at the Ombud's Committee's office.

Chapter 3. General provisions for operations

§ 12. Duty of confidentiality

Members of the Ombud's Committee have a duty of confidentiality concerning information received in the performance of their duties and in relation to someone's personal circumstances, operational or trade secrets, and classified information. The duty of confidentiality also applies after termination of the position. The committee also has a duty of confidentiality regarding the explanations obtained and who provided them.

Employees of the Ombud's Committee's office and others who assist in the performance of the Ombud's Committee's duties have a duty of confidentiality regarding the same matters as the members of the Ombud's Committee.

§ 13. Impartiality

A member of the Ombud's Committee or an employee at the committee's office may not process a case if he or she has an interest in the case or its outcome, or there are other special circumstances which could undermine confidence in the case being processed in an impartial and objective manner.

§ 14. Publication

Documents prepared as part of the Ombud's Committee's activities are public, with the following exceptions:

- a. documents and information which are subject to a statutory duty of confidentiality
- b. documents prepared or obtained during the administration's prior processing of a case.

The Ombud's Committee's internal case documents and documents exchanged between the Ombud's Committee and the Storting on budget matters and internal administration may be exempt from public access.

Access may be required in the public content of records kept by the Ombud's Committee for the registration of documents. The Ombud's Committee can make records and other documents publicly available on the internet.

The head of administration, or a person authorised by them, decides whether a document shall be completely or partially exempt from public access. Such decisions can be appealed to the committee.

The Norwegian Archives Act Chapter II applies to the Ombud's Committee's activities, with the exception of §§ 7 and 8. Associated regulations apply as appropriate.

§ 15. *Processing of personal data*

The Ombud's Committee, including the committee's office, may process personal data, including personal data as mentioned in Articles 9 and 10 of the General Data Protection Regulation, when this is necessary to perform tasks pursuant to this Act.

Requests for copies of personal data in case documents that have been prepared or obtained during the administration's prior processing of a case, cf. Article 15, no. 3 of the General Data Protection Regulation are to be directed to the relevant body in the administration.

§ 16. *Application of the Norwegian Security Act*

For the Ombud's Committee's members, and employees at the Ombud's Committee's office, the provisions on the processing of classified information and personnel security apply as set forth in the Norwegian Security Act with regulations and protection instructions. The Storting's administration is the clearance authority. The Storting's Presidium is the appellate authority for decisions made by the Storting's administration.

If the Ombud's Committee is in doubt about the classification of information in an opinion or report, or is of the view that declassifying or downgrading should take place, the committee will submit the matter to the relevant ministry or subordinate administrative body. The administration's decision is binding on the committee.

§ 17. *Entry into force*

The law enters into force on 1 October 2021. At the same time, the instructions of 21 April 1952 no. 4287 for the Defence Ombud's Committee are abolished.