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**Sent:** Monday 8 October 2018 22:39  
**To:** Royal Norwegian Embassy in Jakarta <[emb.jakarta@mfa.no](mailto:emb.jakarta@mfa.no)>  
**Cc:** Gunnar Thorenfeldt <[gth@dagbladet.no](mailto:gth@dagbladet.no)>  
**Subject:** Access request - input and clarification/specification

**Ref. Access request from the Dagbladet newspaper – replied to by Ronny Valstad. (copy below)**

Hi and thank you for your preliminary reply.

The reply is a partial refusal of access. I would like to provide some input for further assessment - and hereby request some clarification before there is any formal appeal against the refusal of access. (Something I hope we can avoid)

Firstly, the embassy must understand the public importance of this access, because it comes under an enhanced access assessment:

We are a group of journalists in the Dagbladet newspaper who are conducting extensive research to uncover, among other things, poor wages and working conditions on board a special group of foreign vessels based in Finnmark. These seafarers are in an extremely weak position, prone to exploitation and who, from what we can see, are victims of gross violations, with regard to safety at sea, among other things. Most of these seafarers would consider it unthinkable to come forward or hand over documents about how they have been treated. They are afraid of their hard-handed employers (who layer by layer disappear behind smoke and mirrors in tax havens). Therefore, we must source documentation from “neutral parties” such as the Norwegian public administration. Norwegian onshore companies earn money from these fisheries activities, under conditions Norwegian seafarers would never accept, probably without having any idea of the prevailing conditions on the ships. The activities take place in Norwegian territorial waters and Norwegian ports, where the responsibility of the Norwegian control authorities stops at the quayside. No one seems to be responsible for assisting foreign seafarers who find themselves in such a situation. We think it is important to make Norwegians aware of the labour standards and safety in Norwegian territorial waters that they are helping to maintain.

Access to depersonalised employment contracts and names of companies that facilitate this business are important pieces of our puzzle. We think it is possible under the law to have access – **and that access should be granted** – ref. the argumentation under the numbered points below. As I said, we can also adjust the access – if individual points are difficult – but then we need to talk together about the best way to do this.

I can be contacted on +47 975 25 118 – and I can then elaborate on our project. I am happy to have a direct telephone number to Ronny Valstad/the person who processes the access request so that I can provide information.

**And now to the specific preliminary reply/partial refusal we have received:**

1. We are grateful that you can create statistics for us, but emphasise that these must not only contain numbers but also the names of **vessels, shipping companies and Norwegian facilitators/shipping agents**. As stated in the request for access.
2. Concerning “correspondence with the Norwegian Ministry of Foreign Affairs (UD) or others concerning the matter – we request access to this” (ref., the access request), you have replied that the National Criminal Investigation Service (Kripos) was informed about the employment contracts to which the embassy personnel reacted. Follow-up questions: In what way was

Kripos informed? By whom? And as I have said – if there is written correspondence about this – to/from Kripos and/or others (UD/Norwegian Directorate of Immigration (UDI)), we request **access to this correspondence**. We request to be informed if there is no written correspondence (e.g., emails) in the contact between Kripos/UD/UDI or others in this case (red flags in employment contracts).

3. Concerning access to employment contracts (including vessels/shipping companies/Norwegian facilitators/shipping agent): You write *“When it comes to access in this type of case, section 9 of the Regulations relating to Freedom of Information states that exemptions from access made be granted for records and documents in individual cases under the Norwegian Immigration Act, which includes employment contracts and visa cases.”*

I have three comments on this:

- An access request must always **be considered specifically** and not by referring to a general overriding legal provision (this is stated in appeals to the Parliamentary Ombudsman, among other things).
- I would like to remind this is a *can do*-provision and not a *must do*-provision (i.e., not linked to a statutory duty of confidentiality). Therefore, there is no doubt that you *can* grant access to one (or more) depersonalised employment contracts, as I have requested. **Concerning the question of enhanced access, public interest factors shall weigh heavily against refusal of access.**
- I have not studied the preparatory works of the Act but if what is stated UDI’s circular (RS 2016-006) is correct, the *“main purpose of the exemption provision is that it would be very demanding to consider all access requests in these individual cases specifically.”* As can be seen from the request for access, **examples of employment contracts can be sufficient** for me. I strongly doubt that it would be very demanding to find one or a few of the employment contracts for, for example, the vessel “Valka” and depersonalise this for the identity of the sailor in question. If desired, I am happy to enter into a dialogue about **how best I can specify the access** so that it will be easy to find appropriate employment contracts – for example, I can try to refine the date range.

4. I would like to point out that *“UDI’s guidelines on requests for access (RS 2016-006) are also restrictive.”* Concerning this, to say that a circular (*where it is also emphasised that UDI shall be open because it builds trust*) cannot be used as a reason for refusal – a **legal reference** must be given for the refusal of access. Circulars do not have the status of law.

I hope the embassy sees the value of granting access and - to the extent access *can* be refused - actually provides enhanced access, cf. that enhanced access should be the main rule and that access has significant social value. I also hope that we can have continued constructive dialogue based on my comments – and by all means, get in touch. I would like to make this as easy as possible for you.

I would like to remind you that the embassy itself thought the conditions they saw in the employment contracts were so serious that they were submitted/report to Kripos. We are aware that Kripos has not followed this up, which further underlines the need for an “independent control”, which in practice only the press can carry out.

With best regards

Siri Gedde-Dahl

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