SUMMARY

Annual Report for 2024 of the Chancellor of Justice of the Government of Finland

CHANCELLOR OF JUSTICE

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To Parliament and to the Government

Pursuant to section 108(3) of the Constitution, I hereby submit this Annual Report to Parliament and to the Government on the official actions and observations on compliance with the law of the Chancellor of Justice in respect of the year 2024.

The drafting of the present Annual Report continues the reform process begun with the 2023 Annual Report, the purpose of which is to devise a more topical, more concise and more illustrative report catering to the information needs of Parliament, of the Government and of other interested parties.

In legality oversight by the Chancellor of Justice, increasing attention was given to structural oversight. A key part of this is overseeing the legality of bill drafting, particularly with a view to compliance with the Constitution and international human rights obligations, the exercising of participation rights, the consistency of legislation and the appropriate consideration of EU law. The Chancellor of Justice instigated significantly more cases on the Chancellor's own initiative than in 2023, reflecting the stepping up of structural oversight.

In the oversight of Government activities, the number of cases increased particularly in legislation oversight, as the proposals of the Government Programme were more broadly put into practice ▶

in legislative work in the second year of the parliamentary term. The security of the eastern border and the declining outlook in central government finances continued to increase the oversight workload of the Chancellor of Justice. The number of complaints taken up for closer scrutiny in legality oversight increased on the previous year, as did the number of complaints requiring an investigation. Meanwhile, the percentage of complaints requiring an investigation leading to a sanction decision or to drawing attention to lawful or appropriate conduct decreased slightly.

Despite the growing number of cases, the workload situation at the Office of the Chancellor of Justice as at the end of 2024 was significantly better than in the previous year. More complaints were resolved than were filed, and complaint processing times were reduced.

In 2024, Mr Tuomas Pöysti LL.D. was the Chancellor of Justice and Mr Mikko Puumalainen LL.D., LL.M. trained on the bench, was the Deputy Chancellor of Justice. Mr Petri Martikainen LL.L., LL.M. trained on the bench, Head of the Department for Legal Supervision, was the appointed Substitute for the Deputy Chancellor of Justice and attended to these duties for 118 days in the year under review.

Helsinki, 18 February 2025

Mr Tuomas Pöysti, Chancellor of Justice

Ms Tuula Majuri, Secretary General

Content

1 Statements

Mr Tuomas Pöysti, Chancellor of Justice

Pro-digitalisation legislation safeguards rights and productivity growth

In today's world, we live, work, trade, play and engage in leisure pursuits with increasingly smart information systems and networks. Our knowledge and competence combine with big data through AI and other information processing methods. There are many benefits to this, but also downsides. We will need to consider from a legal perspective whether these new technologies make us less smart or whether their advantages can be leveraged to benefit society at large and the individuals and enterprises in it, and also what the ground rules are for allocating the advantages and disadvantages.[1]

1 In the United States, 41 states have sued the Meta group on grounds including that the company has misled the general public and not disclosed the harmful impacts of its social media services on the mental and physical wellbeing of young people because of their addictive potential, while adding misleading and manipulative features to them. See Case 4:23-cv-05448. The complaint itself is available at **https://ag.ny.gov/sites/default/files/court-filings/meta-multistate-complaint.pdf**. There is also a growing body of studies on the harmful impacts of social media and that overuse of social media is an indicator of personal issues. See e.g. Kosola, S. (2022). 'Lapset, nuoret ja älypuhelimet – tukea 2020-luvun vanhemmille.' *Lääkärikirja Duodecim*, **https://www.terveyskirjasto.fi/dlk01305#s7#s7** and the sources cited therein, and also a study based on Swedish data, Beeres D.T., Andersson F., Vossen H.G.M. & Galanti M.R. (2021). 'Social Media and Mental Health Among Early Adolescents in Sweden: A Longitudinal Study With 2-Year Follow-Up (KUPOL Study).' *Journal of Adolescent Health*, 68(5), 953–960. **https://doi.org/10.1016/j.jadohealth.2020.07.042**. This theme is at the heart of the government proposal to Parliament for an Act amending the Act on Primary and Secondary Education, HE 212/2024 vp, **https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Sivut/HE_212+2024.aspx**, being evaluated in respect of constitutional law and relevance. The proposed Act would restrict the use of mobile devices in class and devise a clear legal framework for establishing ground rules. Another important dimension is in the impacts of digital technology on productivity and renewal and how these impacts are distributed among enterprises and national economies.

In the best cases, digitalisation of public administration streamlines our everyday lives and transactions and helps eliminate errors in decision-making.[2] But can we reasonably understand where all the applications rooted in big data and AI are guiding us and how partly or wholly automated decisions concerning us are made? Do we just follow where stimuli lead us, as if following the course plotted by a satnav system without actually looking around at our environment? Do we even have the ability to fix systematic errors and incorrect data that may – and probably will – arise? This is all about power, wealth and rights, and about good governance and market efficiently in a digital environment.

During the term of the previous European Parliament and Commission, the EU made robust efforts to enact legislation on digitalisation and digital technology, establishing fundamental principles. However, one of the most important pieces of legislation, the General Data Protection Regulation (EU) 2016/679, was enacted years ago, in 2016. Most EU Regulations require Member States to enact complementary legislation, even though they are directly applicable law. EU Directives, meanwhile, must be implemented in national legislation. This leads to difficulties in the legal harmonising of various basic rights, core values and principles. The most recent example of this is the implementation of the Data Act Regulation (EU) 2023/2854.[3] Accordingly, the ex ante control of legislation and other legality oversight of bill drafting which form part of the supreme oversight of government authority conducted by the Chancellor of Justice as per the first sentence of section 108(1), section 111(2) and section 112 of the Constitution have consisted to a great extent of issues in the regulation of digitalisation. The legal parameters of the development and deployment

2 In the legality oversight of the Chancellor of Justice, this point emerged in the preparation of the decision concerning automated decision-making by the Social Insurance Institution (KELA). In decisions involving calculations, automated decisions contained fewer errors than than those made by officials; Decision of the Chancellor of Justice OKV/131/70/2020, **https://oikeuskansleri.fi/en/-/automated-decision-making-in-kela**.

3 Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act), **https://eur-lex.europa.eu/legal-content/FI/TXT/?uri=CELEX%3A32023R2854**, and the ex ante legislation control statement of the Chancellor of Justice regarding its implementation in Finland, OKV/3082/21/2024, **https://oikeuskansleri.fi/-/eu-n-datasaadoksen-toimeenpano**.

of digitalisation and automation, along with securing basic and human rights, good governance, legal protection and the integrity and inviolability of human dignity, fall within the domain of the supreme overseer of legality.

In the Act on the Division of Duties between the Chancellor of Justice of the Government and the Parliamentary Ombudsman (330/2022), the Chancellor of Justice is assigned the duties of the supreme overseer of legality in cases involving the general principles and development of automation in administration. More generally, the balanced implementation of basic and human rights, and particularly of legal protection, good governance and access to rights, is an area of focus in the legality oversight conducted by the Chancellor of Justice. The Office of the Chancellor of Justice has a digital group that has prepared and designed legality oversight for digitalisation conducted by the Chancellor of Justice in ex ante legislation control, in other oversight of the Government, in the processing of complaints and in the Chancellor of Justice's own initiatives so as to maximise effectiveness by combining various viewpoints and means of legality oversight. The digital group has mainly been implementing a legality oversight programme based on the Chancellor of Justice's own initiatives to evaluate the implementation of automated decision-making in the Tax Administration[4] and at the Social Insurance Institution (KELA),[5] to address specific issues found in register-based public administration such as the overloading of the Soteri database[6] and of the Residential and Commercial Property Information System[7], and to examine automation and digitalisation in the administration of justice.

4 Decision of the Chancellor of Justice OKV/656/70/2024 on automated decision-making in taxation, **https://oikeuskansleri.fi/-/automaattinen-paatoksenteko-verotuksessa**. Undertaken at the Chancellor of Justice's own initiative, this involved reviewing and evaluating the implementation of automated decision-making in order to uphold public confidence in official decisions and to gain a good benchmark: how the new Finnish legislation allowing for automated decision-making was being applied in the Tax Administration and how it has been incorporated into the decision-making rules, information systems and decision-making processes.

5 Chancellor of Justice's own initiative OKV/2213/70/2024.

6 Decision of the Chancellor of Justice OKV/2075/70/2024, **https://oikeuskansleri.fi/-/soteri-rekisterin-ruuhkautuminen-johtui-osittain-puutteellisesta-lainvalmistelusta** and legality oversight statement of the Chancellor of Justice OKV/2370/21/2024, **https://oikeuskansleri.fi/-/sosiaali-ja-terveydenhuollon-valvonnasta-annetun-lain-muuttamisesta**.

7 Decision of the Chancellor of Justice OKV/2041/70/2024, on the overloading of the Residential Commercial Property Information System, **https://oikeuskansleri.fi/-/huoneistotietojarjestelman-ruuhkautuminen**.

Pro-digitalisation legislation encodes ex ante legal protection and good governance

The most effective and cost-efficient way to ensure access to rights and the balanced safeguarding of rights is to safeguard those rights in advance. In a digital society and with public administration, this means planning and programming the implementation of rights to be incorporated into information systems and information structures. It is an old but still relevant insight in the context of legal digitalisation in the Nordic countries that the development of information systems, algorithms and operating processes built on data and IT is seen as work that runs in parallel with the bill drafting process and as an extension of legislators' duties. This perspective and the concept of pro-automation legislation was discussed in legal literature in Norway as early as in the 1970s.[8] The experiences gained in the oversight of digital administration by the Chancellor of Justice in the year under review reinforce this view of system design as an extension of legislators' work and as a significant factor impacting the enforcement of legislation.

Implementing legislation using information systems requires multiple choices to be made in designing and delivering the information systems. These choices may involve insufficient consideration or errors that prevent access to rights.

Implementing legislation using information systems requires multiple choices to be made in designing and delivering the information systems. These choices may involve insufficient consideration or errors that prevent access to rights. These errors multiply very effectively in digitalisation, and a misdesigned information system is very expensive to repair.

8 As an example: Bing J. (1977). 'Automatiseringsvennlig lovgivning', *Tidsskrift for rettsvitenskap*, pp. 195 – 227.

Not all the possibilities allowed by legislation can be economically recorded in information systems, and thus choices must be made.[9] Often the question is how careful the legal consideration is with which such choices are made. In the division of duties between the courts and the supreme overseers of legality, where control by the courts always takes precedence, the flexible handling of such systemic issues is a good fit for the supreme overseers of legality. The legality oversight observations of the Chancellor of Justice and of the Deputy Chancellor of Justice have revealed that in Finland, as elsewhere, problems have arisen when provisions framed as principles need to be encoded in information systems. As a concrete example, we may mention displaying patient information of underage patients to their guardians in patient information systems; the Deputy Chancellor of Justice has issued several decisions on this. That a technical solution is difficult to devise is no excuse for the fact that there is still an age limit with no basis in law in the information system. Moreover, in the patient information system evaluated in the legality oversight and in the operating processes based thereupon, there was no clear and easy procedure for clients to exercise discretion in whether to disclose the patient information of underage patients to their guardians. Such an option should, however, be provided in order to safeguard the right of self-determination.[10]

9 This was the underlying cause for instance for an earlier complaint about the e-transaction service of the employment administration, on which the Deputy Chancellor of Justice issued decision OKV/1418/10/2020, **https://oikeuskansleri.fi/-/te-toimiston-tyovoimapoliittiset-lausunnot-ja-sahkoinen-asiointipalvelu**. If an online service only provides predefined options, there is potential for misunderstanding. It would seem that the design and delivery of the system was based on the assumption that a client would always be applying for unemployment benefit, and when this was not the case, then the e-transaction service misdirected the client, and this was not rectified at the TE office despite the client actively pursuing it. The procedure followed by the TE office led to a labour market policy statement issued to the complainant, according to which the complainant was entitled to an unemployment benefit that they had not even applied for. As such, the statement harmed the complainant's interests in eroding their potential in the future for undertaking short-term studies while on unemployment benefit.

10 Decision by the Deputy Chancellor of Justice OKV/653/80/2024 concerning the updated display of patient information of underage patients to their guardians in the HUS Group client and patient information system (Apotti), **https://oikeuskansleri.fi/-/hus-yhtyman-asiakas-ja-potilastietojarjestelman-ajantasaisuus-alaikaisten-tietojen-nakymisessa-huoltajille**.

Nordic ombudsmen have collaborated in discussing how to perform ex ante control of automated decision-making and automated information exchange in information systems used for performing public administrative duties. In 2023, the Chancellor of Justice held a workshop on this topic with the Danish Parliamentary Ombudsman.[11] The topic has also been discussed among Nordic and Baltic Parliamentary Ombudsmen (and Chancellors of Justice equivalent to same), and more broadly in collaboration between various European ombudsman institutions. The Chancellor of Justice in our neighbouring country of Estonia has also been active and taken initiative in issues involving automation and AI. In the interests of developing oversight perspectives, the Office of the Chancellor of Justice has attended or been involved in organising workshops on the evaluation of automation and digital systems with university scholars.[12] In Finland, the Chancellor of Justice's own initiatives have been used with the aim of ensuring the robust enforcement of general legislation governing automated decision-making in major government agencies, thereby reinforcing public confidence and promoting the legally acceptable leveraging of the potential of automation.

In Norway, Denmark and Sweden, legislation that is pro-digitalisation or creates potential for digitalisation is seen as a means for combining effective markets, efficient good governance on the Nordic model and the leveraging of digital technology. The concept of a 'digital welfare state' is used in research and in some official documents in Norway.[13] Efforts to define the principles for enacting pro-digitalisation legislation and its special case, pro-automation legislation, have been made in Denmark, Norway and Sweden and by the European

11 There is a themed article in the 2023 Annual Report of the Danish Parliamentary Ombudsman discussing their work in the oversight of IT systems, pp. 48-51, **https://www.ombudsmanden.dk/Media/638482443974399969/FO_Beretning%202023%209.4.23.pdf.**

12 As an outcome of the international series of workshops, a themed collection was published in the *Digital Society* periodical in 2024 on thought and legal design patterns to be employed in migrating the judiciary to information systems. See **https://link.springer.com/collections/idjeeicjba**. In my article, I describe the legality oversight work of the Danish Parliamentary Ombudsman and Chancellor of Justice with reference to information systems and how they are used. See Pöysti T. 'The Precautionary Approach Design Pattern.' *DISO* 3, 5 (2024). **https://doi.org/10.1007/s44206-024-00090-6.**

13 Nordrum J., Fløysvik C. & Ingunn I. (2022). 'En vidunderlig ny velferdsstat? Rettsstaten møter den digitale velferdsstaten.' *Tidsskrift for velferdsforskning* volum 25 (3), 1–19. DOI: **https://doi.org/10.18261/tfv.25.3.1** and Ikdahl I. (2024). 'Når retten møter fremtidens digitale velferdsstat.' *Stat og Styring* volum 34 nr. 3, 35-42. DOI: **https://doi.org/10.18261/stat.34.3.7**.

Commission.[14] The most systematic analysis of the principles of pro-digitalisation (and by inclusion pro-automation) legislation published in the Nordic countries is included in a book on legislation in the digital society by Dag Wiese Schartum, a professor at Oslo University, published in Norway in early 2025. It presents 19 general principles governing the form and content of such legislation.[15] Based on insights gained in the legality oversight of the Chancellor of Justice, it would be possible and even useful for bill drafting in Finland to use the regulatory principles and regulatory evaluation tools adopted in the Nordic countries and by the European Commission to complement our guidelines for bill drafting and for legislation impact assessment. [16]

The key takeaway from practices adopted by other Nordic countries is to find a correct understanding of technology-neutrality and to clearly separate the precise application of legal provisions with no significant discretionary leeway on the one hand and broad discretion based on facts and value judgments on the other in order to enable automation. Clear rules can also be automated, and possibilities for digital enforcement and automation must be considered in the preparation process. Automation also requires that there be a procedure in place for requests for administrative review or a similar quick but efficient legal protection remedy for correcting errors. However, the major benefits of automation are to be found in functions supporting actual decision-making and also have to do with the reorganising of services, processes and client transactions.

14 The Norwegian digitalisation authority (*digitaliseringsdirektoratet)* has issued guidelines on digitalisation-friendly regulation: **https://www.digdir.no/datadeling/veileder-digitaliseringsvennlig-regelverk/2856**. The EU's Better Regulation Toolbox contains instructions on how to prepare governance and regulation adaptable to the digital society. See *Better Regulation Toolbox*, 2023, **https://commission.europa.eu/law/law-making-process/planning-and-proposing-law/better-regulation/better-regulation-guidelines-and-toolbox/better-regulation-toolbox_en**, especially TOOL#28. The principles published by the Danish digitalisation authority for regulation that is clear with respect to digitalisation are available here: **https://digst.dk/digital-transformation/digitaliseringsklar-lovgivning/**.

15 Wiese Schartum D. (2025). 'Lovgivning i et digitalt samfunn. Om å bruke lover for å fremme og temme algoritmene.' *CompLex*, University of Oslo, particularly pp. 91 -141; the book is available as an open publication at **https://www.jus.uio.no/ifp/forskning/om/publikasjoner/complex/2025/complex_2025_1.pdf**.

16 Statement by the Chancellor of Justice on the final report of the digitalisation promotion programme OKV/2791/21/2022, **https://oikeuskansleri.fi/-/digitalisaation-edistamisen-ohjelman-tyoryhman-loppuraportti**.

Pro-digitalisation legislation is sufficiently simple and clearly distinguishes between general and special legislation while making clear their respective purposes, relationships between the various acts and how they relate to EU legislation.[17] For the purpose of realising the benefits of digitalisation in Finnish legislation, this means that national provisions must be sufficiently clear in relation to EU law and, on the other hand, that the potential benefits and ease of application of any further regulation added on top of EU law must be considered carefully, and critically too. For instance, in the scope of application of the Artificial Intelligence Act (EU) 2024/1689, the basic principle is that further rules do not need to be enacted in national legislation, and in most cases this is not even allowed. If the Government wishes to promote digitalisation, innovation and administrative automation in Finland, the legislation concerning these must be clear and easy to apply. It is important to avoid imposing additional administrative burdens, which can easily arise above all if legislation leaves unnecessarily many matters open to interpretation.[18]

Legislation on privacy and publicity and other matters at the core of digitalisation is currently fragmented and impedes the digitalisation of public administration. Addressing the simplification of the regulatory environment would promote sustainable leveraging of digitalisation.[19] Shortcomings in legal competence and in boldly applying legislation form practical barriers to leveraging the potential of digitalisation. Sufficient and up-to-date legal competence will thus promote the advancement of digitalisation. Moreover, guidance to support bill drafting and administrative development along with guidance provided by the key supervisory authorities within the context of their respective roles will also have a substantial impact on the ability to seize opportunities. The Data Protection Ombudsman, the European Data Protection Board, the European AI Office and the European

17 Regulatory clarity is emphasised for instance in the Danish digitalisation-ready legislative principles. See Digitaliseringsstyrelsen, **https://digst.dk/digital-transformation/digitaliseringsklar-lovgivning/vejledning/**.

18 Statement on ex ante statute control by the Chancellor of Justice concerning the enforcement of the Artificial Intelligence Act (EU Regulation) OKV/2594/21/2024, **https://oikeuskansleri.fi/-/tekoalyasetuksen-kansallinen-toimeenpano**.

19 Statement by the Chancellor of Justice on the data protection regulation reform OKV/1563/21/2024, **https://oikeuskansleri.fi/-/tietosuojasaantelyn-uudistus**.

AI Board, for instance, are key actors.[20] In Norway, competence and resources are being invested in the ministries responsible for bill drafting to allow them to monitor that laws are up to date and, when necessary, to take rapid legislative action.

The two current systemic risks in Finnish digital administration are comprehensive reliance on registers and the separation of bill drafting and information system work

There are two major risk elements in the digitalisation of Finnish society and public administration. These require particular attention. Firstly, there is a tendency in Finland to undertake extensive legislative reforms, the implementation of which relies crucially on a substantial information system reform. Despite the fact that the regulation itself is technology-neutral, it is essential that bill drafting, information system development, allocation of administration resources and process organisation are pursued as a coherently managed entity and that the enforceability of legislation is considered from the preparatory stages onwards, as well as in information systems and in processes relying on new information systems. Secondly, Finland has a multitude of large databases, and administration relies heavily on data in centralised registers.

Under this topic, an evaluation was undertaken at the Chancellor of Justice's own initiative of the overloading of the Residential and Commercial Property Information System, which is important for citizens and enterprises alike, and of the Soteri register for social services and health care service providers, which is vitally important for the sector and for the enterprises and entrepreneurs within it. In the process of enacting legislation and in preparing legislative reform, it is the responsibility of the relevant ministry to collaborate with other authorities to evaluate and anticipate the needs that the system and the processes relying

20 Statement by the Chancellor of Justice on the final report of the digitalisation promotion programme OKV/2791/21/2022, **https://oikeuskansleri.fi/-/digitalisaation-edistamisen-ohjelman-tyoryhman-loppuraportti**. Contribution of the Chancellor of Justice at the Government evening session on AI on 2 October 2024, OKV/357/24/2024, **https://oikeuskansleri.fi/-/valtioneuvoston-oikeuskanslerin-puheenvuoro-hallituksen-iltakoulun-tekoalya-koskevassa-keskustelussa-2.10.2024**.

on it will have to cater to.[21] I noted, as a general condition for legislative reforms and related digitalisation projects, that the requirements for information systems and their development and procurement with a view to legislation enforcement, to basic and human rights and to the demands of good governance must be evaluated. The necessary information system projects must be delivered, closely in tandem with bill drafting so that all criteria for enforcement of the legislation consistent with good governance are in place, including for information systems.[22]

Good digital society legislation and good digital governance include ensuring legal protection and good governance in advance. This requires attention to risks and to how these risks can be smoothly rectified without compromising the legal protection of an individual or a corporation or placing them in an unreasonably difficult situation. Finland has a multitude of large databases, and these are extensively leveraged. Large centralised registers embody significant common and individual risks. Legislation concerning registers, such as the Incomes Register and the Positive Credit Register, must be enacted in respect of the protection of personal data provided for in the Constitution and of other basic rights. Expanding the purpose of the use of the data in registers and expanding the registers themselves may easily cause conflicts with privacy and data protection. Erroneous data in a centralised register may cause significant harm or inconvenience to an individual or a corporation. It is my considered opinion that ensuring that data in registers are correct and easily rectifiable, along with ensuring sufficient guarantees of legal protection with regard to erroneous data, must be placed front and centre as guarantees of good governance and legal protection wherever in the administration the register data are used. Ensuring that data are accurate and correct for their purpose and rectifiable is a general data protection principle as per Article 5(1)d of the General Data Protection

21 For the Residential and Commercial Property Information System, the Chancellor of Justice considered that the needs to which the system must cater were, on the whole, sufficiently anticipated. Decision of the Chancellor of Justice OKV/2041/70/2024, **https://oikeuskansleri.fi/-/huoneistotietojarjestelman-ruuhkautuminen**.

22 Decision of the Chancellor of Justice OKV/2075/70/2024, **https://oikeuskansleri.fi/-/soteri-rekisterin-ruuhkautuminen-johtui-osittain-puutteellisesta-lainvalmistelusta**. In preparing new legislation concerning the Soteri register and service providers in the social welfare and health care sector, including their supervision, the ministry was unable to adequately predict the time and resources required for enforcement of the relevant Act, and additionally the registration system had been deployed in a partly unfinished state, and there was not enough time between the enactment of the Act and its entry into force.

Regulation. This is the responsibility of the controller, but when data are extensively collected and disclosed to and from the administration, it is necessary to safeguard, firstly, the necessary legal protection measures under administrative legislation whenever such data are used, and secondly, the expeditious rectification of any errors. It must also be ensured that registers and their updates are functional, up to date and free of delays.[23]

In conclusion

Digitalisation will have a significant impact on society at large, on individuals and corporations and on the development of productivity, which is one of the major issues concerning the future of Finland's welfare society.

Digitalisation will have a significant impact on society at large, on individuals and corporations and on the development of productivity, which is one of the major issues concerning the future of Finland's welfare society. There are multiple fundamental issues involved in the regulation of digitalisation and of digital technology. Some of these issues are recent, while some are traditional legal issues manifesting themselves in new circumstances. It is justifiable to secure basic rights and access to rights along with good governance in a balanced manner in both EU law and Finnish legislation. At the same time, it must be ensured that the regulatory burden does not become unreasonable, posing unnecessary obstacles to innovation or productivity boosts. In this balancing act, systematic development of pro-digitalisation legislation will help. It will also contribute to a sustainable Nordic digital welfare society.

23 Statement by the Chancellor of Justice on legality oversight in respect of extending the Positive Credit Register to housing company loans, OKV/2659/21/2024, **https://oikeuskansleri.fi/-/positiiviseen-luottotietorekisteriin-lisattavat-tiedot-taloyhtiolainoista;** Ex ante review memorandum of the Chancellor of Justice in respect of the government proposal for amending the Act on the Incomes Information System and the Act on the Positive Credit Register, OKV/2040/23/2024. See the themed article 'Digitalisation oversight secures basic rights and streamlines everyday life' in this Annual Report. In consideration of section 21 of the Constitution and the legality of the exercising of public authority, the Constitutional Law Committee of Parliament has ruled that the criteria of good governance and the legal protection of interested parties must not be compromised even in batch operations in automated decision-making (**PeVL 81/2022 vp**, **PeVL 7/2019 vp**, pp. 8—9; see also **PeVL 49/2017 vp**, p. 5, **PeVL 35/2005 vp**, p. 2.)

Mr Mikko Puumalainen, Deputy Chancellor of Justice

Why is it important to secure the independence of legality supervision and to strengthen its status?

Debate on constitutional supervision

In recent years, constitutional supervision and the securing of basic and human rights have emerged as topics in domestic legal policy debate. This has been prompted by events in Poland and Hungary that have undermined the independence of the judiciary, but also by the aggression of Russia.

The debate was initially fuelled by concerns that our legal system would not be strong enough to ensure independent exercise of judicial power in a crisis scenario or under attack. Swift action was taken to organise this debate, and on 15 January 2024 the Ministry of Justice appointed a working group named 'Constitutional guarantees for an independent judiciary' (OM011:00/2024). Its stated purpose is to "submit a proposal for legislative amendments required to secure the independence of the judiciary, with particular reference to ensuring that the independence of the judiciary is constitutionally guaranteed".

The enactment of the Act on Temporary Measures to Combat Instrumentalised Migration – variously known as the Border Act, the Border Security Act or the Refusal of Entry Act, depending on the viewpoint – further accelerated the debate, introducing new dimensions. The Constitutional Law Committee approved this legislation, though even the Committee itself reckoned that it is in obvious conflict with the absolute nature of the principle of non-refoulement (regarding asylum seekers) and therefore inconsistent with Finland's international human

rights obligations. The Constitutional Law Committee made its ruling on the basis of opinions voiced by the supreme legality supervision authorities, while legal experts in particular expressed their opposition.[24]

Underlying the Act were the Government's previous decisions to close the eastern border and the related debate. The decisions were essentially based on classified material. This material was, of course, available to Government ministers but also to the supervisors of legality, the Chancellor of Justice and the Deputy Chancellor of Justice.

The supervisors of legality have thus played a key role in recent events with importance for the rule of law. Obviously the issue of securing the rule of law should not be limited to judges or to the appointment procedures or formations of the highest courts. The debate should concern the judiciary as a whole and the status of the Constitutional Law Committee but also the legality supervision function.

In evaluation, these functions should be considered in relation to one another, not in isolation. It is important that each of these functions be able, within its role, to safeguard the rule of law, but part of that security stems from the relationships between these actors.[25]

24 PeVL 26/2024 vp – HE 53/2024 vp **https://www.eduskunta.fi/valtiopaivaasiakirjat/HE+53/2024, paragraphs 42 and 43**. In its statement on the Act, the Committee – according to its chair Heikki Vestman – relied on opinions voiced by Parliamentary Ombudsman Mr Petri Jääskeläinen, Chancellor of Justice of the Government Mr Tuomas Pöysti and Professor Emeritus Mr Mikael Hidén, **https://www.iltalehti.fi/politiikka/a/05a5e924-1d11-44fa-8e6c-cfdef72e7f88**
Statement by the Chancellor of Justice **https://www.eduskunta.fi/FI/vaski/JulkaisuMetatieto/Documents/EDK-2024-AK-24315.pdf**
Statement by the Chancellor of Justice **https://www.eduskunta.fi/FI/vaski/JulkaisuMetatieto/Documents/EDK-2024-AK-24318.pdf**
See also the statement by Chancellor of Justice Mr Tuomas Pöysti in the Annual Report for 2023 of the Chancellor of Justice of the Government of Finland: 'Legality supervision by the Chancellor of Justice in the harmonisation of national security and the rule of law, pp. 12-24, K 11/2024 vp.

25 For more on the relationship between the legality supervision conducted by the Chancellor of Justice and the independent judiciary, see Statement at the Ministry of Justice hearing 'An independent judiciary as security for the rule of law', 26 September 2024, **https://oikeuskansleri.fi/-/apulaisoikeuskansleri-mikko-puumalainen-miten-oikeuslaitosta-valvotaan-sen-riippumattomuutta-kunnioittaen**

Constitutional independence of the supreme legality supervision authorities

The status of the Chancellor of Justice is a perennial favourite topic in legal policy debate. The office is sometimes referred to in particularly critical tones as that of a 'Crown Jurist', questioning the independence and impartiality of the institution. What this means is seeing the Chancellor of Justice as part of the Government and an advisor to its ministers rather than as an adjunct, an independent and impartial supervisor of legality.[26]

Chancellors of Justice past and present have done their best to combat this impression, but it refuses to die and resurfaces regularly as new events unfold. The issues is actually an important one, because it is difficult for an advisor to the Government to simultaneously impartially supervise the legality of the Government's activities.

The relationship between legality supervision and the parties supervised is often described as observing the 'arm's-length principle', meaning that the supervisor is neither too far nor too near.

Subservience to and intimate relations with the parties being supervised may blur the separation between legality supervision and the exercising of political power, bringing the supervisor of legality too close to political decision-making. This would also have the effect of blurring the basic democracy of political decision-making and the related responsibility. No one voted for the Chancellor of Justice, who is thus not politically accountable.

When evaluating the actions of the Chancellor of Justice in view of safeguarding the rule of law, it is also essential to consider that not only is it dangerous to be actively hands-on, it is equally dangerous though less conspicuous to be actively hands-off.

26 The dealings of the Constitutional Law Committee include a statement from some years ago dealing with the role of the Chancellor of Justice as an advisor to the Government. **https://www.eduskunta.fi/FI/Vaski/sivut/trip.aspx?triptype=ValtiopaivaAsiakirjat&docid=pevm+9/2005**

A supervisor of legality may be faced with evaluating things where they are the only legal control mechanism. An example of this would be a matter that is decided by the Government alone and is not submitted to Parliament. In some cases, a core part of the decision-making relies on confidential material, which inhibits transparency and meaningful control through publicity. There are also scenarios involving all of the above.

On the other hand, it is problematic to be too aloof. This may lead to information deficits, a loss of feeling for the realities of political decision-making, a lack of expertise and ultimately marginalisation and loss of authority. One must be familiar with the dynamics and content of politics in order to be able to evaluate its legal ramifications.

Because the institution of the Chancellor of Justice is also a single individual, personal choices and characteristics are also relevant for determining how long the 'arm's length' actually is. It would be helpful both for the Chancellor of Justice and for the rule of law in general if the Chancellor's operations could be directed on the basis of clearly outlined provisions and related up-to-date travaux préparatoires.

In this respect, it is worth focusing on two circumstances that apply to the position and duties of the Chancellor of Justice.

There is no specific provision in the Constitution concerning the independence and impartiality of the supreme overseers of legality, although the Chancellor of Justice is mentioned in the travaux préparatoires of the comprehensive reform of the Constitution. According to the rationale for section 69 of the Constitution, the Chancellor of Justice is attached to the Government but "despite their organisational position is a supervisor of legality legally independent of the Government". (HE 1/1998 vp, p. 119)

In other words, there is no fundamental provision on legality supervision in the Constitution, i.e. a provision such as the one defining the exercising of judicial power as a power of the State: "The judicial powers are exercised by independent courts of law, with the Supreme Court and the Supreme Administrative Court as the highest instances." Supervision of legality is not commonly considered

a power of the State; if it were, provisions on its independence and impartiality might be included in chapter 10 of the Constitution (concerning the supervision of legality), specifically section 108. What is essential, however, is the content of the provision establishing the independence of legality supervision in the framework of the rule of law.

Another observation has to do with the relationship between the core provisions concerning the Chancellor of Justice in the Constitution, i.e. subsections 1 and 2 of section 108. The Constitution as it currently stands unfortunately does not back up the independence of the Chancellor of Justice. It does not specifically distinguish between legality supervision on the one hand and legal consultation on the other, nor does it ultimately determine which of these functions is the proper domain of the Chancellor of Justice. As it is, both of the above are duties of the Chancellor of Justice, and neither may be refused.

Section 108(1) of the Constitution provides for supervision : "The Chancellor of Justice shall supervise the lawfulness of the official acts of the Government and the President of the Republic" and "ensure that the courts of law, the other authorities and the civil servants, public employees and other persons, when the latter are performing a public task, obey the law and fulfil their obligations". Section 108(2) states that the "Chancellor of Justice shall, upon request, provide the President, the Government and the Ministries with information and opinions on legal issues".

In theory, this may seem quite clear, and the important phrase "legal issues" is included. The relationship between these two subsections may be understood so that subsection 1 concerns the legal limits of the decision-making powers of the Government and of the President of the Republic and the supervision of compliance with them, while subsection 2 may be considered to concern guidance for discretion exercised within the aforementioned legal limits by means of giving information and issuing statements on legal issues. This may be understood to embody a warning of the risk of breaking the law for decision-makers.

By contrast, the provision neither directs nor allows the Chancellor of Justice to exert influence on the choice of options for any particular solution or the evaluation of their feasibility, i.e. to act as an advisor.

However, in practical close interaction with decision-makers it may be difficult to distinguish between these two elements. It may be even more difficult to make such a distinction from the perspective of an outsider evaluating the credibility of the Chancellor of Justice's supervision of legality on the basis of optics.

It might therefore be justifiable to consider whether the independence and impartiality of legality supervision, a mandated duty of the Chancellor of Justice, should be enshrined in the Constitution. It might also be necessary to clarify the duty provided for in section 108(2) and how this relates to the legality supervision function.

It might therefore be justifiable to consider whether the independence and impartiality of legality supervision, a mandated duty of the Chancellor of Justice, should be enshrined in the Constitution.

Reporting obligation of the supreme overseers of legality

Established practices play a significant role in Finnish constitutional law. Sometimes these are entered as provisions in the Constitution or other legislation. The general aim in the most recent reforms of the Constitution has been to make the Constitution comprehensive. In other words, the essential content of the law should be included in the provisions themselves, not in established practices known only to experts or just assumed to exist.

The fundamental notion of constitutional law is that it represents a sovereign entity imposing limitations on its own powers. In other words, the entity enacts provisions that restricts its powers or how they are exercised and then undertakes to comply with those provisions. In the Finnish Constitution, this is encoded in section 2(3): "The exercise of public powers shall be based on an Act. In all public activity, the law shall be strictly observed." The rule of law principle guarantees that all exercise of sovereign power is predictable and transparent, and the principle of the Constitution being comprehensive contributes to this goal.

The Constitution provides for the reporting obligations of the Chancellor of Justice. In ordinary terms, this reporting is performed pursuant to section 108(3) of the Constitution, as the Chancellor of Justice submits an annual report "on the official actions and observations on compliance with the law" to Parliament and to the Government. Another, in some ways extreme form of reporting for the Chancellor of Justice is the legal responsibility provided for in section 117 of the Constitution.

The Annual Report of the Chancellor of Justice contains information, statistics and analyses on legality supervision. It is indicative of the independent status of the Chancellor of Justice vis-à-vis the Government that although the Annual Report is submitted to the Government whose actions are supervised by the Chancellor of Justice, it is not discussed by the Government in any way. By contrast, in Parliament the Annual Report is discussed as a parliamentary matter.

It is customary for the Constitutional Law Committee to invite to a hearing the Chancellor of Justice, the Deputy Chancellor of Justice, their substitute and the Secretary General, who complement, update and provide context for the information in the Annual Report, highlight matters that they consider important for discussion by the Committee, explain their decisions and answer questions from Committee members. In recent years, the Annual Report has been discussed by other parliamentary committees as well.

The fact that all significant decisions and other information are published on the Chancellor of Justice's website on an ongoing basis has very much reduced the informative function of the Annual Report. As far as Parliament is concerned, the Annual Report may be regarded as a summary that provides impulses and input for legal policy debate.

However, discussing the Annual Report in committee is also a means for exercising supervision over the Chancellor of Justice. In the travaux préparatoires for the comprehensive reform of the Constitution, it is noted in the rationale for section 117, concerning the legal responsibility of the Chancellor of Justice and the Parliamentary Ombudsman, that "it must be noted in this respect that Parliament has the opportunity for ex post review of the actions of the Chancellor

of Justice and of the Parliamentary Ombudsman, particularly when debating their respective Annual Reports to Parliament" (HE 1/1998 vp, p. 172). Typically, this concerns items such as the processing times of complaints, the number of complaints rolled over to the following year, the sufficiency of resources, current legislative projects involving the Chancellor of Justice, and so on. The quoted part of the rationale may be interpreted to mean that the procedure rooted in section 117 of the Constitution is by no means the only way of supervising the actions of the Chancellor of Justice.

In discussing the Annual Reports of the supreme overseers of legality, the Constitutional Law Committee has principally refrained from addressing any individual decisions made by them. In its review of the 2022 Annual Report of the Chancellor of Justice, the Committee noted:

> "According to well-established practice, the Constitutional Law Committee in discussing the Annual Reports of the Chancellor of Justice of the Government and of the Parliamentary Ombudsman generally elects not to evaluate the individual solutions or opinions of the supreme overseers of legality." (PeVM 2/2024 vp, paragraph 3)

In the exceptional cases where individual decisions have been addressed, this may have concerned decisions already made but has not been limited to decisions made in the year under review. For instance, in discussing the 2012 Annual Report of the Chancellor of Justice, the Constitutional Law Committee brought up the matter of freedom of religion and conscience at events held at schools, although this essentially had nothing to do with the year under review.[27] (PeVM 2/2014 vp)

The Committee may, at its own initiative, discuss any individual cases resolved by a supervisor of legality which they consider important, doing so separately from the actual discussion of an Annual Report (e.g. PeVM 30/2020 vp). By contrast, the Committee does not discuss cases that are currently pending.

27 https://www.eduskunta.fi/FI/naineduskuntatoimii/kirjasto/tietopalvelulta-kysyttya/Sivut/miten-perustuslakivaliokunta-on-linjannut-suvivirren-laulantaa-kouluissa.aspx

It may be worth noting that the quote above contains the word “generally”, although the Committee has also stressed that it is “not a court of appeal for decisions on complaints made by the Chancellor of Justice”. (PeVM 2/2024 vp, paragraph 4)

The provisions on the Annual Report discussed above have the purpose of establishing a balance between independence on the one hand and transparency and accountability on the other. This balance is built into the obligation to submit an Annual Report, and there are no other statutory reporting obligations than those provided for in sections 108 and 117 of the Constitution.

Having said that, it must be noted that there are unresolved issues in this context. In exceptional cases, the Constitutional Law Committee has discussed legality supervision decisions made by the Chancellor of Justice and has issued opinions that have been considered in the administration to be of a governing nature. Parliament has reserved the right to intervene in the legality supervision of the administration and to actually conduct that supervision itself, albeit this is not “generally” done and is only undertaken “when (Parliament) considers it important”. However, there are no provisions in respect of this procedure in the Constitution. This prompts the question of whether this “well established practice” should be enshrined in law in a way that protects the integrity of legality supervision and ensures legal protection for the supervised parties.

Position of the supreme overseers of legality under public service law

The debate about the closing of the eastern border demonstrated that a supervisor of legality having a strong position under public service law may be of great significance. Their decisions may prompt strong reactions and demands for dismissal. Knowing that liability for acts in office is clearly defined gives security and stability for supervisors of legality in the performance of their duties.

Under the Constitution, the Chancellor of Justice is subject to the same provisions for bringing charges, prosecution and initiation of a case as members of the Government. However, there are material differences in the grounds for bringing charges. For Ministers, the provision states:

> "A decision to bring charges against a Member of the Government may be made if he or she has, intentionally or through gross negligence, essentially contravened his or her duties as a Minister or otherwise acted clearly unlawfully in office."

For supervisors of legality, on the other hand, the common provisions for an offence in office as per the Criminal Code apply, without the added qualification applied to Ministers.

The Chancellor of Justice is protected against public pressure by the fact that they are appointed for an indefinite term of office. A fixed-term appointment would naturally not offer similar security, because an unwelcome officeholder would simply not be reappointed to the position. The Chancellor of Justice and Deputy Chancellor of Justice are appointed by the President of the Republic in a presidential session of the Government on referral by the Minister of Justice and acting on a proposal made by the Government. It may be considered that this division of responsibilities also contributes to a kind of balance.

Another issue in relation to the position of the Chancellor of Justice under public service law has to do with the Act on Public Officials in Central Government. Under section 26 of said Act, the Chancellor of Justice or Deputy Chancellor of Justice may be "dismissed if there is an acceptable and justified reason for it, in view of the nature of their office".

Although this does not provide for unlimited discretionary dismissal, it does prompt the question of whether this undermines the guarantee against removal from office of supervisors of legality and allows for arbitrary dismissal. The now current debate on securing the independence of judges also initially stemmed from concerns about the guarantee against removal from office for judges. These issues concerning judges are closely related to issues with the independence and impartiality of supervisors of legality. Should the Constitution therefore

contain a provision whereby the Chancellor of Justice could not be dismissed from office except by decision of a court of law?

Making the blind spots visible

The tone in recent debate has indicated that the functioning of and protection given by the rule of law should be examined critically with consideration to how it could be sustained in unstable times.

The consensus is that the rule of law in Finland is robust, and international comparative studies concur with this view. The tone in recent debate has indicated that the functioning of and protection given by the rule of law should be examined critically with consideration to how it could be sustained in unstable times.

The debate has focused on international examples and what the situation is like in other countries. Although such topics prompt an evaluation of these things at home as well, they are of little value as input in considering the status of legality supervision, as they may cause us to ignore something unique to us that other countries do not have. This means identifying blind spots in our national systems.

In strengthening the crisis resilience of the rule of law, it is of course also important to identify the positive features that protect our system and have made it robust. Building on our existing strengths will make our system even stronger. These positive features crucially include independent and impartial legality supervision.

Care must be taken in fixing a system that is not broken. The alternative proposed must be significantly better. Obviously, restricting or reducing legality supervision is not helpful for the rule of law. It would be more beneficial to secure the independence of legality supervision and to strengthen its status.

The institution of the Chancellor of Justice in Finland has survived in essentially the same form for more than 300 years, albeit with some bumps and bruises along the way. This has been possible because society needs and has always

needed independent and impartial supervision of legality. However, this function must be diligently safeguarded and further developed according to changing circumstances. This includes making blind spots visible when needed. We should remember that legality supervision is always a part of the society in which it operates. If decision-makers did not have the will and the conviction to abide by the law, legality supervision would ultimately be powerless.

2 Overview of the year under review

Key elements in legality supervision by the Chancellor of Justice

In 2024, the Chancellor of Justice continued to enhance supervision and its effectiveness and to shift the focus in operations increasingly towards structural supervision.

In the supervision of Government activities, the number of cases increased particularly in statute control, as the proposals of the Government Programme were more broadly put into practice. The number of statements and ex ante reviews of proposed legislation doubled from 2023. The security of the eastern border and the declining outlook in central government finances continued to increase the supervision workload of the Chancellor of Justice. In the year under review, attention was also paid to legal issues in the digitalisation and automation of public administration, both in statute control and in other legality supervision.

The number of complaints taken up for closer scrutiny increased slightly on the previous year (2024: 1,411; 2023: 1,268), as did the number of complaints requiring investigation (2024: 1,014; 2023: 843). Meanwhile, the percentage of complaints requiring an investigation leading to a sanction decision or to drawing attention to lawful or appropriate conduct decreased to 13% (2023: 18%). In the complaints requiring investigation, no charges were directed to be brought, but 14 reprimands and 114 opinions were issued. The largest numbers of complaints were brought, as before, against the Government, the general courts, the police and local authorities. Despite the increasing number of cases, the processing time for complaints has been reduced. In 2024, somewhat more complaints were resolved on proposal than were submitted (1,508 vs. 1,411). During the year under review, 419 complaints as referred to in section 3 of the Act on the Division of Duties Between the Chancellor of Justice of the Government and the Parliamentary Ombudsman (330/2022) were transferred to the Parliamentary Ombudsman (2023: 285).

Increased attention was given in the year under review to legality supervision at the Chancellor's own initiative, with more cases filed and on-site inspection visits undertaken than before. There were 17 on-site inspection visits in all,

concerning wellbeing services counties, Regional State Administrative Agencies, the Ministry of Social Affairs and Health, the social security and employment pension appeal boards, District Courts, Prosecution Districts, the National Court Administration and the National Prosecutor's Office. In the case of the National Court Administration, particular attention was paid on on-site inspection visits and otherwise to internships at district courts. This aspect is discussed in a themed article in part 4 of the present Annual Report ('Court internships').

A total of 43 cases were opened at the Chancellor's own initiative (2023: 24), and 41 were resolved (2023: 28). These resolutions led to one reprimand, 33 opinions and one suggestion for improving court rules.

The number of cases involving offences in office by judges continued to increase slightly year on year (2024: 91; 2023: 72). Suspected offences in office by judges are reported to the Chancellor of Justice by Courts of Appeal, by prosecutors and by the police. Of the resolutions issued in cases involving alleged offences in office by judges in the year under review, 20 led to further action: charges were brought in one case and 14 reprimands and 5 opinions were issued.

Under the Act on the Chancellor of Justice of the Government, the Chancellor reviews penalty judgements imposed by district courts. Reviewing penalty judgements is a special duty assigned to the Chancellor of Justice alone. In 2024, the number of penalty judgements reviewed was similar to that in previous years at just over 4,200; 93 cases were taken up for closer scrutiny. In the year under review, action was taken in 66 cases: charges were brought in one case and 18 reprimands and 46 opinions were issued.

It is a special duty of the Chancellor of Justice to supervise the actions of attorneys-at-law, public legal aid attorneys and licensed legal counsels. The Chancellor of Justice supervises the supervisory system and Disciplinary Board of the Finnish Bar Association and the Board on Trial Counsel to ensure that their operations are appropriately managed. The number of cases filed in the supervision of attorneys remained relatively high (2024: 847; 2023: 984); 884 cases were resolved (2023: 916).

Centralised whistleblower reporting channel

The Act on the Protection of Persons Reporting Infringements of European Union and National Law (1171/2022), also known as the Whistleblower Act, entered into force at the beginning of 2023. It provides for a new duty for the Office of the Chancellor of Justice in maintaining a centralised external reporting channel. We now have two years of experience in operating this channel and the whistleblower protection system. The number of reports made through the centralised channel and processed by the competent authorities has remained low, and no conclusions can yet be drawn on their basis of any particular problem points in the areas covered by the Act. In May 2025, the Office of the Chancellor of Justice will submit to the European Commission the annual report provided for in section 38 of the Whistleblower Act, a compilation of information received from the competent authorities on the number of reports, their distribution, their processing and action taken.

Revising the Annual Report of the Chancellor of Justice

The present Annual Report continues the reform process begun with the 2023 Annual Report, the purpose of which is to devise a more topical, more concise and more illustrative report catering to the information needs of Parliament, of the Government and of other interested parties. In this reform, the focus shifts to publishing decisions of the Chancellor of Justice on the website of the Office in the public information network (www.oikeuskansleri.fi) and in the Finlex database (FOKA), where decisions can be efficiently searched using various search criteria. Only the most important decisions on action on legality supervision are referred to or summarised in the Annual Report, based on whether they are considered to be of broader interest or impact. In addition to summaries of selected decisions, the revised Annual Report contains themed articles or syntheses discussing key legality supervision observations and actions in the year under review.

Workload situation

Despite the growing number of cases, the workload situation at the Office of the Chancellor of Justice as at the end of 2024 was significantly better than in the previous year. In 2024, 3,311 legality supervision cases were filed (2023: 2,900), and 3,419 cases were resolved (2023: 2,887). At the end of 2024, 590 cases were pending (2023: 724). Progress was made in reducing the processing times of complaints: at the end of 2024, there were 12 complaints that had been pending for more than a year, as opposed to 93 at the end of 2023.

Appendix 5 to the present Annual Report presents the organisation, personnel and finances of the Office of the Chancellor of Justice.

International cooperation

On 10-11 June 2024, Chancellor of Justice Tuomas Pöysti hosted a joint meeting of Baltic and Nordic Parliamentary Ombudsmen and Chancellors of Justice. This meeting is held annually, each time at a different venue. This year, the main theme of the meeting was cooperation between the media and legality supervision from the perspective of the parliamentary ombudsman institution. There were discussions on topics such as the media as an information source for legality supervision and media cooperation in the efficient targeting of supervisory operations. In addition to the main theme, discussions featured hybrid operations in asylum procedures and the role of supervisors of legality in managing the situation; the relationship and collaboration between the parliamentary ombudsman institution and parliament; and protecting participants in public debate from lawsuits without merit ('SLAPP lawsuits').

The Chancellor of Justice had a meeting with the intelligence oversight authority of the German Bundestag on 4 March 2024. This meeting was about the oversight of intelligence services, current threats and challenges, general security issues and collaboration on security matters at the EU level. These topics were also on the table when the Chancellor of Justice met the intelligence oversight authority of Sachsen-Anhalt on 6 March 2024.

The Chancellor of Justice attended a conference held by the EU Fundamental Rights Agency in Vienna on 11-12 March 2024, where he gave a talk at the session titled “From code to conscience: Ensuring rights-compliant digitalization”. The Chancellor of Justice attended an event titled “Future challenges of EU administration” held by European Ombudsman Emily O’Reilly in Brussels on 24-26 September 2024.

The Chancellor of Justice and Deputy Chancellor of Justice Mikko Puumalainen attended a meeting of the International Ombudsman Institute (IOI) in the Hague on 14-16 May 2024.

Deputy Chancellor of Justice Mikko Puumalainen was a member of the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe from 1 June 2020 to 31 May 2024, being 2nd deputy chair as of 3 February 2021. In addition to the plenary sessions of the Advisory Committee, the Deputy Chancellor of Justice attended the TAIEX conference of Parliamentary Ombudsmen of Central Asian countries (European Commission Technical Assistance and Information Exchange) in Helsinki on 15 April 2024 and the TAIEX INTPA conference supporting the activities of the Parliamentary Ombudsman of Kenya in Nairobi on 6-10 May 2024 (Expert Mission on the right to information and administrative justice). He gave a training course for the personnel of the Office of the Parliamentary Ombudsman of Uzbekistan on 3-7 June 2024.

As in previous years, the Chancellor of Justice and Deputy Chancellor of Justice contributed to the drafting of the European Commission’s 2024 Rule of Law Report, as Finland’s supreme overseers of legality. Evaluation of the rule of law forms part of the EU’s rule of law mechanism.

3 Supervising the legality of the official actions of the President of the Republic and of the Government

Supervising the legality of the official actions of the President of the Republic and of the Government

- The Chancellor of Justice supervises the legality of the official actions of the President of the Republic and of the Government but cannot prevent them from making decisions.

- If the Chancellor of Justice observes something to remark on vis-à-vis the legality of decision-making, the Chancellor must present a justified opinion on the matter. If this opinion is ignored, the Chancellor must enter it into the Government record and take other action as and if necessary.

- Supervision of decision-making is mostly ex ante control. Its purpose is to ensure that any legal issues involved in a decision-making procedure are resolved before the decision proposal is even presented at a plenary session or presidential session of the Government.

- At the decision preparation stage, the Chancellor of Justice issues statements and opinions at the request of ministries on draft decisions and the decision-making procedure from the perspective of legality supervision.

- All documents dealt with at plenary and presidential sessions of the Government are previewed at the Office of the Chancellor of Justice.

- The Chancellor of Justice sits in on plenary and presidential sessions of the Government and, whenever legality supervision so requires, in Government negotiations, in sessions of the Ministerial Committee on Foreign and Security Policy (UTVA) and joint sessions of the President of the Republic and that Committee (TP-UTVA).

- The Chancellor of Justice deals with complaints concerning decision-making.

- If there is any cause to suspect errors in the procedure after a decision is made, the Chancellor of Justice may conduct an ex post investigation into the matter.

- The Chancellor of Justice reviews the minutes of the plenary and presidential sessions of the Government.

Legality supervision in bill drafting

Chancellor of Justice

- supervises legality and compliance with good bill drafting practice but does not participate in the drafting
- particularly supervises compliance with the Constitution and international human rights obligations, the exercising of participation rights, the consistency of legislation and the appropriate consideration of EU law
- systematically monitors the Government's bill drafting plans and requests for statements from ministries
- issues statements from the perspective of legality supervision on draft bills, both on request and at the Chancellor's own initiative
- reviews government proposals at the final stage of preparation, both on request by ministries and at the Chancellor's own initiative
- reviews all government proposals and Government Decrees before they are presented at a plenary session of the Government
- supervises compliance, in decision-making in plenary sessions of the Government, with the feedback given by the Chancellor in statements and ex ante reviews
- issues expert statements on request by Parliamentary Committees

Duties of the Chancellor of Justice in sessions

- under the Constitution, in the interests of legality supervision the Chancellor of Justice must be present at sessions of the Government and when matters are presented to the President of the Republic
- the Chancellor of Justice shall, upon request, provide the President, the Government and the Ministries with information and opinions on legal issues
- the constitutional obligations of the Chancellor of Justice apply to plenary and presidential sessions of the Government
- the Prime Minister and the President of the Republic have, on occasion, requested a statement on legality from the Chancellor of Justice in a session
- the constitutional obligation of the Chancellor of Justice to provide legal information and statements comprises ex ante legality review, not an advisory service to the Government

- if the Chancellor of Justice observes any legal issues to remark on when reviewing the agenda for a plenary or presidential session of the Government, the Chancellor will ask for any shortcomings and errors to be corrected
  - if the corrections prepared by the relevant ministry are not satisfactory, or if the corrections would be so extensive that there is not enough time to prepare them before the session, the Chancellor will request the item to be removed from the agenda and to be reintroduced, appropriately corrected, in a later session
  - however, the Chancellor of Justice does not have the authority to block a decision by the Government or by the President of the Republic
- under the Constitution, if the Chancellor of Justice observes that the lawfulness any decision or action by the Government or by a minister or by the President of the Republic merits an admonition comment, the Chancellor shall present the admonition with justifications
- if this admonition is ignored, the Chancellor must enter it into the Government record and take other action as and if necessary
  - the threshold for invoking this procedure is high, and this only really becomes relevant if a decision proposal involves a legal issue of such magnitude that a legally acceptable decision is not possible

- it is also stated in the Act on the Chancellor of Justice of the Government that the Chancellor may enter their opinion in the minutes of the Government session if they consider that an item on the agenda involves a legal issue meriting that opinion
  - if, on the basis of a response received to a comment, the Chancellor of Justice rules that there are no legal grounds for objecting to the decision but that there is significant legal ambiguity or other legal circumstances warranting further consideration, the Chancellor may speak on the matter in the Government session and have this entered in the minutes. In such a case, the opinion of the Chancellor of Justice and the content of the statement are recorded in the minutes
  - any statement made by the Chancellor of Justice in a session of Government is also recorded in the case management system of the Office of the Chancellor and generally also posted on the Office's website
- any societally and legally significant requests for rectification and statements regarding sessions made by the Chancellor of Justice are also recorded in the case management system of the Office of the Chancellor

Digitalisation supervision secures basic rights and streamlines everyday life

Digitalisation has a profound impact on how individuals, enterprises and corporations manage their everyday affairs and also on the implementation and balance of basic rights. It is important to ensure that public administration systems are reliable, error-free and in compliance with good governance. Also, the data used for training the systems and algorithms must be reliable. Data errors may constitute a serious legal protection problem.

In 2024, digitalisation supervision was undertaken in many forms. The Chancellor of Justice issued multiple statements on legislative projects proposing new regulation, new forms of digitalisation or the extending of digitalisation to new domains. These statements focused on compliance with constitutional law and EU law. The Chancellor of Justice and Deputy Chancellor of Justice resolved complaints and undertook investigations on their own initiative inter alia on the rights of public administration clients, good digital governance and automated decision-making used by public authorities.

Ex ante statute control for digitalisation

The Finnish digitalisation model relies heavily on the compilation of large quantities of data in a centralised register. By default, these data are used for justified purposes. This facilitates efficient action by the authorities, and the fact that the data only need to be collected once helps streamline everyday lives. However, erroneous data in a centralised register can cause loss of legal protection and all kinds of difficulties for a data subject. According to the EU General Data Protection Regulation, the principles relating to the processing

of personal data include that the data must be correct, up to date and accurate. For data to be accurate and for it to be possible to rectify inaccurate data are major criteria for legal protection and good governance in a digital society and public administration.

The Chancellor of Justice noted in ex ante statute control that the Incomes Information System and the Positive Credit Register need to be provided for in the Constitution and with regard to the protection of personal data enshrined in EU law. Both registers involve processing large quantities of data, some of them sensitive, and disclosing data to multiple recipients. In an ex ante review memo,[28] the Chancellor of Justice drew the attention of the Ministry of Finance to the disclosure of data. If a data subject has disputed the correctness of particular data, it should not be possible to disclose those data from the register. For safeguarding the rights of data subjects and for public interest, only correct data should be disclosed from registers.

The Chancellor of Justice also returned a statement to the Ministry of Justice concerning the government proposal to amend the Act on the Positive Credit Register so that data on housing company loans would also be entered in it.[29] The Chancellor estimated that the proposed regulation would clash with the protection of privacy and data protection provided for in the Constitution. The government proposal states that data on housing company loans would be copied to the Positive Credit Register from the Residential and Commercial Property Information System. However, the Chancellor of Justice noted in a decision taken on the Chancellor's own initiative[30] that the latter system is very much overloaded. It is thus questionable whether the registers would function properly. More generally, it is a significant risk for digitalisation that it may prove impossible to get information systems and the functions based on them to run smoothly enough to cater to the needs of clients by the time that the legislation on the relevant registers or information systems enters into force.

28 OKV/2040/23/2024.
29 **OKV/2659/21/2024**.
30 **OKV/2041/70/2024**.

The Chancellor of Justice returned a statement to the Ministry of Justice concerning data protection legislation reform.[31] The Chancellor noted that the current fragmented and confusing state of the relevant legislation is a hindrance to the digitalisation of public administration. Avenues for clarifying the regulatory environment should be explored in further preparatory work. The conflict between the publicity principle and data protection must be kept in mind when reforming data protection legislation. Legislative measures should be considered to ensure the publicity of court proceedings.

Towards the end of 2024, the Chancellor of Justice issued the first statements on government proposals concerning the use of AI in public administration. The Chancellor returned a statement to the Ministry of Economic Affairs and Employment concerning legislation to implement the EU Artificial Intelligence Regulation.[32] According to the Chancellor, the government proposal is mainly consistent with good bill drafting practice, but there are points requiring further specification and augmentation. The section about the scope of application should be carefully considered in a national Act implementing directly applicable EU legislation in a case where the scope of application in the EU legislation is unspecified. Also, the relationship of the proposed provisions to data protection legislation must be further specified in the government proposal. In the decentralised supervisory model required under EU law, the jurisdictions of the supervisory authorities must be legislated with sufficient accuracy and detail. This is also true of the provisions concerning penalty fees. Provisions concerning the supreme overseers of legality must also be added to the government proposal. The supreme overseers of legality supervise all other supervisory authorities and therefore cannot be subject to the supervision of lower-level supervisors of legality. The status of the supreme overseers of legality in Finland is a legislative procedure issue.[33]

31 OKV/1563/21/2024.
32 OKV/2594/21/2024.
33 PeVL 14/2018 vp, pp. 12–13.

The Chancellor of Justice returned a statement to the Ministry of Education and Culture concerning the legislative project on the continuous learning digital service package.[34] The draft government proposal includes a suggestion of using AI as part of the service intended for citizens. If enacted, this would be one of the first Finnish pieces of legislation providing for the use of AI in public administration. The relationship of the proposed legislation to the EU Artificial Intelligence Act and how much discretion the latter allows for at the national level must be clearly detailed. For legislation of this kind, government proposals must necessarily address the issue of what the relationship is between data protection legislation and the Artificial Intelligence Act in the context.

Resolutions concerning good digital governance

The Deputy Chancellor of Justice resolved a complaint concerning the digital realisation of the right of participation that is guaranteed in the Constitution.[35] The complainant criticised the Ministry for Foreign Affairs for not entering the complainant's statement in the lausuntopalvelu.fi online service. According to the Deputy Chancellor of Justice, posting the request for a statement and related instructions on lausuntopalvelu.fi must be regarded as public communication by an authority and is therefore subject to the principles of good governance. The Ministry was advised to ensure that the right of participation enshrined in the Constitution and the principles of good governance as per the Administrative Procedure Act are complied with when publishing requests for statements and when receiving the statements returned.

Language rights must be respected in digital administration as well. The Åland Government notified the Office of the Chancellor of Justice that the case management system for immigration affairs (UMA) operated by the Finnish Immigration Service, which is also used on Åland, is only available in Finnish. The case was investigated at the initiative of the Deputy Chancellor of Justice,

34 OKV/2797/21/2024.
35 OKV/1007/10/2024.

who issued a proposal for action.[36] The Deputy Chancellor ruled that the UMA system did not comply with the requirements of the Language Act and the Act on the Autonomy of Åland.

Automated decision-making in public administration

Automated decision-making in taxation was investigated at the Chancellor of Justice's own initiative.[37] This investigation was about assuring the reliability of automated decision-making adopted by public authorities. Automated decision-making means that matters can be resolved without officials exercising discretion. According to a report submitted by the Tax Administration, they are aware of the restrictions imposed by law on automated decision-making, and automation is only used to resolve matters where individual discretionary consideration is not required.

Under the Administrative Procedure Act, if a case has been resolved using automated decision-making, this must be stated in the decision sent to the person in question. The Tax Administration stated in its report that generally this is entered on taxation decisions in the form of a sentence stating that automation was used in making the decision. The Chancellor of Justice noted that this may lead to the impression that "automated decision-making" includes scenarios where automation is used as an aid but the ultimate decision is made by an official. However, the wording of the decision and the advice to visit a website providing further information do quite adequately inform the client how automated decision-making has been used in taxation. The Chancellor of Justice ruled that legality supervision measures were not necessary.

Supervision of automated decision-making continues in 2025. In autumn 2024, automated decision-making at the Social Insurance Institution (KELA) was investigated at the Chancellor of Justice's own initiative.

36 OKV/894/70/2024.
37 OKV/656/70/2024.

Summary

In the future, better attention must be paid to the clarity and consistency of legislation in the regulation of digitalisation. In the context of the Finnish legal system, the instruments of EU law that govern technology, such as the Artificial Intelligence Act, are complicated and not always easy to understand. This being the case, it is vital that our national legislation be clear and accurate. In legislation on AI in particular, it must be ensured that the definitions, scope of application and relationship to other legislation are clearly determined in the provisions. Legislation that is subject to interpretation adds an unnecessary administrative burden and should be avoided. Legislation must be comprehensible and easy to apply in the context of promoting digitalisation.

In the future, better attention must be paid to the clarity and consistency of legislation in the regulation of digitalisation.

4 Supervision of the administration of justice

Supervision of courts of law and prosecutors

General

- supervision by the Chancellor of Justice contributes to ensuring that trials are fair and reinforces public confidence in the appropriate administration of justice
- supervision does not intervene in the administration of law within the bounds of discretion of the independent courts
- the authority of the Chancellor of Justice in supervising courts, prosecutors and other authorities as well as the legal counsels of parties to court proceedings allows extensive evaluation of the functioning of the administration of justice
- assigning the supreme overseers of legality the power of bringing charges for suspected offences in office committed by judges and prosecutors safeguards the independence of judges and prosecutors

Means for supervision of courts

- processing of complaints
- processing of notifications submitted by Courts of Appeal
  - Courts of Appeal have a statutory duty to notify the Chancellor of Justice of any circumstances coming to their attention that might lead to a charge of an offence in office being filed with a Court of Appeal
- processing of notifications submitted by the police
  - the police have been requested to submit notifications of any reports made to them of suspected unlawful acts by a judge in their official capacity
- reviewing penalty judgments
  - random sampling of criminal convictions involving custodial sentences in judgements made by District Courts
- legality oversight visits
- own initiatives

Means for supervision of prosecutors

- processing of complaints
- processing of notifications submitted by the police
  - the police have been requested to submit notifications of any reports made to them of suspected offences in office by a prosecutor
- legality oversight visits
- own initiatives

Supervision of attorneys-at-law, public legal aid attorneys and licensed legal counsels

- Supervision of attorneys-at-law, public legal aid attorneys and licensed legal counsels is mainly the domain of the Disciplinary Board and of the Board on Trial Counsel
- The Chancellor of Justice cannot impose any disciplinary sanctions on an individual attorney-at-law or public legal aid attorney or licensed legal counsel
- The Chancellor of Justice supervises the Disciplinary Board and the Board on Trial Counsel to ensure that they are in compliance with good governance and respect basic and human rights
- Complaints concerning actions of attorneys-at-law, public legal aid attorneys and licensed legal counsels may be filed directly with the Disciplinary Board
- If a complaint concerning actions of an attorney-at-law, a public legal aid attorney or a licensed legal counsel is submitted to the Chancellor of Justice, it may be forwarded to the Disciplinary Board

- The Chancellor of Justice will not, however, forward any non-specific or obviously unfounded complaints to the Disciplinary Board
- The Chancellor of Justice may file an oversight case with the Disciplinary Board if, in the Chancellor's opinion, an attorney-at-law, a public legal aid attorney or a licensed legal counsel has neglected their duties
- The Disciplinary Board and the Board on Trial Counsel submit their decisions to the Chancellor of Justice
- The Chancellor of Justice reviews the decisions and may appeal them to the Helsinki Court of Appeal. The appeal period is 30 days from the date when the decision is received by the Office of the Chancellor of Justice
- The Helsinki Court of Appeal reserves the right of reply to the Chancellor of Justice in appealed cases if a case is filed in some other way than by a complaint from the Chancellor of Justice
- The Chancellor of Justice ensures the safeguarding of basic and human rights, legal protection, good governance and legal certainty from the perspective both of clients of judicial services and of the common good
- The Chancellor of Justice also investigates complaints concerning the procedures of the Disciplinary Board or of the Board on Trial Counsel

5 Legality supervision of authorities and other parties performing public duties

Supervision of the activities of authorities

General

- the legality oversight conducted by the Chancellor of Justice on courts, public authorities and the Government is a single, interactive entity
- the legality of activities of authorities and the implementation of basic and human rights are evaluated using the means of legality oversight at the disposal of the Chancellor of Justice, in various combinations
- supreme legality oversight of the supervision conducted by other authorities is geared towards overseeing the effectiveness and efficiency of that supervision

Means of supervision

- processing of complaints
- legality oversight visits
- own initiatives

Goals of supervision

- the goals of the supervision include ensuring that the actions of public authorities are of a good quality and expediently performed

Processing of complaints

- the Chancellor of Justice will investigate a complaint if there is a suspicion that a person, an authority or other entity subject to the Chancellor's supervision has acted unlawfully or neglected to perform their duty, or if in the Chancellor's opinion there is another reason to do so
- the Chancellor of Justice will undertake measures considered appropriate in the interests of compliance with the law, legal protection or the implementation of basic and human rights
- an investigation will be performed in the case to the extent considered necessary by the Chancellor of Justice

Legality oversight visits

- allow evaluation of the coherence of the operations of authorities and of common errors in application practice, among other things
- have a preventive impact and may bring up new oversight issues
- promote interaction and exchange of information with the parties overseen
- may reveal information on shortcomings and issues in legislation

Own initiatives

- focus particularly on structural issues, such as legality issues on a scale broader than any individual complaint, or shortcomings in legislation, guidelines or training of officials
- are a way of highlighting latent problems and the status of vulnerable population groups
- are prompted for instance by observations made in legality oversight measures and in media monitoring

Consequences

- reprimand
- exhortation to comply with the law or with good governance
- measures to correct the matter (specifically, an additional appeal in cases having to do with the administration of law)
- the supreme overseers of legality may direct charges to be brought and pursue such charges in a case falling within their legality oversight purview
- the Chancellor of Justice may further make proposals for improving or amending provisions or rules if any shortcomings or discrepancies have been discovered in these through supervision measures, or if they have caused confusion or conflicting interpretations in the administration of justice or in administrative procedures

Supervision of social welfare and health care services in the wellbeing services counties

Deputy Chancellor of Justice Mikko Puumalainen has undertaken legality oversight visits[38] to the wellbeing services counties and to the Regional State Administrative Agencies that supervise their operations. The purpose of these visits included finding out how the operations of the wellbeing services counties had got under way and how well equipped they are to safeguard social welfare and health care services in their area. In particular, the Deputy Chancellor of Justice was looking for information on the self-monitoring of the wellbeing services counties and the supervision of officials.

The Act on the Supervision of Social Welfare and Health Care, which entered into force at the beginning of 2024, was intended to augment the responsibility of service organisers and service providers for the quality, safety and appropriateness of their services. The supervisory responsibility of a wellbeing services county applies both to its own task in organising the services and to the supervision of service providers.

'Organising services' means that the wellbeing services county is, among other things, responsible for ensuring the equal availability of social welfare and health care services at a level commensurate with the service needs of its residents. A wellbeing services county must have sufficient competence, functional capacity and readiness to manage social welfare and health care services in all circumstances.

38 Wellbeing services counties visited: Lapland 25 Aug 2023 (OKV/1535/71/2023), Southwest Finland 15 Nov 2023 (OKV/1950/71/2023), North Savo 19 Mar 2024 (OKV/112/71/2024), Vantaa and Kerava 28 Nov 2024 (OKV/2229/71/2024).

A wellbeing services county may discharge its responsibility for organising services by providing social welfare and health care services itself; by outsourcing them from private social welfare or health care service providers; or by providing service vouchers.

A wellbeing services county is obliged to supervise the quality and compliance with the law of both its own services and outsourced private services, while also ensuring client and patient safety.

With the national health and social services reform and the new Supervision Act, the supervisory function of the Regional State Administrative Agencies now focuses on ensuring that the wellbeing services counties fulfil their obligation to organise services and on supervising their self-monitoring. The supervisory authorities supervise the self-monitoring of wellbeing services counties through guidelines, training and discussions and by addressing shortcomings when self-monitoring does not adequately do so.

Of course, self-monitoring cannot replace the ex post supervision or systematic supervision that is the responsibility of the relevant authorities. If the self-monitoring of the wellbeing services counties is efficient and the Regional State Administrative Agencies are able to target their supervisory actions on an increasingly risk-based basis, pressures on the supervisory authorities will be significantly reduced.

Resources and oversight of organising responsibility highlighted on legality oversight visits

The legality oversight visits of the Deputy Chancellor of Justice involved discussing self-monitoring of the service organising and service providing of the wellbeing services counties, along with the organisation and practices of their self-monitoring. The supervision and control of wellbeing services counties by ministries and the supervisory authorities was also discussed from the perspective of the wellbeing services counties.

There was considerable variation in how the wellbeing services counties had started up and were organising their functions. The startup process was easier in regions with a pre-existing large intermunicipal authority. In regions where there had been numerous organisers of social welfare and health services prior to the reform, starting up and harmonising operations was more difficult.

It emerged in the course of the visits that supervision of the organising responsibility was considered difficult, with wellbeing services counties being unsure about how to manage it. There had been supervision before, of course, particularly of private service providers. The wellbeing services counties expressed as their wish that the Ministry of Social Affairs and Health and the supervisory authorities would provide guidelines for the supervision of the organising responsibility and for self-monitoring in general.

There were discussions on how self-monitoring could be credible and independent on the legality oversight visits of the Deputy Chancellor of Justice.

The lack of steering and resources posed problems for the devising of self-monitoring programmes and plans. On the legality oversight visits of the Deputy Chancellor of Justice, there were discussions on how self-monitoring could be credible and independent It emerged that wellbeing services counties found it difficult to comply with legislation concerning services with their current funding shortfalls.

On the visits to the Regional State Administrative Agencies[39] and Valvira,[40] the topics of discussion were supervision and steering of the wellbeing services counties, enforcement of the new Supervision Act and improving and renewing supervisory activities pursuant to the new Act. The visits also involved discussions of the performance management of Regional State Administrative Agencies and Valvira by the ministries.

39 Regional State Administrative Agencies visited: Southwest Finland 15 Nov 2023 (OKV/1912/71/2023), Eastern Finland 19 Mar 2024 (OKV/107/71/2024), Southern Finland 27 Nov 2024 (OKV/2230/71/2024).
40 Valvira 5 Oct 2023 (OKV/1831/71/2023).

Valvira collaborated with the Regional State Administrative Agencies in making steering and evaluation visits to the wellbeing services counties, and Valvira has provided guidance to the Regional State Administrative Agencies in the supervision of the wellbeing services counties. The supervisory authorities have sent guideline letters on supervision to the wellbeing services counties. Valvira has issued an order in respect of the content of self-monitoring plans.

The supervisory function of the Regional State Administrative Agencies has been revised and now focuses on ensuring that the wellbeing services counties fulfil their obligation to organise services and on supervising their self-monitoring of service providing. In many cases, the wellbeing services counties request for more control by the supervisory authorities than they are able to provide. Supervisory measures, particularly the imposition of conditional fines, were seen as a problematic new element in performance management, considering their financial impacts. The Regional State Administrative Agencies made it clear that their resources were very limited.

Application guided by Ministry of Social Affairs and Health

The themes discussed on the legality oversight visit to the Ministry of Social Affairs and Health[41] were the steering of the wellbeing services counties, enforcement of the new Supervision Act the performance management of the Regional State Administrative Agencies and Valvira.

According to the Ministry, steering of the wellbeing services counties is a new thing. This steering cannot, however, go too far on legality issues, for instance. The steering is strategic in nature because the wellbeing services counties have autonomy. The steering is undertaken in tandem with the Ministry of Finance, with the Ministry of Finance being responsible for coordination.

41 Ministry of Social Affairs and Health 21 May 2024 (OKV/113/71/2024).

Training has been arranged on the enforcement of the Supervision Act, and the Ministry of Social Affairs and Health has issued a guideline on the training. No Decree on self-monitoring programmes has yet been issued.

The Ministry noted that performance management must consider the fact that the supervisory authorities are independent and impartial.

Based on information received and observations made on the legality oversight visits, the Deputy Chancellor of Justice began, at his own initiative, to investigate social welfare and health care services supervision in the wellbeing services counties (OVK/87/70/2025).

6 Whistleblower protection

Whistleblower protection

General

- Whistleblower protection based on the Whistleblower Act protects persons submitting notifications on particular types of misconduct, prohibiting retaliation against such persons.
- A whistleblower may report misconduct observed in connection with their work, for instance in public procurement, financing services, food safety, environmental protection, consumer protection, online security or information system security.
- Notifications on misconduct in an organisation should principally be filed through the organisation's internal notification channel.
- In some cases, it is justifiable to submit a notification directly through the centralised external whistleblower channel of the Office of the Chancellor of Justice.

Centralised whistleblower channel of the Office of the Chancellor of Justice

- Under the Whistleblower Act, it is the duty of the Office of the Chancellor of Justice to maintain a centralised channel where whistleblowers may file a notification in writing or orally. The identities of whistleblowers are protected.
- Notifications are not investigated by the Office of the Chancellor of Justice itself, nor does the Office verify whether the criteria for taking action or for whistleblower protection are satisfied.
- The Office of the Chancellor of Justice forwards notifications from the whistleblower channel to the competent authority. However, notifications that clearly fall outside of the scope of application of whistleblower protection are not forwarded to the competent authorities.
- The competent authority investigates whether the notification is accurate, estimates whether the Whistleblower Act applies to the notification and to the notifier, takes the necessary action and informs the notifier about the action taken.
- The competent authority is the authority whose statutory duty it is to monitor misconduct and to process notifications of them.

Reporting

- The competent authorities must report annually to the Office of the Chancellor of Justice on all notifications submitted pursuant to the Whistleblower Act, on how they were investigated and on what the outcomes were.
- The Office of the Chancellor of Justice further reports annually to the European Commission, giving the number of notifications and other information provided by the competent authorities, in accordance with the guideline issued by the Commission.

Legality supervision by the Chancellor of Justice

- Notifications made through the whistleblower channel of the Office of the Chancellor of Justice are not processed as complaints by the Office.
- Part of the legality supervision conducted by the Chancellor of Justice includes ensuring that the competent authorities fulfil their obligations under the Whistleblower Act.

Centralised whistleblower channel of the Office of the Chancellor of Justice

The Act on the Protection of Persons Reporting Infringements of European Union and National Law (1171/2022) entered into force on 1 Jan 2023. On that date, a centralised channel for submitting notifications was opened by the Office of the Chancellor of Justice. In May 2024, the Office of the Chancellor of Justice submitted its first report to the European Commission on the functioning of the whistleblower protection system. This was a statistical report in accordance with the guidelines issued by the Commission. The contents of the report were discussed in detail in the 2023 Annual Report of the Chancellor of Justice.

The number of notifications submitted through the channel remained rather low in 2024, its second year of operation. The majority of the notifications that were submitted fell clearly beyond the scope of application of the Whistleblower Act and were thus not forwarded to the competent authorities for investigation. This may mean that the persons submitting notifications do not fully understand the essential features and function of the system, and this in turn may be explained by the fact that the legislation is complicated. The Office of the Chancellor of Justice seeks to provide guidance on how to submit notifications through the channel and how it differs from filing a complaint. The number of notifications forwarded to the competent authorities is so small that no conclusions can yet be drawn for instance on whether there are any specific problem points in the domains covered by the Act.

The Office of the Chancellor of Justice has set up a network of authorities to support the system, including reporting procedures. The Office of the Chancellor of Justice requested the competent authorities to return, by 1 Mar 2025, reports on the number of notifications they had processed and their investigative measures in the year under review. The Office received information from 66 authorities. The 2024 report to the European Commission was compiled on the basis of those reports. According to this compilation report, the authorities received 73 notifications and entered into investigations for 64 notifications. None of them led to a police investigation, and none of them led to court proceedings being initiated.

It is now an established element of the legality supervision conducted by the Chancellor of Justice to review the actions of authorities in complying with the Whistleblower Act in the course of legality supervision visits.

7 Attachments

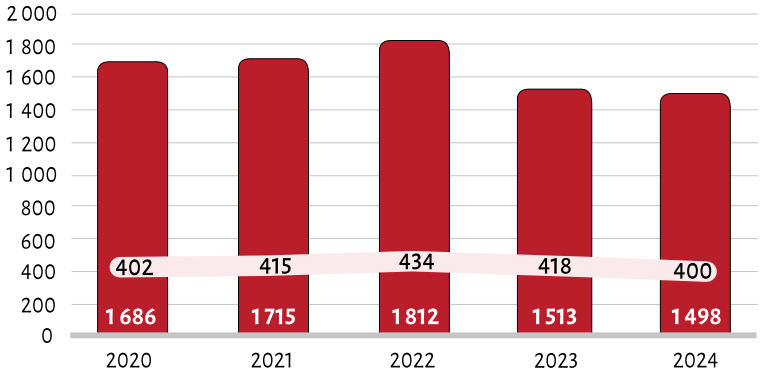
Appendix 1. **Statistics**

Supervision of the legality of the official duties of the President of the Republic and of the Government

Plenary and presidential sessions of the Government

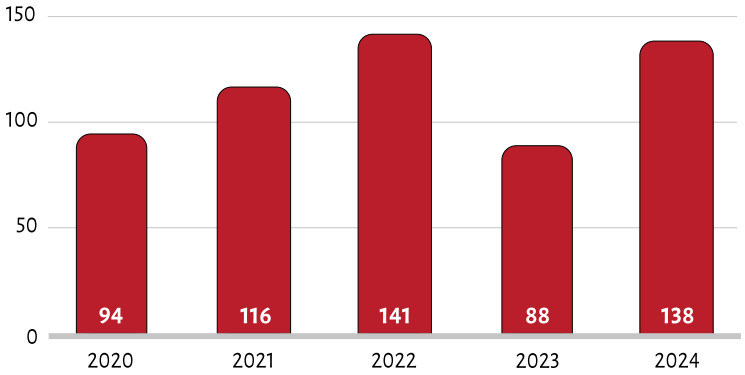
Sessions	86
Plenary session of the Government	57
Presidential session of the Government	29
Matters handled	1,898
Plenary session of the Government	1,498
Presidential session of the Government	400
Measures taken	436
Opinions given by the Chancellor of Justice[42]	38
Requests to correct presentation documents	398
• correction requests as a percentage of all matters dealt with at sessions	21%
• judicial corrections as a percentage of all correction requests	73%

42 As per section 108 of the Constitution, the Chancellor of Justice gives opinions at the request of ministries during preparation and at the Chancellor's own initiative when reviewing presentation documents. Any opinions that are of significance in respect of the exercising of public power are put on record.



Matters handledat plenary sessions of the Government

Decisions made by the President of the Republic in a session of the Government



Requests for statements and opinions from the President of the Republic, from the Government and from ministries
(excluding the requests for information or statements referred to in section 108(2) of the Constitution)

Legality oversight of legislative proposals

Requests for statements from ministries	138
• statements returned	66
Ex ante reviews of legislative proposals	26
Government proposals reviewed	217
Government Decrees reviewed	239
Requests to be heard by Parliamentary Committees	16

Complaints

Decisions concerning the Government and ministries	224

Matters concerning offences in office by judges

Matters filed	91
Notifications to the Chancellor of Justice	
• from the Courts of Appeal	15
• from the police	72
• from the prosecutor	4

Matters resolved	83
Measures taken	20
• charges brought	1
• reprimand	14
• opinion	5
Referred to the Parliamentary Ombudsman	1
No measure necessary	64

Matters concerning offences in office by prosecutors

Matters filed	54
Notifications to the Chancellor of Justice	
• from the police	48
• from the prosecutor	6

Matters resolved	38
No measure necessary	38

Review of penalty judgments

Judgments reviewed	4,243
Matters filed on the basis of a review	93

Matters resolved	97
Measures taken	66
• charges brought	1
• reprimand	18
• opinion	46
• other measure	1
No measure necessary	35

Supervision of attorneys-at-law, public legal aid attorneys and licensed legal counsels and the Disciplinary Board and the Board on Trial Counsel

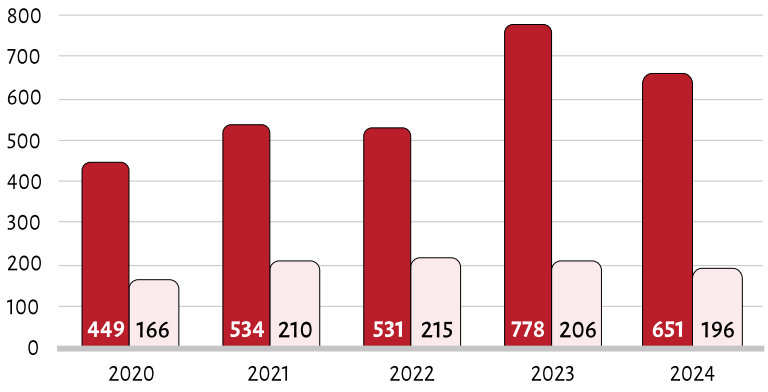
Matters filed	847
Supervision and fee disputes	651
Other supervision (including decisions by the Board on Trial Counsels, requests for statements from the Helsinki Court of appeal and notifications from prosecutors)	196

Matters resolved	884
Measures taken	19
• appealed	4
• otified to the Disciplinary Board	8
• statement	7
No measure necessary (ad acta)	865

All decisions made by the Disciplinary Board and by the Board on Trial Counsels are reviewed by the Office of the Chancellor of Justice.

Complaints	63
Complaints taken up for detailed legality oversight scrutiny	
• attorney-at-law, public legal aid attorney, Disciplinary Board	60
• licensed legal counsel, Disciplinary Board, Board on Trial Counsels	3

Complaints resolved	61
Complaints requiring an investigation	
Complaints leading to no measure required	39
No misconduct was found	39
Complaints not requiring an investigation	22
Filed with the Disciplinary Board or a competent authority, or subject to appeal	4
Referred to the Disciplinary Board or to the Board on Trial Counsels	9
Not within the jurisdiction of the Chancellor of Justice	1
Concerned a matter more than two years old	1
Was too unspecific to investigate	3
Lapsed for other reasons	3
Processing terminated (ad acta)	1



Decisions by the Disciplinary Board on supervision and fee dispute matters received for review

Other supervision of attorneys-at-law
(including decisions by the Board on Trial Counsels, requests for statements from the Helsinki Court of appeal and notifications from prosecutors)

Legality oversight of authorities and other parties performing public duties

Complaints[43]

Complaints filed	1,987
Complaints resolved in a limited process	576
complaints terminated (ad acta)[44]	157
complaints referred to in section 3 of the Act on the Division of Duties Between the Chancellor of Justice of the Government and the Parliamentary Ombudsman (330/2022) transferred to the Parliamentary Ombudsman	419
Complaints taken up for detailed legality oversight scrutiny[45]	1,411

Complaints concerned the following authorities or topics (note that a single complaint may involve multiple topics):

Government or ministry	190
administrative branch of the Ministry for Foreign Affairs	8
administrative branch of the Ministry of Justice	43
general court of law	220
administrative court	37
special court	4
prosecutor	64
enforcement authority	66
attorney-at-law, public legal aid attorney, Disciplinary Board	60

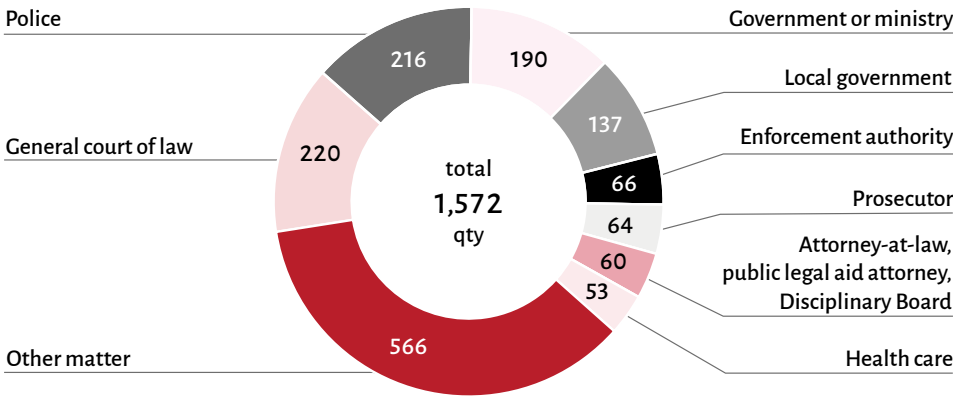
43 General statistics on complaints, including data on all complaints filed with the Office of the Chancellor of Justice and their processing.

44 These are written opinions, writings submitted for information or follow-up writings on matters already resolved. In these matters, an evaluation of whether they need to be processed is made immediately after registration, and they are terminated without further action.

45 The matter is assigned to a referendary for preparation and presentation to the decision-maker (Chancellor of Justice, Deputy Chancellor of Justice or Substitute for the Deputy Chancellor of Justice).

licensed legal counsel, Board on Trial Counsels	3
administrative branch of the Ministry of the Interior	5
police	216
immigration	32
administrative branch of the Ministry of Finance	38
local government	137
taxation	13
administrative branch of the Ministry of Education and Culture	39
administrative branch of the Ministry of Agriculture and Forestry	22
administrative branch of the Ministry of Transport and Communications	34
administrative branch of the Ministry of Economic Affairs and Employment	13
employment authority	15
administrative branch of the Ministry of Social Affairs and Health	16
social services and insurance	52
health care	53
administrative branch of the Ministry of the Environment	2
environmental authority	29
other authority or party with public duties	54
other matter	77

Complaints taken up for detailed legality oversight scrutiny, qty
Complaints concerned the following authorities or topics
(note that a single complaint may involve multiple topics):

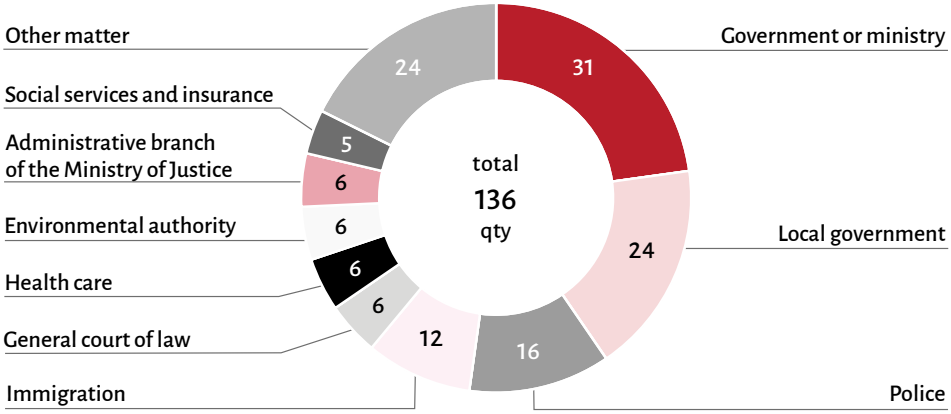


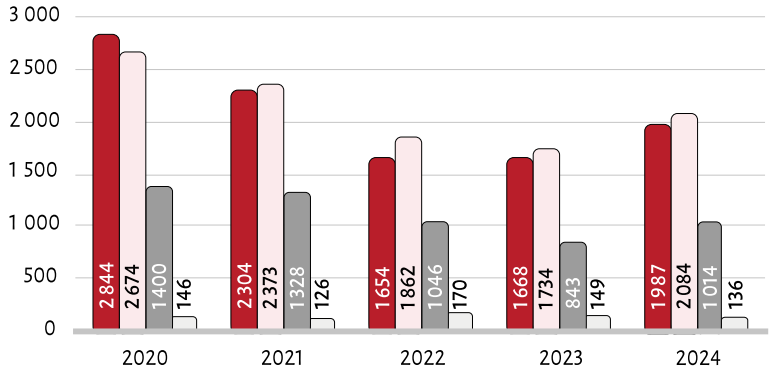
Complaints resolved	2,084
Complaints resolved on presentation[46]	1,508
Complaints requiring an investigation	1,014
Measures taken	136
• reprimand	14
• opinion	114
• proposal to improve legal rules	1
• other action	7
Complaints leading to no action required	878
• incorrect procedure, no action required	11
• no misconduct was found	867
Complaints not requiring an investigation	629
Referred to the Parliamentary Ombudsman	17
Referred to the Disciplinary Board	9
Referred to the competent authority	36
Filed with the competent authority, or subject to appeal	149
Not within the jurisdiction of the Chancellor of Justice	137
Concerned a matter more than two years old	50
Was too unspecific to investigate	83
Lapsed for other reasons	81
Processing terminated (ad acta)	67

For statistical purposes, a single complaint decision may be recorded as multiple measures or grounds for termination of processing and on the other hand, multiple recorded measures or grounds for termination may result from a single decision resolving several complaints at once.

46 Complaints that were presented by a referendary and decided by the Chancellor of Justice, Deputy Chancellor of Justice or Substitute for the Deputy Chancellor of Justice and not taken up for detailed legality oversight scrutiny.

Complaints leading to sanctions, principal target groups, qty





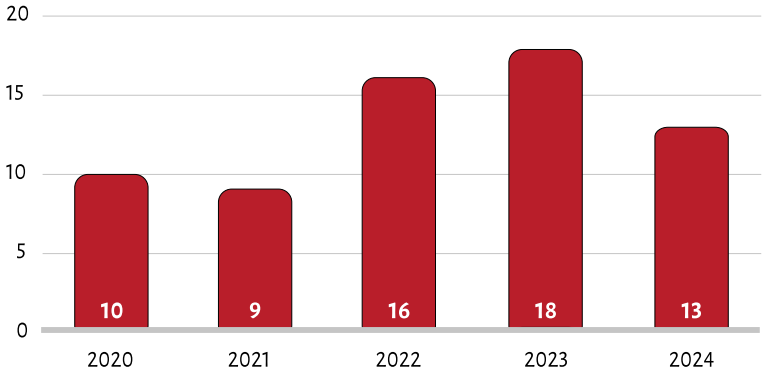
Complaints received

Complaints resolved

Complaints requiring an investigation

Complaints leading to a sanction or drawing attention to lawful or appropriate conduct

(the statistics for complaints include complaints concerning the President of the Republic, the Government, attorneys-at-law, public legal aid attorneys and licensed legal counsels)

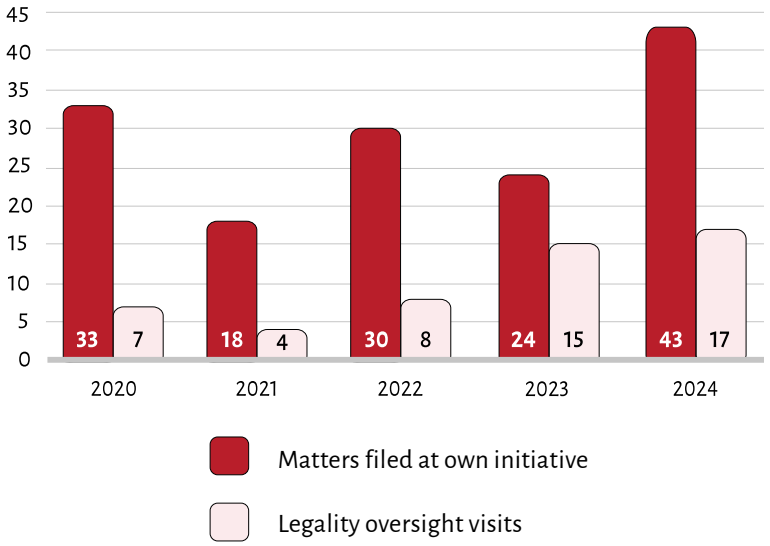


Centralised external whistleblower channel

Notifications received	74
Notifications referred to a competent authority	16
Notifications not transferred (did not fall within the scope of application of the Act)	57

Own initiatives and legality oversight visits

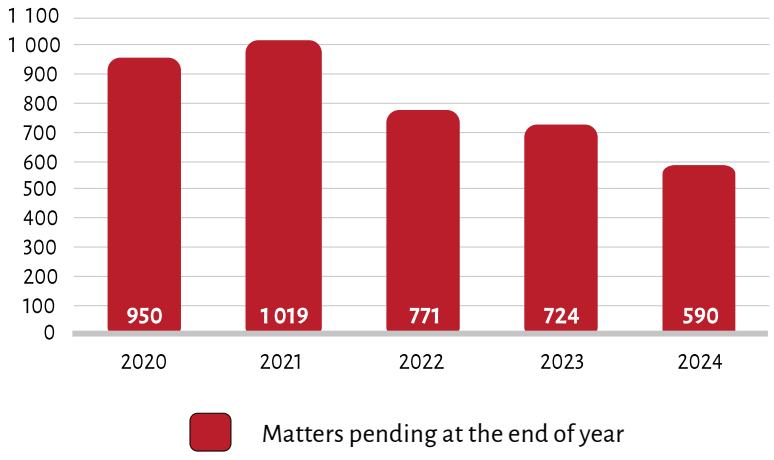
Matters filed at own initiative	43
Resolved matters filed at own initiative	41
Measures taken	36
• reprimand	1
• opinion	33
• proposal to improve legal rules	1
• other action	1
No measure necessary	6
Legality oversight visits	17



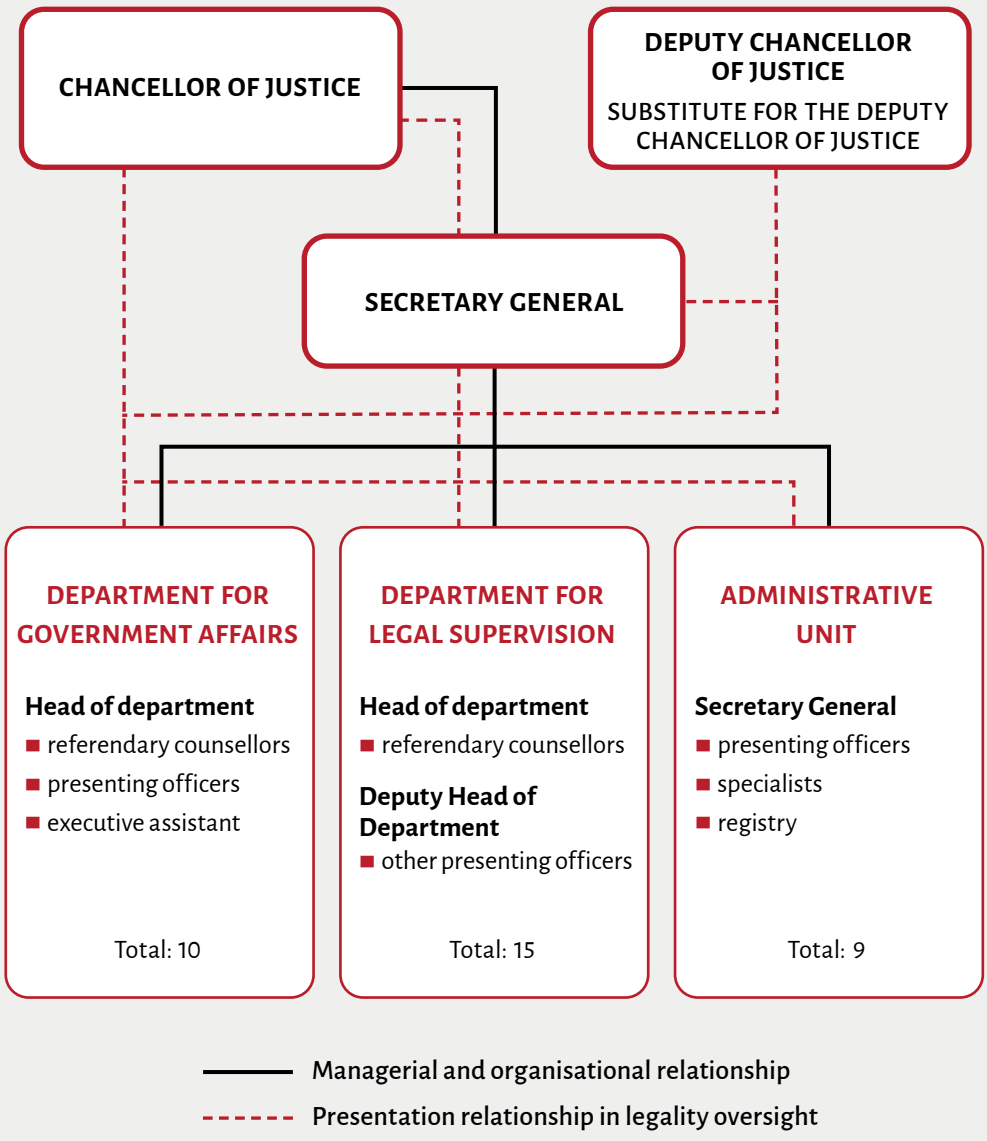
Workload situation

Matters filed in 2024	3,311
Complaints	1,987
Other legality oversight matters	1,324
Matters resolved in 2024	3,419
Matters pending at the end of 2024	590
Other legality oversight matters received in 2020	7
Other legality oversight matters received in 2021	2
Complaints received in 2022	4
Other legality oversight matters received in 2022	10
Complaints and other legality oversight matters received in 2023	30

At the end of 2024, there were 590 pending matters, among which 12 complaints had been pending for more than one year.



Appendix 2.
Organisation of the Office of the Chancellor of Justice



CHANCELLOR OF JUSTICE

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