

PUBLIC DOCUMENT | ENGLISH TRANSLATION

Annex 1 - relevant provisions of the Dutch Open Government Act

English public translation of the statutory annex supplied on 23 June 2026

**IMPORTANT
TRANSLATION NOTE**

This is an independent English translation of the Dutch statutory annex supplied by the Municipality of Heerlen on 23 June 2026. It is provided solely for public information and international readers. It is not an official translation by the Municipality of Heerlen. The Dutch original is the authoritative document and governs any legal interpretation.

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Independent public-interest dossier by Michel Peen

TRANSLATED TEXT OF THE ANNEX

Relevant provisions of the Dutch Open Government Act

The wording below follows the provisions reproduced in the annex supplied by the Municipality of Heerlen. For the current and legally binding Dutch text, consult wetten.overheid.nl/BWBR0045754.

Article 1.1

Everyone has the right of access to public information without having to state an interest, subject to the restrictions laid down by this Act.

Article 2.1

In this Act and the provisions based on it, the following terms have the following meanings:

document: a written item or other body of recorded data drawn up or received by an authority, person or body as referred to in Article 2.2(1), which by its nature relates to the public task of that authority, person or body;

environmental information: information as defined in Article 19.1a of the Environmental Management Act;

Our Minister: Our Minister of the Interior and Kingdom Relations;

public information: information recorded in documents held by an authority, person or body as referred to in Article 2.2(1), or information that may be demanded by an administrative authority under Article 2.3.

Article 2.5

In applying this Act, the public interest in the openness of public information for a democratic society is the starting point.

Article 4.1

1. Everyone may submit a request for public information to an administrative authority or to an institution, service or undertaking operating under the responsibility of an administrative authority. In the latter case, the responsible administrative authority decides on the request.
2. A request may be made orally or in writing and may be sent electronically in the manner indicated by the administrative authority.
3. The requester does not need to state an interest when making the request.
4. The requester identifies the matter, or the document relating to it, about which information is requested.
5. If a request is formulated too generally, the administrative authority asks the requester, within two weeks after receiving the request, to specify it more precisely and assists the requester in doing so.
6. The administrative authority may decide not to process a request if the requester does not cooperate with a request for clarification as referred to in paragraph 5. In derogation from Article 4:5(4) of the General Administrative Law Act, the decision not to process the request is notified to the requester within two weeks after the request has been clarified or after the period allowed for doing so has expired unused.
7. A request for information is granted subject to the provisions of Chapter 5.

Article 4.2a

If a sufficiently specified request is so extensive that a decision cannot be made within the period referred to in Article 4.4(1), the administrative authority consults the requester, before that period expires, about prioritising the handling of the request. As far as possible, the administrative authority provides the requested documents in the order preferred by the requester.

Article 4.4

1. The administrative authority decides on the request for information as soon as possible and no later than four weeks from the day after the request was received.

2. The administrative authority may postpone the decision for no more than two weeks if the volume or complexity of the information justifies an extension. Before the first period expires, the requester is notified of the postponement in writing and given reasons for it.
3. Without prejudice to Article 4:15 of the General Administrative Law Act, the period for issuing a decision is suspended from the day after the administrative authority informs the requester that Article 4:8 of the General Administrative Law Act has been applied, up to and including the day on which the interested party or parties submit their views or the period allowed for doing so expires unused.
4. When the suspension referred to in paragraph 3 ends, the administrative authority informs the requester as soon as possible and states the period within which the decision must still be issued.
5. If the administrative authority has decided to provide information, it provides the information at the same time as the decision is notified, unless an interested party is expected to object, in which case the information is provided two weeks after the decision has been notified. If interim relief is requested under Article 8:81 of the General Administrative Law Act, disclosure is suspended until the preliminary-relief judge has ruled or the request has been withdrawn.
6. If the administrative authority has decided to provide information that directly concerns a third party or originates from a third party, it notifies that third party of the decision at the same time.

Article 4.5

1. The administrative authority provides the information in the form requested by the requester or, if this cannot reasonably be required, with due regard to Article 2.4(3).
2. If the information is already publicly available in a form that is readily accessible to the requester, the administrative authority directs the requester to it.

Article 5.1

1. Information is not disclosed under this Act insofar as disclosure:
 - a. could endanger the unity of the Crown;
 - b. could harm the security of the State;
 - c. concerns business and manufacturing data communicated to the government in confidence by natural or legal persons;
 - d. concerns personal data as referred to in sections 3.1 or 3.2 of the Dutch GDPR Implementation Act, unless the data subject has explicitly consented to disclosure or has manifestly made that personal data public;
 - e. concerns numbers prescribed by or pursuant to an Act of Parliament for identifying persons, as referred to in Article 46 of the Dutch GDPR Implementation Act, unless providing the information manifestly does not infringe private life.
2. Information is also not disclosed insofar as the interest in disclosure does not outweigh the following interests:
 - a. the relations of the Netherlands with other countries and states and with international organisations;
 - b. the economic or financial interests of the State, other public-law bodies or administrative authorities, and, for environmental information, only insofar as the information concerns actions of a confidential nature;
 - c. the investigation and prosecution of criminal offences;
 - d. inspection, control and supervision by administrative authorities;
 - e. respect for private life;
 - f. the protection of competitively sensitive business and manufacturing data other than that referred to in paragraph 1(c);
 - g. protection of the environment to which the information relates;
 - h. the security of persons and businesses and the prevention of sabotage;
 - i. the proper functioning of the State, other public-law bodies or administrative authorities.
3. If a request for disclosure is refused on one of the grounds referred to in paragraph 2, the decision expressly states the reasons for doing so.
4. Disclosure may be temporarily withheld if the addressee's interest in being the first to take note of the information clearly requires this. The administrative authority informs the requester of the period within which disclosure will nevertheless take place.

5. In exceptional cases, disclosure of information other than environmental information may also be withheld if disclosure would cause disproportionate disadvantage to an interest other than those referred to in paragraphs 1 or 2 and the general public interest in disclosure does not outweigh that disadvantage. A decision to withhold particular information on this ground is not also based, in respect of the same information, on any of the grounds in paragraphs 1 or 2.

6. In derogation from paragraph 1(c), environmental information is also withheld insofar as disclosure would seriously harm the interest referred to in paragraph 1(c) and the general public interest in disclosure does not outweigh that harm.

7. Paragraphs 1 and 2 do not apply to environmental information relating to emissions into the environment.

Article 5.2

1. In the case of a request for information from documents prepared for internal deliberations, no information is provided concerning personal policy opinions contained in those documents. Personal policy opinions means official advice, views, positions and considerations for the purposes of internal deliberations, but does not include facts, forecasts, policy alternatives, the consequences of a particular policy alternative or other elements that are predominantly objective in nature.

2. With a view to proper and democratic governance, the administrative authority may provide information about personal policy opinions in a form that cannot be traced to individuals. If the person who expressed or endorsed those opinions has consented, the information may be provided in a form that can be traced to that person.

3. Without prejudice to paragraphs 1 and 2, information concerning personal policy opinions is provided, in a form that cannot be traced to individuals, from documents prepared for formal administrative decision-making by a minister, King's Commissioner, Provincial Executive, member of the Provincial Executive, Municipal Executive, mayor or alderman, unless this would disproportionately harm the ability to conduct internal deliberations.

4. In derogation from paragraph 1, for environmental information the interest in protecting personal policy opinions is weighed against the interest in disclosure. Information about personal policy opinions may be provided in a form that cannot be traced to individuals. If the person who expressed or endorsed those opinions has consented, the information may be provided in a form that can be traced to that person.

Article 5.3

When information requested is more than five years old and disclosure is refused, the administrative authority explains why, despite the passage of time, the interests referred to in Article 5.1(2) or (5), or Article 5.2, outweigh the general public interest in disclosure.

Article 5.5

1. Without prejudice to provisions elsewhere in the law, an administrative authority provides any natural or legal person, on request, with information concerning that requester that is recorded in documents, unless an interest referred to in Article 5.1(1)(a), (b) or (c), or in (d) or (e) insofar as third parties are concerned, is at issue, or an interest referred to in Article 5.1(2) or (5), or Article 5.2, outweighs the requester's interest in access to information concerning that requester. The requester identifies the matter, or the document relating to it, about which information is requested.

2. Paragraph 1 applies correspondingly to a request concerning data relating to the requester's deceased spouse, registered partner, child or parent, unless a written declaration of wishes by the deceased precludes disclosure.

3. The administrative authority ensures that the requester's identity is properly established.

4. The administrative authority may attach conditions to the provision of information to protect one of the interests referred to in Articles 5.1 and 5.2, unless the requested information would be public to everyone under Articles 5.1 and 5.2.

Article 5.6

1. Where information cannot be disclosed under Articles 5.1 and 5.2, the administrative authority may decide to provide it solely to the requester if compelling reasons exist not to withhold the requested information from the requester despite the applicable exemption or exemptions.

2. Paragraph 1 applies only insofar as this is not contrary to an applicable duty of confidentiality.

3. The administrative authority may attach conditions to the provision of information to protect one of the interests referred to in Articles 5.1 and 5.2.

Article 5.7

1. For the purposes of historical, statistical, scientific or journalistic research, an administrative authority may provide access to information:
 - a. that cannot be disclosed under Articles 5.1 and 5.2; or
 - b. for which determining whether it can be disclosed under Articles 5.1 and 5.2 would require disproportionate effort.
2. The administrative authority may attach conditions to the granting of access.
3. Access to information under paragraph 1 is in any event granted on condition that the person given access does not disseminate the information obtained without a prior decision by the administrative authority disclosing the information under Articles 5.1 and 5.2.