
Information Policy Country Report: Sweden

Emily Alinder
Steven Dibelius
Melissa Marshall

December 2009

Prepared for:
SI507: Foundations of Information Policy Analysis and Design

School of Information
University of Michigan
<http://www.si.umich.edu>

License



This work is licensed under the Creative Commons Attribution-Share Alike 3.0 United States License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-sa/3.0/us/> or send a letter to Creative Commons, 171 Second Street, Suite 300, San Francisco, California, 94105, USA.

Table of Contents

Executive Summary	4
Introduction.....	5
Intellectual Property.....	6
Copyright	6
Trademark.....	8
Patents.....	9
Electronic Government.....	11
Competition, Investment, and Industrial Policy	13
Privacy.....	18
Freedom of Information.....	21
Telecommunications.....	23
Future Challenges and Opportunities.....	26
Works Cited.....	29

Executive Summary

Sweden has been a leader in implanting electronic government services and has been forward-thinking in creating a broad set of information policies to address issues raised by new technologies.

Since the first push for electronic government in 2000, Sweden's e-governance has been expanded and refined, even earning recognition by being highly ranked for its capabilities. One addition that is unique to Sweden is their virtual embassy created on Second Life, which is open for the entirety of every day.

Competition has been maintained in Sweden through a free-market system with little government intervention. Sweden has worked carefully to integrate European Union policies into its own economic policies, and has competed well internationally by attracting foreign direct investments.

An increasing wealth of personal records in the 1970s led to the first of the privacy acts, titled The Data Act of 1973. The Data Inspection Board was also created at that time to regulate the use of personal records. The Personal Data Act of 1998 replaced the 1973 bill. Privacy protections concerning new technologies in 2002 required an "opt-in" to data processing by the user.

Sweden is believed to have the oldest freedom of information law, The Freedom of the Press Act, dating from 1766. Sweden is more free with its information than many other countries, which can lead to problems when international standards and expectations are concerned.

Formed in the 1850s, Televerket, a Swedish telecommunication company, has increased its market share and taken over other national companies over the years. Recently, however, with the arrival of newer technologies, the playing field has leveled more and competition in telecom is robust and healthy.

The Copyright Act (1960), the Trademark Act (1960) and the Patents Act (1967) are still the basis for intellectual property laws in Sweden, though some amendments and revisions have been made since then.

Although Sweden is a leader for many of the information policy issues, there are still aspects to be improved. The domestic aspects are: updating the current e-government services, coordinating government agencies better, and establishing an appropriate level of economic competition. The international aspect is integrating better with the European Union.

Introduction

Sweden believes in freedom of information for its people. It is one of the top leaders, or in some cases *the* leader, for many information policy issues and in electronic government. Important laws and policy decisions occurred over the past fifty years and are still in effect today. During the 1990s, there was a wave of amendments and reform to some of these original parliamentary decisions and laws. These laws were mainly created out of need and with the bare minimum of restrictions and rules that would suffice, such as telecommunications laws. While Sweden did not address many of these issues until relatively recently (roughly the past fifty years), it has moved quickly to become a leader in developing information policies. Even the last of the four fundamental laws of the Swedish Constitution was passed in 1991, which was the Fundamental Law on Freedom of Expression.

As a member of the European Union, Sweden abides by EU policies and regulations, particularly concerning information policy issues. In some cases, however, Sweden's laws are more open and lenient than the EU's, which has led to information transparency problems. For the most part, though, Sweden incorporates international laws and regulations as it needs but its main focus concerns its people and their rights. Through its laws, Sweden shows that its people are at the center of parliamentary decisions and laws, especially when they concern the people's freedoms surrounding information policy issues.

Much of Sweden's laws are published in the native language and what is translated into English is not always as recent. If this was meant to be a comprehensive, in-depth paper, one article suggests "consult[ing] experts in the field" after having utilized the available English resources

(Thorpe 473). Despite these setbacks, a good amount of policies, commentaries, and articles have been translated into and published in English, and we believe the information in this paper to be accurate.

Intellectual Property

Copyright

Swedish copyright law comes from the Copyright Act of 1960, which was amended in 1995 (WIPO). The act mainly consists of guidelines about allowed and prohibited items for copyright. In Article 9, it makes explicit mention to the fact that copyright does not exist in Swedish laws but rather in the copyrighted, and copyrightable, materials themselves (WIPO). Also, there is no registration for copyrights ("Sweden: Intellectual Property" SWD-11).

Swedish copyright arises at the time of creation of an artistic work and is controlled by the creator for matters of economic purposes and uses (PRV). The Swedish Patent and Registration Office provides information on their website pertaining to the definition of artistic work as well as eligibility for copyright: "Compositions in speech or in writing, computer programmes (sic), databases, musical and stage works, works of pictorial art, architectural art, applied art – as well as all expressions of spiritual creation with a literary or artistic content – are protected by copyright law. For a work to be eligible for copyright protection, it must have attained the high standard required of a work. This implies that the work should display a certain measure of originality or individuality" (PRV). Works that can be copyrighted must have uniqueness to them. For online works, however, Sweden distinguishes even further, though it has decided that works will be treated as any other artistic work that claims copyright. This means: "In this case,

it is the personal design of text and pictures that is protected, i.e. not factual information or underlying ideas” (PRV). Only the creative aspect of design can be eligible and not “factual information” that it displays.

Copyright in Sweden lasts for seventy years after the creator’s death (PRV). For photographs, it lasts until the 50th year of production, and for databases, copyright lasts until the end of the 15th year of production ("Sweden: Intellectual Property" SWD-11). As far as those affected by the Copyright Act, Sweden specifically names the groups of people within the act: “Copyright Act (of 1960) applies to works of Swedish citizens and person domiciled in Sweden, to works of stateless person or refugees having residence in Sweden, to works first published in Sweden and to works first published by certain international organizations” ("Sweden: Intellectual Property" SWD-11).

Swedish copyright law also includes international standards and considers international relations, in terms of copyright. To keep in-step with European Union regulations: “Sweden harmonizes its laws to meet European Union directives related to copyright. Sweden also enforces regulations and treaties of the European Union” (Thorpe 481). Concerning other international ties: “Sweden is party to Berne Convention and Universal Copyright Convention, to effect that Swedish Copyright Act is applicable also in relation to those other countries which have ratified said convention or conventions. However, Swedish Act does not provide protections for a work if period of protection has expired in country of origin” ("Sweden: Intellectual Property" SWD-11).

Act (2005:359) revised the Copyright Act of 1960 and in 2009 the Copyright Act itself was amended. Currently, there is an Inquiry being conducted on the Copyright Law, taking into consideration concerns about copyright transfers, extension of collective licenses, and the entirety and language of the document; this should be completed January 31, 2011, but before then there will be a partial report reviewed in January 31, 2010 (“Copyright”).

Trademark

Trademark differs greatly from the process of Swedish copyright law. Firstly, registration is needed to obtain a trademark. While there are no restrictions as to who can register a trademark, “foreigners must have an agent in Sweden” (Thorpe 505). Trademarks need to either be registered through the Patent and Registration Office or can be products of the market as long as a distinctive mark is established (Thorpe 505).

Secondly, trademarks expire much more quickly than copyrights and can disappear if they are not being used. As Thorpe explains, “A registered trademark is valid for ten years and may be renewed as many times as requested for other ten year periods. If a trademark is not used within five years of registration, it can be terminated” (Thorpe 506).

Certain clarifications and additions were made to the Trademark Act in 1993: “extended possibilities of recognizing various devices of trademarks, protection of highly respected trademarks, and obligation to make use of trademarks” (“Sweden: Intellectual Property” SWD-12). These revisions further streamline the process and underscore how important it is to actually use and protect registered trademarks.

Sweden also has international trademark guidelines it follows as well: “Sweden is a party to the revised International Patent and Trademark Convention of June 2, 1934, as well as Madrid Agreement and Protocol on international registrations of trademarks. As EU member state, Sweden is also subject to Rules of Community Trademark Council Regulation (EC) no. 40/94 of Dec. 20, 1993. These rules are added to Trademark Act” (“Sweden: Intellectual Property” SWD-12).

Patents

Patent law arises from the Patent Act of 1967 (1967:837) and was most recently amended in 2000 (2000:1158). When considering a patent in Sweden, there are several options offered nationally and internationally. A national Swedish patent is only enforced in Sweden, which means “that anyone may manufacture, sell or use your invention abroad” (PRV). To protect against this, there is also an international and a European patent that each cover many countries. The Swedish Patent and Registration Office’s website advises considering consultation about what patents fit particular cases and whether applying to individual countries, specific to the patent, is the best way to go (PRV).

The Swedish Patent and Registration Office’s website contains a vast amount of well-articulated information on how to obtain and what can have a patent. In order to be granted a patent, the item must be new, inventive, and industrially applicable; this means the invention must be novel and unknown before submission, contain a technical aspect that is not obvious, and be of a technical nature that can be reproduced (PRV). There are regulations that discern what can be

patented and there is a clear list of five certain things cannot be patented; the Swedish Patents Act prohibits inventions that “consist merely of:

1. a discovery, a scientific theory or a mathematical method,
2. an aesthetic creation,
3. a scheme, rule or method for performing mental acts, for playing games or for doing business, or a computer program,
4. a presentation of information,
5. a method for surgical or therapeutic treatment or diagnostic method, practised (sic) on humans or animals” (PRV).

The aspects of technical and usefulness are very important to Swedish patent law and the process of applying for a patent, as this list of five restrictions shows. This restriction and defining borders of potential patents may help in reducing superfluous and superficial applications.

Potential applicants for Swedish patents are encouraged to do their own research into whether or not a patent like that already, or similarly, exists. This does not have to be done alone; the SPRO offers help with using their databases and resources, as well as suggesting using reputable companies that offer the same service (PRV). A patent examiner still reviews the application but this preliminary research done by the applicant can inform whether a patent exists or if the invention needs to be shifted in scope, or whatnot, to be eligible for a patent; this could save the applicant time and money.

A patent lasts twenty years from the application's filing date and does include an annual fee (Thorpe 494). There is a fee for applying, consisting of registration and examination fees, and if the application has more than ten patent claims then there will be extra fees; once granted, there is a granting fee and an annual renewal fee for patent protection (PRV).

Electronic Government

Presently, Sweden is considered a world leader in electronic government. In a 2008 study, Sweden was found to be the leading country in "e-government readiness" (UN 19). Such a ranking was determined by surveying e-government functionalities implemented, measuring how many people were well-connected through telecommunications infrastructure, and measuring adult literacy rates (UN 15-17). In particular, the UN cited Sweden's e-services portal (<http://www.sverige.se>) as excellent for being well-integrated, highly informative, and emphasizing e-participation (UN 37). Sweden was also ranked second in the "web measurement assessment" rankings, which measures the tools, information, and services provided to citizens by government via electronic means (UN 43). Finally, Sweden is ranked ninth in e-participation, or how well a government provides tools for citizens to communicate with and provide feedback to government (UN 58). For example, Sweden has created a virtual embassy in Second Life as one means of providing a mechanism for feedback via new technology ("Sweden Inaugurates Virtual Embassy").

Sweden's first major push towards electronic government came in 2000 with the proposal of the "24/7 Agency". This would be a public-sector agency that was available at all times of the day and on every day, via technologies such as internet services, telephone (including automated

systems and call centers), and television (SAFAD 5). The proposal laid out four stages of development that gradually built towards electronic government:

- “**Stage 1** Website containing ‘packaged’ information about the agency and its services
- **Stage 2** Website containing ‘interactive’ information about the agency and its services
- **Stage 3** Website and communicative functions that allow the visitor to submit and retrieve personal information
- **Stage 4** Website and network functions for joined-up services involving several agencies and institutions” (SAFAD 26).

Each of these stages would gradually increase both the services provided to the customer (citizen) and the degree of difficulty in implementing the system from an IT perspective (SAFAD 25). This gradual development also needed to be done in the context of five principles that were deemed necessary to provide quality service to the public. Systems had to be available, at any time and to any person, for self-service. Systems should provide the opportunity for participation by citizens and promote dialogue between citizen and agency. Agencies should work collaboratively so that an individual or business need only contact one agency for a transaction that makes use of multiple agencies. The work of each agency must be transparent for public inspection, as should who individually is responsible for what at each agency (SAFAD 26-27).

Initially, the Swedish Agency for Public Management was given the task of supporting the development of 24/7 agencies (IDA Report 11). In 2003, this responsibility was shifted to a newly created “Delegation for the 24/7 Agency”, a high-level government Delegation that

brought together a variety of experts with the goal of getting the 24/7 agencies started up more quickly (IDA Report 11). Despite all of the focus on creating 24/7 agencies, and the goal of providing strong user services, progress did not move as quickly as many would have liked. A 2005 Accenture survey found that nearby countries Denmark, Norway, and Finland were all ahead of Sweden in their e-government capabilities (eGovernment News May 17 2005, 9). Annika Thunberg, of Accenture, faulted the 24/7 Agency movement with being “guided too much by technical issues” rather than focusing on delivering service to citizens (eGovernment News May 17 2005, 9). Thunberg goes on to say that this may be because of the decentralized nature of Swedish government which allows each individual agency to set its own agenda. The Swedish Agency for Public Management responded by shifting its focus on customer satisfaction and by holding individual agencies accountable for their work towards the 24/7 Agency (eGovernment News 28 June 2005, 13).

Competition, Investment, and Industrial Policy

Officially, Sweden’s competition law began decades earlier than 1953 but it was not until 1953, with the passing of the Restrictive Trade Practices Act that Sweden’s first effective competition law was in place. At the time there was a more controlled system as a result of the recent years of war. This was in conflict with the free market economy of Sweden. The tension between these two systems resulted in the Restrictive Trade Practices Act. It “called for action to eliminate the harmful effects of restrictive behavior. But action was mostly negotiation, not enforcement, and one of the instruments for promoting competition was a public cartel register. The post-war regime also retained price control.” (OECD 2)

Sweden's first big steps towards current economic policies occurred during the reform wave of the 1990s. Sweden's economy, which had not been doing well since the 1970s, hit a deep depression in the early 1990s (Economifakta). This prompted Swedish authorities to take action and attempt to create a better system. "In the aftermath of the extraordinary economic problems of the early 1990s came a battery of structural reforms and austerity measures." (Economifakta). These reforms made previous competition law and its enforcement stronger. "These reforms included a wave of product market liberalisation, the end of price controls and a new competition law and enforcement agency, the Swedish Competition Authority (SCA)." (OECD 2). The most important of these laws passed was the Competition Act, passed in 1993.

The Competition Act, with some exceptions, prohibits anti-competitive activity and abuse of a dominant position. The government may issue block exemptions, and the SCA may revoke the applicability of a block exemption to an individual agreement. As under EC law, companies must assess for themselves whether or not an agreement qualifies for exemption (OECD 2). The SCA may also issue exemptions to companies that it determines contribute to technical or economic progress and allow consumers to share in their gain.

"Legislated exemptions apply in only two sectors, agriculture and taxis... In addition, there are three legal monopolies, for gambling and for retailing of pharmaceuticals and alcohol" (OECD 5). These are all allowed under the premise that to allow them serves the public good. Outside of these exceptions, the Competition Act prohibits an action that would "prevent restrict or distort competition" (OECD 2). The Competition Act also created the Swedish Competition Authority (SCA). The SCA has been charged with and given the power to monitor the market. Companies

and government agencies must provide the SCA with the enforcement it requires for an investigation (Aktiebolagstjänst). The SVS may also grant negative clearance to those who seek it; that is, let companies that are uncertain know if a proposed agreement is in line with the Competition Act. The SCA is also charged with enforcing the Competition Act, largely through seeking fines. “Unlike most competition enforcement authorities, the SCA has no power to decide on fines or to prohibit a merger. Instead, its enforcement role is as a prosecutor bringing these matters to court” (OECD 3). The court may prohibit an agreement or impose a fine, but cases are not considered criminal matters. “There are no criminal penalties. The SCA has argued that criminal sanctions would undermine the leniency programme and jeopardise Sweden’s participation in the European Competition Network” (OECD 4).

The SCA brings competition cases first to the Stockholm City Court (Stockholms tingsrätt). If the SCA appeals their decision, cases are then brought to the Market Court in Stockholm (Stenderup). Both of these courts are made up of a combination of judges and economic experts (Aktiebolagstjänst). The Market Court is the final court of appeals for competition cases.

There are some concerns with the current operation of the courts. One of these concerns is with the amount of time it takes for a case to reach resolution. “In several cases the time span from the SCA’s opening of the case to last instance ruling has been 5 to 8 years. To be sure, competition cases can be complex, and the SCC, with its first instance role, is perceived to have insufficient resources. Still, these delays are unsatisfactory from the point of view of correcting malfunctioning markets.” (OECD 5)

Also, there is some concern that the courts are ineffective in enforcing competition law. The courts are known to be lenient in general, with fines imposed by courts routinely being considerably less than those sought by the SCA. Also, “There is a leniency programme, under which companies that disclose their participation in an illegal cartel and meet certain conditions may avoid fines, in whole or in part. “ (OECD 4) These concerns, taken along with the fact that there are no criminal penalties, make it seem to some that current measures are not enough to deter anti-competitive activity.

The situation in Sweden has changed since the Competition Act was passed in 1993, particularly where international alliances are concerned. Sweden is known for its policy of neutrality. This has allowed it to remain isolated from other nations in the past due to an aversion to alliances that could compromise this policy. This partially explains why it has only recently joined several international economic organizations. The most notable of these organizations is the European Union which Sweden joined in 1995. "One reason behind the creation of a "single market" in the European Union (EU) is the economic advantages that greater competition can provide. These advantages are substantial. One of the fundamental concepts of European economic integration is to generate greater competition, thereby accelerating economic growth in all member countries.”

(Aktiebolagstjänst)

In order to achieve European economic integration, some of Sweden’s laws and policies have had to change. The Competition Authority is authorized to work with the European Commission in enforcing EU competition rules (Aktiebolagstjänst). Additionally, the Competition Authority “participates actively in such international agencies as the Organization for Economic

Cooperation and Development (OECD) and the United Nations Conference on Trade and Development (UNCTAD)” (Aktiebolagstjänst). Sweden is changing its policies to keep in international harmony with the hopes that it may reap the benefits later.

This is one of the main reasons that a new Competition Act was passed in 2008. “The new legislation means further harmonization with EC competition rules and it also introduces a number of new features in order to enhance cartel enforcement” (Andersson & Legnerfalt 1). It introduces trading prohibitions and makes the rules concerning fines clearer and stricter. It is worth noting that in Sweden “primary and secondary legislation are largely harmonized with European Community competition rules” (OECD 2)

Around the same time the responsibilities previously held by the National Board of Public Procurement were transferred to the SCA. Due to the passage of the Public Procurement Act in 2007 the SCA is now responsible for information on and supervision of the process by which the government buys goods and services from the private sector. The SCA public procurement policy keeps in line with European Community (EC) guidelines. “The fundamental principles of European Community law with regard to public procurement are the principles of non-discrimination, equal treatment, transparency (openness and predictability), proportionality and mutual recognition” (SCA).

In Sweden there is a fair amount of inward Foreign Direct Investment (FDI) in the information sector. Sweden is an attractive country to invest in; according to the Global Information

Technology Report, Sweden is the second ranked country in all of Europe in terms of preparedness “to participate in and benefit from ICT developments” (Hamilton 117).

Privacy

Historically, the Swedish Data Act is the first major piece of privacy legislation in Sweden. In 1976, it was estimated that 20,000 files containing personal records existed in Sweden (between government and private industry) (Nisenoff et al. 207). Growing concern over how computers might process these records was one of the main reasons for the enactment of The Data Act of 1973. The Data Act was made law at the same time that the Data Inspection Board (DIB) was created (Nisenoff et al. 207). The main function of the DIB is to review requests for and, if acceptable, grant permission for the creation of personal files when certain types of data are involved; these include criminal data and data which is acquired from another personal file without “virtue of a statute, a decision of the Data Inspection Board, or by permission of the person registered” (DIB). The Data Act stipulates that the DIB will review certain requests for keeping personal files to prevent the “undue encroachment upon the privacy of registered persons”. The Data Act of 1973 also stipulates a number of responsibilities that file keepers must adhere to in order to keep personal files; for example, files must be kept for a specific purpose, and files can only be used for their original stated purpose, unless other uses are provided for via law, statute, or permission of the registered person (DIB). If file keepers do not adhere to the laws set out in The Data Privacy Act, the act also stipulates penalties and damages to be assessed, depending on the offense. Lastly, certain files set up by the government are exempt from parts of The Privacy Act, including personal files set up by Parliament and State Personal and Address Files (DIB).

Since that time, significant work on privacy has been conducted by the European Union, and that work has guided present-day privacy legislation in Sweden. The first of these was Directive 95/46/EC, also known as the Data Protection Directive. The Directive was guided by the principles laid out in an earlier EU Directive, 94/46/EC, which are as follows:

- Notice: subjects whose data is being collected should be given notice of such collection.
- Purpose: data collected should be used only for stated purpose(s) and for no other purposes.
- Consent: personal data should not be disclosed or shared with third parties without consent from its subject(s).
- Security: once collected, personal data should be kept safe and secure from potential abuse, theft, or loss.
- Disclosure: subjects whose personal data is being collected should be informed as to the party or parties collecting such data.
- Access: subjects should be granted access to their personal data and allowed to correct any inaccuracies.
- Accountability: subjects should be able to hold personal data collectors accountable for adhering to all seven of these principles (SearchSecurity.co.UK).

Directive 95/46/EC strictly requires consent to be obtained from the individual whose data is being used before data processing can begin, and data may only be processed for the purposes given by the processor to the individual (Europa, “Protection of personal data”). Data subjects must also be given the right to object to processing of personal data on certain grounds and the

right to object to the sharing of data with third parties (Europa, “Protection of personal data”). Data processors must take precautions to ensure that data is accurate and secure, and must report data processing activities to a national supervisory authority (Europa, “Protection of personal data”). In Sweden, that authority is the Data Inspection Board (Privireal). The DIB is made up of roughly 40 employees, most of whom are lawyers (Datainspektionen, “About us”).

The Swedish Data Act of 1973 was replaced by the Personal Data Act in October of 1998 (Datainspektionen, “The Personal Data Act”). This act was based on Directive 95/46/EC and outlined the aforementioned Data Inspection Board as the supervisory authority in Sweden.

The European Parliament updated privacy protections in 2002 by passing Directive 2002/58/EC, which focused on newer technologies and on giving users the power to “opt-in” to data processing (Europa, “Data protection in the electronic communications sector”). Listening to, wiretapping, or storing communications by persons over electronic means without the consent of those involved was made illegal (Europa, “Data protection...”). Commercial electronic communications, such as spam and text message advertisements, may only be sent to users who have opted-in to receive such messages (Europa, “Data protection...”). This is a significant contrast with policy in the United States, which generally gives users the right to “opt-out” of such communications, the difference being that opt-in requires obtaining permission beforehand while opt-out does not require obtaining prior permission for sending such communications. The Directive also addressed cookies stored on users’ computers when visiting websites, and stated that users should be given the opportunity to refuse cookies and also be given clear information regarding how and why a cookie is being used (Europa, “Data protection...”). Directive

2002/58/EC was implemented in Sweden in 2004 via the Swedish Marketing Act (Privacy International, “PHR2004...”).

Freedom of Information

Freedom of information is a fundamental right in Swedish society. It is one of the four fundamental principles of the Swedish Constitution, and is considered the oldest freedom of information law in the world, having been on the books since 1766 (Banisar). The Freedom of the Press Act is part of the Swedish Constitution and was first adopted in 1766 (APPSI). It says that “every Swedish subject [and resident] shall have access to official documents” (Banisar). The Ministry of Justices describes this “Principle of Public Access” as meaning that “the general public and mass media... are to be guaranteed an unimpeded view of activities pursued by the government and local authorities” (Ministry of Justice, “The Principle...”). This means that official government documents are available to the public, that civil servants have the right to provide those outside government and the press with information, and that court proceedings and legislative meetings are open to the public (Ministry of Justice, “The Principle...”).

There are a few exceptions that prevent documents from being made public; these include interests of national security, foreign relations, fiscal policy, prevention of crime, protection of privacy, and protection of plant or animal species (Banisar). If a public authority chooses to deny access to a document, that decision may be appealed to general administrative courts, all the way up to the Supreme Administrative Court (Privacy International). Further, drafts and internal memos are not considered official documents unless they are used in decision-making, and therefore are not subject to freedom of information laws (Banisar). Beginning in June 2009,

the Public Access to Information and Secrecy Act was the latest change to these rules (Ministry of Justice, “Public Access...” 3). In addition to preventing individuals from requesting and obtaining certain secret documents, the Act also forbids individuals in government from freely communicating secret information to the public, a right which would normally be allowed under Sweden’s principle of “Freedom of Expression” for public servants (Ministry of Justice, “Public Access...” 31-32).

Because Sweden’s freedom of information laws are so broad, they often conflict with other FOI laws internationally. For example, BBC News has gone to Sweden to obtain letters written to Sweden’s Prime Minister from Britain’s Prime Minister because the Swedish government was willing to make those documents available while the British government was not (Rosenbaum). Sweden would like to maintain its freedom of information laws and have encouraged others, like the European Union, expand theirs (Castle). One way Sweden has promoted freedom of information is to use their temporary position as president of the European Union to hold a seminar on government transparency (Swedish Presidency of the European Union). There has been conflict between the EU and Sweden on transparency in government in the past; shortly after Sweden joined the EU in 1995, Swedish journalists attempted to obtain EU documents both through the Swedish government and through the EU (The Campaign for Freedom of Information). The striking difference between the number of documents that journalists were able to obtain from each source highlighted the significant differences between what the EU felt was appropriate to release and what the Swedish government would release. Sweden has also used its ambassadors to promote freedom of information around the world, including in countries such as Tanzania (Herrstrom).

Telecommunications

During the middle of the nineteenth century, Televerket (Swedish Telecom), which has had a few name changes over time, formed in a free market of telecommunications “with commercial telecom as its one and only mission” (Thorngren 94). Other national companies offered Swedish Telecom competition, as well as international companies later on. However, around the beginning of the twentieth century, Swedish Telecom had bought up much of its national competition and enjoyed a great portion of the market share, enough to concern parliament with talk of turning it into a monopoly in order to ensure widespread telecommunication coverage even in sparsely populated areas (94). Swedish Telecom, though, started doing this on their own and so parliament saw no need to monopolize the company.

In 1980, both parliament and Swedish Telecom realized that the company would not be able to service everyone’s needs and so parliament decided “to begin opening the markets for terminals attached to Swedish Telecom networks” while also allowing the company to form a holding group (Thorngren 95). Considering that receiving radio and TV signals are a constitutional right in Sweden, parliament has worked hard to open up the telecom market completely. “By the end of 1989 the last few barriers to a free telecom market were removed in Sweden. From 1990 onwards not only the markets for all kinds of terminals (including PBXs, strength in the emerging long-distance payphones, etc) but also network services are open for competition” (94). This open, free market ensures healthy competition amongst new companies and technologies that compete with Swedish Telecom and allows for the people to receive the access to media that is their right. As of 1993, with the Telecommunications Act, the incumbent was no

longer the only force in the market. The market created by this deregulation is monitored by the Swedish Post and Telecom Agency (The Swedish Post and Telecom Agency).

The government believes IT development to be important and this is apparent in its decisions and funding. “The Swedish Government is committed to extending the information society; with the aim of providing all citizens with the opportunity to benefit from IT” (SBMR). Also, Sweden is a key potential location for IT to get its start. “The European Commission has sponsored a series of reports tracking innovation, both within the EU and among key global R&D spenders and major developing countries. While the exact rankings should be treated with some caution, in general these studies conclude that Sweden, Switzerland, Finland, Denmark, and Germany Rank within the top tier of global innovation leaders, on par with the U. S., Japan, Israel, and Singapore” (GATT).

IT has a high quality and penetration in Sweden. The telephone system is noted as having “excellent domestic and international facilities” (US Central Intelligence Agency). Sweden has “the second highest PC penetration and third highest internet penetration out of all the OECD countries... one of the most advanced nations in terms of ICT usage” (SBMR, 2005) Sweden was an early adopter of broadband and has a high broadband penetration. “Many of the fibre networks have been built by organisations other than telecommunications operators. Sweden was one of the first countries in the world to see the deployment of these operator-neutral local networks... These allow ISPs and other service providers to offer their services without any investment in expensive infrastructure” (SBMR). Despite their already high penetration, Sweden has plans to increase both quality of service and the percentage of citizens who have access to

broadband in the coming years. “Sweden is one of the most connected countries in the world, with 89 percent of its population having an Internet connection with a guaranteed minimum of 20 kilobits per second, this despite the fact that large parts of the country are very remote and inaccessible. This is far from enough, it seems, and now the government is committed to significantly improving this by raising the minimum to 100 megabits by 2020 and making it available to at least 90 percent of the population. Furthermore, it wants at least 40 percent of the population to have access to this type of connections by 2015.”(Parfeni) Additionally, “The mobile market is also very mature, supporting a total of six network operators... and a handful of very small service providers” (TRS).

Televerket’s most recent incarnation is as TeliaSonera. “In December 2002 the Swedish incumbent operator, Telia AB, and the incumbent operator in Finland, Sonera Oyj, merged to create TeliaSonera” (SBMR). This company is incredibly powerful in the telecommunications marketplace. “The Swedish telecommunications market continues to be dominated by state-owned incumbent TeliaSonera, which is active in the fixed-line, mobile communications, and internet markets” (TRS). Local Loop Unbundling is one of the measures that has been instituted in an attempt to make the market more open. “As well as technology competition, competition has also been stimulated in the market by LLU (local loop unbundling). Sweden has been one of the most active country markets in this area” (SBMR). TeliaSonera, despite the introduction of a more competitive marketplace, has held its domination of fixed-line access. This is in part because of the copper network it already had in place, which has allowed it to focus on high speed DSL technologies; in contrast, TeliaSonera’s main competitor, B2, “has taken a different approach by concentrating mainly on high speed Ethernet and VDSL connections to households”

(SBMR). The competitive market ensures that the prices remain reasonable and that a variety of services are broadly available in Sweden. In addition to those with a larger share of the market there are also a number of smaller competitors, including the Danish and Norwegian incumbent operators.

Future Challenges and Opportunities

There will be room for growth as Sweden faces new technological and political challenges. Domestically, Sweden needs to continue to focus on improving its electronic government services. While surveys may find them at or near the top of quality of electronic government around the world, there are a number of changes that Sweden can make internally to improve service. Sweden's future electronic government is moving in the direction of what the UN report found to be a shift in focus in many countries to a "e-government as a whole concept", which focuses on consolidating and integrating the work done by agencies on the back-end of services provided to citizens (UN 3). This maintains a focus on improving services for citizens, but with a new focus on how that service operates behind the scenes rather than simply what the citizen sees and interacts with. In March 2009, a new Delegation called the E-Government Delegation was established to continue the mission of improving electronic government (eGov Monitor). Some of that Delegation's recommendations for the future include creating specific eGovernment services based on user demand, allowing for the Swedish Tax Agency to issue regulations regarding eGovernment standards that each agency must follow, and establishing coordinating the creation of e-identification (The eGovernment Delegation 7-11).

In regards to economic competition, the SCA does have some flaws that may be resolved in the future. First of all, there is a lack of transparency, both in appointments and in SCA decisions (OECD). This lack of transparency is odd, considering that Sweden's freedom of information laws tend to make the government highly transparent. The lack of transparency in SCA decisions is tied to the leniency of the SCA, which causes it to use more informal measures rather than the court system to create a fair market. "Reliance on informal resolution of cases may save resources, but it also reduces transparency" (OECD). It is also seen by some as lacking the necessary resources to do its job most effectively. "The balance of resource allocation between advocacy and enforcement may need adjustment, as advocacy results are mixed. The SCA needs stronger legal and economic capacities, yet its resources have been cut in recent years, even in nominal terms"(OECD). There are also the aforementioned issues of how long the enforcement process takes, and that fines are not always levied as heavily as the SCA would like. Sweden should reconsider the means by which it tries to establish a competitive economic environment and what changes could be made to make the system more efficient and effective; it may require giving the SCA more power than it presently has.

Internationally, Sweden will continue to face difficulty integrating with the European Union. Sweden continues to have more transparent open government laws than the EU, and will continue to work towards a more open European Union. The EU has also tended to be stricter in regards to intellectual property and file sharing; the recent intellectual property enforcement directive of the EU, now in place in Sweden, has brought about concern among the Swedish citizens, and it was one event which contributed to the success of the Pirate Party in recent EU elections in Sweden (Edwards). Such issues with EU integration will continue to challenge

Sweden as it works on better international cooperation. Economic competition policies have, however, been one area with Sweden has been able to effectively integrate with the European Union.

Looking towards the future, Sweden is well-positioned to stay on the forefront of issues of information policy. It has had a forward-looking mentality when addressing issues involving new technologies and legislating information policies that promote fairness and economic opportunity. Additionally, Sweden has been an effective leader in implementing electronic government services that aid its citizens. While there continue to be challenges that lie ahead, Sweden is poised to address these challenges and be a world leader in information policy in the twenty-first century.

Works Cited

- Aktiebolagstjänst. (1996, September). *Swedish Competition Policy and Public Procurement*. Retrieved November 2009, from http://www.ab.se/english/sweden/general/e-s-g-competition_policy_and_p.htm
- Andersson, H. & Legnerfalt, E.(2008). The New Swedish Competition Act. *Delphi Competition News 1(5)*. Retrieved December 2009, from http://www.ligue.org/files/080617_new%20swedish%20competition%20act1.pdf
- Ask, A., Hatakka, M., & Grönlund, K. (2008). The Örebro City Citizen-Oriented E-Government Strategy. *International Journal of Electronic Government Research*, 4(4), 69-88. Retrieved November 24, 2009, from ABI/INFORM Global database (Document ID: 1548815981).
- Banisar, David. July 2006. *Freedom of Information*. Retrieved November 2009, from <http://www.freedominfo.org/countries/sweden.htm>
- The Campaign for Freedom of Information. (1996, June). *Open & Shut Case: Access to Information in Sweden & the E.U.* Retrieved November 2009, from <http://www.cfoi.org.uk/sweden1.html>
- Castle, Stephen. (2001, January). Eurosceptic Sweden assumes presidency of EU. *The Independent*. Retrieved November 2009, from <http://www.independent.co.uk/news/world/europe/eurosceptic-sweden-assumes-presidency-of-eu-627501.html>
- Copyright. (2009, July). Retrieved December 5, 2009, from <http://www.sweden.gov.se/sb/d/2707/a/15195>
- Edwards, Chris. (2009, June). Sweden's Pirate party sails to success in European elections. *The Guardian*. Retrieved December 2009, from <http://www.guardian.co.uk/technology/2009/jun/11/pirate-party-sweden>
- Data Inspection Board of Sweden (DIB). (1973). *The Data Act 1973*. Retrieved November 2009, from <http://archive.bild.net/dataprSw.htm>
- Datainspektionen. (n.d.). *About us*. Retrieved November 2009, from <http://www.datainspektionen.se/in-english/about-us/>
- Datainspektionen. (1998). *The Personal Data Act*. Retrieved November 2009, from <http://www.datainspektionen.se/in-english/legislation/The-Personal-Data-Act/>
- Ekonomifakta. (2009). Structural Problems and Reforms. *Swedish Economic History* (section 3). Retrieved November 2009, from <http://www.ekonomifakta.se/en/Swedish-economic-history/Structural-Problems-and-Reforms/>
- eGovernment Delegation. (2009). *Strategy for the government agencies work on eGovernment*. Retrieved November 2009, from http://en.edelegationen.se/sites/default/files/SOU2009_86_Summary_0.pdf
- eGov monitor. (2009, November). *Sweden Releases New Report On eGovernment*. Retrieved November 2009, from <http://www.egovmonitor.com/node/30466>
- eGovernment News. (2005, May). *Swedish e-government progress insufficient, say critics*. Retrieved November 2009, from <http://ec.europa.eu/idabc/servlets/Doc?id=21679>
- eGovernment News. (2005, June). *Swedish e-government to focus more on customers, less on technical issues*. Retrieved November 2009, from <http://ec.europa.eu/idabc/servlets/Doc?id=21190>

- Europa. (2008, October). *Data protections in the electronic communications sector*. Retrieved November 2009, from http://europa.eu/legislation_summaries/information_society/l24120_en.htm
- Europa. (2007, August). *Protection of personal data*. Retrieved November 2009, from http://europa.eu/legislation_summaries/information_society/l14012_en.htm
- European Commission. (n.d.) *Data Protection*. Retrieved November 2009, from http://ec.europa.eu/justice_home/fsj/privacy/index_en.htm
- European Environment Agency. (2009). *GPP Glossary*. Retrieved November 2009, from http://ec.europa.eu/environment/gpp/glossary_en.htm
- General Agreement on Tariffs and Trade (GATT). (1995). *Trade Policy Review: Sweden, Sweden 1995*, vol. 1-2.
- Hamilton, Daniel S. & Quinlan, Joseph P. (2008). *Globalization & Europe*. Washington DC: Center for Transatlantic Relations.
- Herrstrom, Staffan. (2008, September). *Freedom of Information Crucial for Democracy*. Retrieved November 2009, from http://www.swedenabroad.com/News___10795.aspx?slaveid=79707
- Hultén, Peter and Björkstrand, Hanna. (2003, September). A Case Study of the Development of an E-service for the Swedish Mining Industry. *Services Marketing Quarterly*, 30.1(18-38). Retrieved November 2009, from <http://dx.doi.org/10.1080/15332960802467599>
- IDA Report. (n.d.) *Making e-government happen in Sweden*. Retrieved November 2009, from <http://ec.europa.eu/idabc/servlets/Doc?id=1600>
- (n.d.). *In English – PRV*. Retrieved November 21, 2009, from <http://www.prv.se/In-English/>
- Jonathan Armstrong. (2004, November). Privacy in Europe: The New Agenda. *Journal of Internet Law*, 8(5), 3-7. Retrieved November 24, 2009, from ABI/INFORM Global database (Document ID: 737586921).
- Melin, Ulf. (2009). The Emperor's New Clothes? – Analyzing the Swedish Action Plan for e-Government. *International Journal of Public Information Systems*, 2009:2. Retrieved November 2009, from http://www.ijpis.net/issues/no2_2009/IJPIS_no2_2009_p4.pdf
- Ministry for Foreign Affairs (n.d.). *Sweden and the European Union*. Retrieved November 2009, from http://www.swedenabroad.com/Page___38141.aspx
- Ministry of Justice. (2006, October). *The Principle of Public Access*. Retrieved November 2009, from <http://www.sweden.gov.se/sb/d/2184/a/15521>
- Ministry of Justice. (2009). *Public Access to Information and the Secrecy Act*. Retrieved November 2009, from <http://www.ud.se/content/1/c6/13/13/97/96add708.pdf>
- The Monopolies and Restrictive Practices Commission. (1955). *Collective Discrimination: A Report on Exclusive Dealing, Collective Boycotts, Aggregated Rebates and Other Discriminatory Trade Practices*. Retrieved November 2009, from http://www.competition-commission.org.uk/rep_pub/reports/1950_1959/fulltext/010c08.pdf
- Nisenoff, Norman, Bishop, Ethelyn, Clayton, Audrey. (1979). The privacy of computerized records—The Swedish experience and possible U.S. policy impacts. *Information Processing & Management*, 15.4(205-11). Retrieved November 2009, from <http://www.sciencedirect.com/science/article/B6VC8-468J1BY-1C/2/5e451b96802393a53827616d69f86812>

- Official Journal of the European Communities. (2002). *Directive 2002/58/EC*. Retrieved November 2009, from http://eur-lex.europa.eu/pri/en/oj/dat/2002/l_201/l_20120020731en00370047.pdf
- Organization for Economic Co-operation and Development, Public Affairs Division, Public Affairs and Communications Directorate. (June 2007) *Competition Law and Policy in Sweden*. Retrieved November 2009, from <http://www.oecd.org/dataoecd/12/27/38706275.pdf>
- Parfeni, Lucian. (2009, November). *Sweden Promises 100Mb Connections to All by 2020: Right on the Heels of Similar Plans from Finland*. Retrieved December 6, 2009, from <http://news.softpedia.com/news/Sweden-Promises-100-Mb-Connections-to-All-by-2020-126089.shtml>
- Privacy International. (2004, November). *PHR2004 – The Kingdom of Sweden*. Retrieved November 2009, from [http://pi.gn.apc.org/article.shtml?cmd\[347\]=x-347-83530](http://pi.gn.apc.org/article.shtml?cmd[347]=x-347-83530)
- Privacy International. (2007, December). *PHR2006 – Kingdom of Sweden*. Retrieved November 2009, from [http://pi.gn.apc.org/article.shtml?cmd\[347\]=x-347-559487](http://pi.gn.apc.org/article.shtml?cmd[347]=x-347-559487)
- Privireal. (2005, November). *Sweden – Data Protection*. Retrieved November 2009, from <http://www.privireal.org/content/dp/sweden.php>
- Rosenbaum, Martin. (2005, January). *So you want to see the PM's memos?* Retrieved November 2009, from http://news.bbc.co.uk/2/hi/uk_news/magazine/4134811.stm
- SearchSecurity.co.UK. (2008, January). *EU Data Protection Directive*. Retrieved November 2009, from http://searchsecurity.techtarget.co.uk/sDefinition/0,,sid180_gci1293055,00.html
- Stenderup, Monica. (2009). *The Swedish Market Court*. Retrieved November 2009, from <http://www.marknadsdomstolen.se/inEnglish.htm>
- (2005). *Sweden Broadband Market Report 2005*. Retrieved November 2009, from <http://www.bbwo.org.uk/broadband-3045>
- Sweden: Intellectual Property. (2005) *Martindale-Hubbell International Law Digest*. (Vol. Argentina-Vietnam, pp. SWD11-2). New Providence, NJ: LexisNexis.
- Swedish Agency for Administrative Development (SAFAD). (2000). *The 24/7 Agency: Criteria for 24/7 Agencies in the Networked Public Administration*. Retrieved November 2009, from <http://www.statskontoret.se/upload/publikationer/2000/200041.pdf>
- Swedish Agency for Public Management. (2004, November). *Short version of Public Administration in the E-Society*. Retrieved November 2009, from <http://www.statskontoret.se/upload/publikationer/2004/2004148.pdf>
- Swedish Competition Authority (2009). *Competition and Public Procurement*. Retrieved November 2009, from http://www.konkurrensverket.se/t/SectionStartPage___257.aspx
- (2007, May) Sweden Inaugurates Virtual Embassy. *Government Technology*. Retrieved November 2009, from <http://www.govtech.com/gt/articles/123619>
- The Swedish Post and Telecom Agency. (2009). *PTS - Home*. Retrieved December 2009, from <http://www.pts.se/en-gb/>
- Swedish Presidency of the European Union. (2009, September). *Transparency and Clear Legal Language in the EU*. Retrieved November 2009, from http://www.se2009.eu/en/meetings_news/2009/9/8/transparency_and_clear_legal_language_in_the_eu
- (n.d.). *Telecommunications Report Sweden*. Retrieved November 2009, from

- <http://www.bharatbook.com/Market-Research-Reports/Telecommunications-Report-Sweden.html>
- Thorngren, Bertil. (1990, April). The Swedish Road to Liberalization. *Telecommunications Policy*, 14(2), 94-8. Retrieved November 2009, from Science Direct database (DOI: 10.1016/0308-5961(90)90027-O).
- Thorpe, Susan. (2003) Researching Swedish Intellectual Property Law. *International Journal of Legal Information*, 31(3), 473-519.
- United Nations. (2008). *UN E-Government Survey 2008*. Retrieved November 2009, from <http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN028607.pdf>
- U. S. Central Intelligence Agency. (2009). *CIA - The World Factbook - Sweden*. Retrieved December 2009, from <https://www.cia.gov/library/publications/the-world-factbook/geos/sw.html>
- World Intellectual Property Organization (WIPO). (n.d.). *Sweden: Copyright, Act (Consolidation), 30/12/1960 (07/12/1995), No. 729 (No. 1274)*. Retrieved November 2009, from http://www.wipo.int/clea/en/text_html.jsp?lang=EN&id=3611