

2.5 Special reservations under Art. 4 FoIA

The Freedom of Information Act needs to be coordinated with the provisions of special federal laws that establish special provisions for access to official documents. According to Article 4

FoIA, special provisions contained in other Federal Acts are reserved where they declare certain information secret (letter a) or declare the access to certain information to be subject to require-

ments derogating from those set out in the FoIA (letter b), thereby rendering the provisions of the FoIA inapplicable to access to such information.

Table 4: Special provisions under Art. 4 FoIA

Legislation (short form) and abbreviation	SR no.	Art./Para.	Entry into force:
Dispatch on the amendment of the Federal Health Insurance Act (Cost containment measures - Package 2)	832.10	Art. 52e HIA (preliminary draft)	Dispatch dated 7 September 2022 Status: not yet dealt with in Parliament
Information Security Act (ISA)	128	Art. 4 Abs. 1 bis	Planned as of 1 January 2024
Ordinance on Additional Liquidity Assistance Loans and the Granting of Federal Default Guarantees for Liquidity Assistance Loans from the Swiss National Bank to Systemically Important Banks	952.3	Art. 6 para. 3	16 March 2023
Federal Act on Subsidiary Financial Aid to Support Systemically Critical Companies in the Electricity Industry (FiRECA)	734.91	Art. 20 para. 4	1 October 2022
Federal Act on Public Procurement (PPA)	172.056.1	Art. 48 para. 1 (explicit access provided); Art. 11 let. e (only considered a special provision during award procedures)	1 January 2021
Covid-19 Loan Guarantees Act	951.26	Art. 12 para. 2	19 December 2020
Federal Act on the Organisation of the Railway Infrastructure (OBI in German) (consolidation bill)			
Railways Act (RailA)	742.101	Art. 14 para. 2	1 July 2020
Cableways Act (CabA)	743.01	Art. 24e	1 July 2020
Passenger Transport Act (PTA)	745.1	Art. 52a	1 July 2020
Federal Act on Inland Navigation (INA)	747.201	Art. 15b	1 July 2020
Intelligence Service Act (IntelSA)	121	Art. 67	1 September 2017
Foodstuffs Act (FoodA)	817.0	Art. 24 Special provision in accordance with the dispatch on the Federal Act on Foodstuffs and Utility Articles of 25 May 2011	1 May 2017
Federal Act on the Promotion of Research and Innovation (RIPA)	420.1	Art. 13 para. 4 (see FAC ruling A-6160/2018 of 4 November 2019 E. 4)	1 January 2014

Legislation (short form) and abbreviation	SR no.	Art./Para.	Entry into force:
Banking Act (BankA)	952.0	Art. 47 para. 1	1 January 2009 (let. a and b) and 1 July 2015 (let. c)
Patents Act (PatA) Patents Ordinance (PatO)	232.14 232.141	Art. 90 PatO based on Art. 65 para. 2 PatA (see FSC ruling 4A_249/2021 of 10 June 2021)	1 July 2008
Entry into force of the Freedom of Information Act			1. July 2006
Parliament Act (ParIA)	171.10	Art. 47 para. 1 (see FAC ruling A-6108/2016 of 28 March 2018 E. 3.1)	1 December 2003
Goods Control Act (GCA)	946.202	Artt. 4 and 5 (see FAC ruling A-5133/2019 of 24 November 2021 E. 5.3.2.4)	1 October 1997
Federal Act on Direct Federal Taxation (DFTA)	642.11	Art. 110 para. 1	1 January 1995
Withholding Tax Act (WTA)	642.21	Art. 37 para. 1	1 January 1967
Federal Act on Stamp Duties (StA)	641.10	Art. 33 para. 1	1 July 1974
VAT Act (VATA)	641.20	Art. 74 para. 1	1 January 2010
Direct Taxation Harmonisation Act (DTHA)	642.14	Art. 39 para. 1 See ACLFA 2016.1 (pp.1-14), issued on 26 January 2016: Tax secrecy and access to official documents	1 January 1993
Federal Statistics Act (FStatA)	431.01		1 August 1993

(Non-exhaustive list)

Table 5: No special provisions under Art. 4 FoIA

Legislation (short form) and abbreviation	SR no.	Art./Para.	Entry into force:
Auditor Oversight Act (AOA)	221.302	Art. 19 Para. 2 (see FSC ruling 1C_93/2021 of 6 May 2022 E. 3.6)	1 September 2007
Therapeutic Products Act (TPA)	812.21	Art. 61 and 62 (see FSC ruling 1C_562/2017 of 2 July 2018 E. 3.2 and FAC ruling A-3621/2014 of 2 September 2015 E. 4.4.2.3 ff.)	1 January 2002
Federal Act on General Aspects of Social Security Law (GSSLA)	830.1	Art. 33 (No special provisions under Art. 4 FoIA in this case: see FAC ruling A-5111/2013 of 6 August 2014 E. 4.1 ff. and A-4962/2012 of 22 April 2013 E. 6.1.3)	1 January 2003
Federal Act on Occupational Old Age, Survivors' and Invalidity Pension Provision (OPA)	831.40	Art. 86 (see FSC ruling 1C_336/2021 of 3 March 2022 E. 3.4.3)	1 January 2001
Federal Act on Product Safety (ProdSA)	930.11	Art. 10 para. 4 in conjunction with Art. 12 (see FSC ruling 1C_299/2019 of 7 April 2020 E. 5.5)	1 July 2010

(Non-exhaustive list)