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Requesting access to files in and outside administrative proceedings

Heruntergeladen am 20.07.2025

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Modul	Sachverhalt
Leistungsschlüssel	99064005000000
Leistungsbezeichnung I	Requesting access to files in and outside administrative proceedings
Leistungsbezeichnung II	Requesting access to files in and outside administrative proceedings
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • § 1 Gesetz zur Regelung des Verwaltungsverfahrens- und des Verwaltungszustellungsrechts für den Freistaat Sachsen (SächsVwVfZG) in Verbindung mit § 29 Verwaltungsverfahrensgesetz (VwVfG) – Akteneinsicht durch Beteiligte • Sächsisches Kostenverzeichnis (SächsKVZ)
Teaser	As a person involved in an administrative procedure, you have the right to inspect files. Even outside of an ongoing administrative procedure, you can in principle request to inspect files
Volltext	<p>As a person involved in an administrative procedure, you have the right to inspect files. Even outside of an ongoing administrative procedure, you can in principle request to inspect files</p> <p>The question of the extent to which you can inspect the files kept by a public authority is particularly important if you want to clarify the facts on which a public authority has based its decision or which legal options are available to you in an administrative procedure concerning you as an applicant or as a party.</p> <p>Inspection of files includes not only written documents, but also all other documents relating to a specific procedure (for example, plans, photographs, maps or other data medium). However, inspection of files does not mean mere inspection. In fact, especially in the case of extensive files relating to a procedure, inspection of files can often only make sense if the party involved is given the opportunity to make copies or photocopies of the contents of the file.</p> <p>You can also apply for file inspection outside of ongoing administrative proceedings. However, the authority keeping the file then decides at its own</p>

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discretion whether to grant access to the file. As a rule, you must demonstrate a justified interest in file inspection.

Note:

- Insofar as it is a matter of inspecting files that are kept for ongoing proceedings, this right to inspect files is generally regulated in Section 1 of the Law on the Regulation of Administrative Procedure and the Law on Administrative Service for the Free State of Saxony (SächsVwVfZG) in conjunction with Section 29 of the Administrative Procedure Act (VwVfG).
- In addition to this general regulation, however, there are a large number of special regulations that specifically regulate the right to inspect files in whole or in part for individual areas.

In the following, the focus is on the inspection of files relating to ongoing proceedings. This case is also of particular interest in administrative practice.

Contact point

the authority that keeps the files on the administrative procedure

->Amt24-Behördenwegweiser (under "Was?" enter e.g. "Landratsamt" and the town)

Erforderliche Unterlagen

If you request inspection of the files of ongoing proceedings as a party or participant, you usually do not have to submit any further documents, as you are known to the authority as a party to the proceedings or participant in the proceedings. However, in individual cases it may be necessary to explain to what extent the requested inspection of files is necessary to assert or defend legal interests.

If you would like to inspect files outside of an ongoing administrative procedure, you must usually prove a

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legitimated interest to the authority keeping the files by providing appropriate documents.

Voraussetzungen

The right to inspect files exists for those involved in an administrative procedure.

The parties involved in an administrative procedure are primarily:

- the applicant
- the respondent of the application
- the addressee of an administrative act
- The party to a contract under public law

The right to inspect files only applies to the files relating to the proceedings and only to the extent that knowledge thereof is necessary for the assertion or defence of the legal interests of the party concerned.

In proceedings with uniform submissions or in proceedings in which more than 50 persons are involved in the same interest, only their representative has a right to inspect the files, provided that representation takes place.

Note: In the context of an administrative procedure, the right to inspect files does not include drafts of decisions as well as the work directly preparing them until the conclusion of the administrative procedure.

Restrictions

The authority is not obliged to permit the inspection of files insofar as

- the inspection of files interferes with the proper performance of the authority's duties,
- the disclosure of the contents of the files would be detrimental to the welfare of the Federation or of a Land, or
- Cases must be kept secret because of legal regulations or because of the justified interests of the parties involved or third persons.

Attention! Secrecy due to legal regulations or due to

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legitimate interests of a third party results in particular from the

- Tax secrecy,
- social secrecy,
- data protection and the fact that
- Business and trade secrets are to be protected.

Kosten

- Inspection of files: if applicable, according to the provisions of the Sächsisches Kostenverzeichnis (SächsKVZ) or according to special provisions
- if applicable, additional costs for copies, photocopies or transcripts, also in electronic form

Verfahrensablauf

- The inspection of files must always take place in person at the authority holding the file.
- The application is possible to make informally and without notice.

- The authority may determine that file inspection is only granted in the presence of a supervising representative of the authority.

Overall, the authority may determine the manner of file inspection (in particular the time of file inspection) at its due discretion. However, the inspection of files must be granted under reasonable conditions.

There is no right to inspect files without the presence of a supervisor.

Inspection of files at another place

In individual cases, the authority may allow file inspection at another location (for example, if you live at a greater distance from the seat of the authority holding the file). In this case, the files can be sent to another authority at your request and the inspection of files can take place there. If necessary, the files can also be inspected at a diplomatic or professional consular representation of the Federal Republic of Germany abroad.

Inspection of files by a legal representative

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	<p>If you have instructed and authorised a lawyer with regard to this procedure, the inspection of files will generally also take place at the authority. However, the authority may exceptionally determine that the legal representation is also permitted to take the files to the office or that the files are sent there. However, there is no entitlement to the files being handed over.</p>
Bearbeitungsdauer	
Frist	none
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	