



## **News from the Danish Parliamentary Ombudsman**

### **Civil service assistance for posts on ministers' private social media profiles raises fundamental issues**

10 November 2022

A citizen complained because he had been blocked from the Facebook and Twitter profiles of the, now acting, Minister of Climate, Energy and Utilities. The two profiles were created by the Minister as a private individual before he became minister, but in the citizen's opinion they were now in reality being managed by him in his capacity as minister, and they were therefore covered by the general rules of administrative law in relation to, among other things, blocking users.

On the basis of information from the Ministry of Climate, Energy and Utilities, the Ombudsman did not find grounds for setting aside the Ministry's assessment that the profiles are still being managed by the Minister as a private individual and party politician. Therefore, the Ombudsman could not investigate the citizen's complaint about the blocking, as the Ombudsman's jurisdiction solely covers the actions of ministers in their capacity as ministers, but not their actions as private individuals and party politicians.

#### **Fundamental issues**

However, the case has caused the Ombudsman to state that, in his opinion, the development in the scale of civil service assistance for posts on ministers' private social media profiles raises a number of fundamental issues.

The Minister's Facebook and Twitter profiles are about his activities both as minister and as a private individual and party politician.

The Ministry of Climate, Energy and Utilities has informed the Ombudsman that the civil service makes drafts for posts on the two profiles regarding the Minister's activities as minister, and the Ministry estimates that the civil service has made drafts for approximately 40 per cent of the posts on the

Minister's two profiles. If this estimate is correct, the Ministry will have made a total of more than 1,000 drafts for posts on the Minister's private profiles in the period from June 2019 till June 2022.

'A picture thereby appears of a development where the civil service is increasingly used for political activities in a broad sense – including personal profiling and branding of its minister – on private social profiles. It is a characteristic of these private profiles that general administrative law principles of, among other things, objectivity and equality do not apply and that the Minister can freely choose whom to allow to participate in the debate on the profile in question. In my opinion, this should give rise to a closer review of the scope of such assistance from the civil service', says Parliamentary Ombudsman Niels Fenger.

The Ombudsman notes that the previous government has announced that a committee will be set up with the task of, among other things, elucidating and assessing the civil service's assistance for ministers on social media – the so-called Democracy Committee. At the same time, the Ministry of Climate, Energy and Utilities has informed the Ombudsman that the Prime Minister's Office and the Ministry of Justice are planning to revise the existing guidelines in their 'Memorandum on legal matters concerning ministers' use of social media'.

The Ombudsman assumes that questions regarding, among other things, the scope of civil service assistance for posts on ministers' private profiles will be included in this work.

Read [the Ombudsman's statement](#) (in Danish only).

Further details:

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## **FACTS**

The Parliamentary Ombudsman's jurisdiction extends to the public administration and certain specified private institutions etc. (Section 7(1) and (4) of the Parliamentary Ombudsman Act, cf. Consolidation Act No. 349 of 22 March 2013).

Consequently, the Ombudsman can only investigate a complaint about a person being blocked on social media if the blocking has happened as part of

activities carried out by the public administration (or by one of the specified private institutions falling under the Ombudsman's jurisdiction).

A minister can act both as head of administration, government member, party politician and private individual. It is only when the minister acts as head of administration or government member that he or she carries out activities that are subject to public administration. A minister's actions as party politician or as a private individual fall outside the Ombudsman's jurisdiction.