

(This translation is for information purposes only)

Chapter VII Act 18th of June 1965 nr 4 relating to road traffic (The Road Traffic Act)

Chapter VII. Investigation of traffic accidents etc.

Section 44. *Investigating authority*

Investigations of certain categories of traffic accidents and traffic incidents shall be conducted by the authority decided by the Ministry.

The investigating authority shall clarify the sequence of events and causal factors with the objective of improving road safety.

It is not the investigating authority's task to apportion blame or liability under criminal or civil law. The investigation shall be conducted independently of other investigations or inquiries.

The Ministry may issue supplementary regulations concerning the investigating authority's work.

Section 45. *Notification of traffic accidents etc.*

The police and the Norwegian Public Roads Administration shall notify the investigating authority of certain traffic accidents and traffic incidents as specified in regulations adopted by the Ministry.

Section 46. *Securing evidence etc.*

The investigating authority has the right to use private land and to demand to examine and take possession of vehicles and wreckage. The authority shall also be granted access to documents, the results of other inquiries relating to the traffic accident or traffic incident, including by the persons involved, and post mortem examinations of victims, as well as other objects insofar as it is necessary to the performance of its task. The investigating authority may demand exhalation tests, blood tests and clinical medical examinations pursuant to Section 22a. If necessary, the investigating authority may demand police assistance.

Section 47. *Duty to make a statement to the investigating authority etc.*

It is incumbent on all parties, upon request and irrespective of any duty of confidentiality, to provide the investigating authority with any information they possess about circumstances that may have a bearing on the investigation.

The investigating authority may demand that evidence be secured outside a lawsuit in accordance with the provisions of Section 28-3(3) and Section 28-4 of the Dispute Act. The petition for securing of evidence shall be submitted to the district court in the district

where the persons whose evidence is called for live or stay, or where the real evidence in the case is to be examined.

Section 48. Duty of confidentiality

Anyone who performs services or work for the investigating authority is bound by a duty of confidentiality under the Public Administration Act with regard to information to which they become privy in the course of their work. Section 13b first paragraph no 6 of the Public Administration Act shall not apply, however.

Whenever persons as mentioned in the first paragraph receive information that is subject to a stricter duty of confidentiality than that which follows from the Public Administration Act, a correspondingly strict duty of confidentiality shall apply, unless weighty public interest considerations warrant the disclosure of the information or the information is necessary in order to explain the cause of the traffic accident or traffic incident.

Persons as mentioned in the first paragraph are also bound by their duty of confidentiality with regard to all information reported to the investigating authority under Section 47, unless weighty public interest considerations warrant the disclosure of the information or the information is necessary in order to explain the cause of the traffic accident or traffic incident.

The duty of confidentiality mentioned in the second and third paragraphs shall not prevent the information from being disclosed insofar as consent is obtained from the party entitled to confidentiality, if the information is of a statistical nature or if it is publicly available elsewhere.

Section 49. Prohibition on use as evidence in criminal cases

Information obtained by the investigating authority under Section 47 may not be used as evidence in any subsequent criminal case against the person who provided the information.

Section 50. Prohibition on the imposition of sanctions by employers

An employee who gives a statement in accordance with Section 47 shall not as a result thereof be subject to any form of sanctions imposed by his/her employer. The first sentence does not apply to measures initiated by the employer for the main purpose of improving the employee's qualifications.

The first paragraph shall not apply where the information received shows that the employee does not meet the medical requirements for retaining his/her position, or that the employee has displayed gross negligence in connection with the accident or incident. Nor shall the first paragraph apply to circumstances relating to any actions or omissions

on the part of the employee that have become known through channels other than the employee's report or statement as mentioned in Section 47.

Section 51. *Investigation reports etc.*

The Ministry may issue supplementary regulations concerning cases in which the investigating authority is required to prepare a report, the structure of the report and case processing etc.

The investigating authority's draft report is exempt from public disclosure.