

## 4.2 Principal impacts

### 4.2.1 Impact on public finances

The proposed legislation would have direct financial implications, particularly for the Digital and Population Data Services Agency. The proposal would have a financial impact on both the development and maintenance costs of the technical implementation and the administrative costs of the Digital and Population Data Services Agency. Development and maintenance costs would include, for example, the technical implementation of the viewer and related background services, as well as costs related to product management and development. With regard to product management, the maintenance of the viewer is ensured, including preparedness and response to possible disruptions. Regular auditing of the viewer would also have economic implications, as it would ensure the quality and reliability of the service. With regard to product development, financial impacts would arise from the further development required by the viewer in relation to the necessary development areas. Further development needs for the viewing application and the background services will emerge on the basis of customer and authority feedback, changes in legislation and regulations, and development needs identified within the ecosystem. In addition, technological development would create new areas for development, enabling new opportunities to improve the quality, efficiency, and effectiveness of the service.

In addition to the costs related to the technical implementation and its development, the Digital and Population Data Services Agency would incur financial impacts from coordinating, managing, and supervising the cooperation network to be established with private actors, from the necessary legal support, and from customer service and advisory tasks directed both to message-sending organisations and to customers.

According to the assessment of the Digital and Population Data Services Agency, the need for customer service, advisory services, and digital support would presumably increase somewhat from the current level, especially in the initial phase, if, as proposed, customers were also enabled to receive notifications from the authorities through private digital mailbox services. Providing guidance for a more complex service and a system involving several different actors would increase the duration of customer service and digital support interactions, even though customer support for private digital mailbox services would be provided by the private digital mailbox service providers themselves. Delivering notifications from the authorities to private digital mailbox services as well would presumably increase the volume of disruption-related inquiries and would require the Digital and Population Data Services Agency to direct customers, on a case-by-case basis, to the customer support of the digital mailbox service providers. The change would also require more extensive guidance materials than before and possibly changes to customer service systems.

Managing the cooperation network to be established with private digital mailbox service providers, including, for example, ensuring providers' compliance with requirements and security, as well as other necessary coordination, communication, and cooperation, would constitute a new set of tasks for the Digital and Population Data Services Agency and would generate new costs.

For the Digital and Population Data Services Agency, the financial impacts would arise through both personnel costs and purchased services. In the development phase, the estimated total cost of the development project is EUR 8.5 million for the years 2025–2027. In accordance with the guidelines of the Ministerial Committee on Economic Policy, the Digital and Population Data Services Agency has been allocated, for 2025, an appropriation of EUR 1.6 million to cover purchased services and personnel costs arising from implementation, using commitment and payment authorization from the 2024 state budget item 28.70.01 Steering and development of public administration ICT, as well as additional funding of EUR 6.9 million in the third supplementary budget for 2025 under budget item 28.30.03 Operating expenses of the Digital and Population Data Services Agency.

In addition to the development costs, according to the assessment of the Digital and Population Data Services Agency, the legislative proposal would result in a permanent annual cost of approximately EUR 2.15 million from 2028 onwards. Furthermore, the legislative proposal may also have indirect financial impacts on the future development of the Digital and Population Data Services Agency's Suomi.fi Messages service, as the technical development work will need to take into account a more complex overall system due to the background service related to the viewing application being opened to private digital mailbox service providers.

The proposal is not expected to generate immediate financial benefits for public finances. The savings targets under the central government productivity programme concerning the primacy of the electronic service of documents are assessed to be achieved through the Government proposal on legislation concerning the primacy of electronic service in administrative activities (Government proposal 124/2025 vp). However, the

present proposal improves the operating conditions of commercial digital mailbox service providers as part of the authorities' electronic service of documents procedure, which is expected to promote the business opportunities of digital mailbox services as well as their broader utilisation and rate of use in society. The wide-ranging utilisation of digital mailbox services improves the prerequisites for cost-effective electronic communications in both public administration and the private sector.

#### 4.2.2 Impacts on fundamental and human rights

##### 4.2.2.1 Equality

The proposed act would increase the freedom of choice of administrative customers in relation to the reception of electronic notifications and other messages sent by the authorities. In the future, an administrative customer could choose whether they wish to receive electronic messages from authorities via the Suomi.fi Messages user interface or through one or more service providers' services. In some situations, the services of private service providers may be easier to use or may offer functionalities that have not been implemented in the Suomi.fi Messages user interface. In addition, private service providers' services can also be used to receive messages sent by private-sector actors, allowing users to receive electronic mail sent by both authorities and private senders, as a rule, within a single service.

A broader opportunity than at present to use private service providers' services for receiving official messages may improve equal access to the authorities' communications for some persons in vulnerable situations. For example, a person may be accustomed to using a private service provider's service but may face challenges in using the Suomi.fi Messages user interface. The possibility to use a familiar service may promote such a person's equal ability to receive electronic service of documents from the authorities.

Authorities shall deliver electronic notifications, in accordance with the obligation of use laid down in the Act on Support Services, to the message transmission service, from which they would also be readable via the services of private service providers. As with Suomi.fi Messages, in order to use private digital mailbox services, a person needs a suitable device for reading the messages, an internet connection, and a means of strong electronic identification. A person's choice would therefore have no effect on which authorities they can receive electronic notifications from, or on what kinds of devices and other prerequisites are required in order to receive such service.

The legislative proposal would have no immediate effects on people who receive official notifications and other messages from authorities by paper mail. Such persons could, if they so wish, continue to receive paper-based notifications from authorities. However, the possibility to choose a service could increase the number of people who switch from receiving notifications by post to receiving electronic notifications. For such persons, the proposal is assessed to have positive impacts on equality. Electronic notifications by authorities can be delivered more reliably, more quickly, and regardless of a person's location, compared to paper mail. Due to the freedom of choice regarding the service, the number of people switching from paper mail to electronic notifications is nevertheless assessed to be small.

Potential risks to equality arising from the proposal are particularly related to differences in people's abilities to use digital services. Possible future innovations in the development of private digital mailbox services may enable new functionalities for receiving and responding to official notifications from authorities, which could further improve the user experience. This may, to some extent, increase differences in people's positions in receiving official notifications, depending on whether they interact with authorities electronically or by paper. This particularly affects persons who have very limited or no digital skills and who are therefore excluded from using electronic services. However, authorities must continue to ensure that everyone has the possibility to receive official notifications through means other than electronic notification. Accordingly, the ability of persons who conduct business electronically to choose the service they use to receive electronic notifications is not assessed to have significant effects on equality between people.

##### 4.2.2.2 Protection under law

The proposed Act would increase people's ability to determine the manner in which the documents of public authorities concerning their rights and obligations are received. As a result of the proposal, people would have the opportunity to make available for inspection electronic notifications from public authorities, in addition to their online services and Suomi.fi Messages, also to the services offered by other service providers that have signed agreements with the service provider. The proposal may therefore have an impact on the fulfilment of an authority's obligation to effect service under section 54 of the Administrative Procedure Act. The obligation to effect service forms part of everyone's right to legal protection and good

administration as safeguarded by section 21 of the Constitution. An effective method of service also promotes the service principle laid down in section 7 of the Administrative Procedure Act, according to which a person dealing with the administration should receive appropriate administrative services. The impacts of the proposal on legal protection and good administration relate to the effectiveness of the authorities' service of documents, that is, how quickly, reliably, and accessibly a person receives information about an electronic service of documents addressed to them in the digital mailbox service of their choice.

The ability of administrative customers to choose the service they use to receive official notifications is assessed to have minor effects in strengthening legal protection and improving good administration for those persons who primarily use, for example, a service provided by a private service provider to receive their electronic messages. In the future, such persons would be able to receive notifications and other electronic messages sent by authorities in the service they are accustomed to using. Service providers' services may also enable certain functionalities that are not available in Suomi.fi Messages. This may make it easier for the person to respond to the notification or message received from the authority. However, such persons often already have good digital skills and would actually have the opportunity to use Suomi.fi Messages as well, so the factors described above relating to a better service experience are rather limited in terms of ensuring legal protection.

The possibility to choose a viewing application may also entail risks to the achievement of legal protection. The person should understand that selecting a viewer and making an entry in the user register of the messaging service means that the person must continue to follow the service they have selected in order to receive electronic notifications and other messages sent by the authorities. As a rule, public authorities use standard electronic notification methods based on the presumption of notification. This means that the authority often does not need to verify that the person actually receives the document sent to them. If a person does not understand the implications of their choice of viewer, this may have negative consequences for their legal protection.

As a result of the proposed legislative amendments, in addition to Suomi.fi Messages, in the future it will also be possible to serve documents in the services of other providers using both the verifiable service under section 18 of the Act on Electronic Services and Communication in the Public Sector and the ordinary electronic notification under section 19. It can be assessed that, in practice, the legal protection effects of the proposed law are stronger for cases using ordinary electronic notifications than for those using verifiable electronic service. In verifiable service, the authority must ensure that the recipient has in fact received the document. The authority would also need to ensure actual receipt if the service is attempted via a service of another provider that has an agreement with the service provider. In such cases, the person should, for example, be able to confirm that they have received the document through a separate confirmation function within the service provider's system. Information on this confirmation should be transmitted via the message transmission service to the authority that sent the notification. If the authority does not receive confirmation of delivery in a verifiable service, it should attempt to effect service by other means, for example, by sending a registered letter with advice of receipt. Thus, in the case of verifiable service, the legal protection of a person would not be compromised even if they did not think of following the viewing application of their choice.

Ordinary electronic service of documents, on the other hand, is subject to the presumption of receipt, meaning that the authority does not need to separately ensure that the person actually receives the document being served. According to section 19 of the Act on Electronic Services and Communication in the Public Sector, the recipient of an ordinary electronic service of documents is deemed to have received the document on the third day after the message is sent, unless proven otherwise. This period shall run from the time when the authority sends the service of documents to the message transmission service, from which it can be read using the viewing application. In the case of an ordinary electronic service of documents, monitoring the documents arriving in the service chosen by the person is the responsibility of the person themselves. If a person does not think of following the viewing application of their choice, they may in fact miss out on notifications from the authorities that would require their intervention.

Public information on the changes resulting from the proposed act and personal information in connection with a choice of the viewing application to be used is central to the prevention of any legal security risks. As a service provider, the Digital and Population Data Services Agency is responsible for ensuring that the impact of choosing another viewing application is communicated in the Suomi.fi Messages in a sufficiently clear and understandable manner. The Digital and Population Data Services Agency and service providers participating in the electronic notification procedure could also use communication and service design to ensure that individuals do not choose to use a viewer that they do not actually use. From the point of view of legal security risks, it is also important that the selection of a viewing application other than Suomi.fi

Messages requires active action by the person and is based on their own free choice. Monitoring the arrival of new service of documents would also be facilitated by the notification feature proposed in Government Proposal HE 124/2025 vp, which would be sent automatically to an email address provided by the person, or in the future, possibly to another electronic address of the person's choice, whenever a service of documents arrives for the person in the message transmission service functioning as a background service. A person would have the option to provide an electronic address for notifications either at the time of opening their message transmission service account or later, if they so wish. The notification could indicate which service the person has chosen to use for reading messages.

Risks to the fulfilment of legal protection may also arise from technical disruptions in the message transmission service or the connected viewing applications, which could negatively affect the execution of the service of documents. Such legal protection risks are intended to be mitigated by the rules proposed in the proposal concerning cooperation between the service provider and other service providers, as well as measures for responding to disruptions.

#### 4.2.2.3 Protection of private life

The proposal would enable private digital mailbox service providers to participate in the authorities' electronic service of documents procedure in such a way that documents and related messages could be read in private digital mailbox services using viewer applications. Private digital mailbox providers would thus, in this respect, handle documents and messages sent by authorities to administrative customers in relation to the service of documents, as well as the personal data of administrative customers contained therein. The proposal may therefore have implications for the protection of personal data, which is partially encompassed by the right to privacy safeguarded in section 10, subsection 1 of the Constitution, as well as for the confidentiality of messages, which is addressed in section 10, subsection 2 of the Constitution in connection with the protection of privacy. The impacts of the proposal on the protection of personal data relate to the implementation of the data subject's data protection rights and to the secure and lawful processing of personal data. Regarding the confidentiality of messages, the impacts of the proposal relate to the risk of unauthorized third-party access to confidential messages received by administrative customers from the authorities.

The changes proposed in the proposal are assessed to have minor effects in facilitating the implementation of data protection rights. Under the proposal, notifications from the authorities would, by default, be sent more frequently to the message transmission service, and from there made visible in private digital mailbox services via an interface, instead of the documents being sent directly to private digital mailbox services. As a result, an increasing number of documents and messages related to notifications sent by the authorities would be stored centrally in the message transmission service managed by the Digital and Population Data Services Agency. The concentration of personal data storage in a single service is assessed to facilitate the exercise of data protection rights by administrative customers as data subjects—for example, when a data subject exercises their right to access their personal data or to restrict the processing of their personal data. However, the effect is assessed to be minor, since private digital mailbox services are not known to have been widely used in the service of documents procedures.

On the other hand, the proposed change could temporarily create uncertainty among data subjects about the channels through which they can exercise their data protection rights regarding the content of documents and messages sent to Suomi.fi Messages, as the roles in processing personal data for documents sent to Suomi.fi Messages would, under the proposed changes, be divided among several different actors. Any potential confusion in exercising data protection rights can, however, be avoided through clear, transparent, and timely information jointly provided by the data controllers and personal data processors responsible for the Suomi.fi Messages service as a whole. Thus, in practice, the ability of data subjects to exercise their data protection rights would not be impaired in this respect.

The personal data processed in Suomi.fi Messages mainly concerns administrative customers, and some of this personal data may be sensitive, special category data, or confidential information. Under the proposed change, an increasing number of documents to be served by the authorities and related messages would be processed in private digital mailbox services via an interface using a viewing application. As a result, an increasing amount of the aforementioned personal data would be processed by multiple actors in multiple processing environments. Consequently, the potential attack surface of the Suomi.fi Messages service as a whole would expand both technically and organisationally, as the new interfaces may contain potential vulnerabilities and personal data could be processed and accessed by a wider group. This increases, for example, the risk of personal data breaches and unnecessary or unauthorised access to personal data and confidential messages.

However, it should be noted that an administrative customer could decide which digital mailbox service provider, with which a contract has been made, would process the messages contained in their official notifications in Suomi.fi Messages, and therefore the personal data contained therein, as the administrative customer could choose whether to receive electronic messages from the authorities in one or more digital mailbox services or via the Suomi.fi Messages user interface. Thus, the personal data of an administrative customer would not be processed by those service providers without the administrative customer having made that service provider's digital mail service available by registering for the service and having chosen that service provider's viewing application for receiving electronic services of documents from public authorities.

Documents and messages related to the service of documents, and thus also personal data, would nevertheless be stored centrally in the message transmission service managed by the Digital and Population Data Services Agency, which would function as a so-called background service. This significantly reduces the risks to the protection of personal data and the confidentiality of messages arising from processing by other actors. On the other hand, the background service would, for this reason, occupy an even more critical position in ensuring the protection of personal data and message confidentiality, which in turn may increase the risk of, for example, personal data security breaches, including unauthorised access to confidential messages and, consequently, to personal data, and difficulties in exercising data subject rights. Access to personal data could, for example, be blocked due to a malfunction in the background service, or personal data could be destroyed or lost unintentionally due to a failed update.

The risk of harmful impacts on the protection of personal data can be mitigated by ensuring the protection and lawful processing of personal data throughout the entire processing chain. The protection of personal data is primarily ensured by an agreement on the processing of personal data between the actors in accordance with the requirements of data protection legislation throughout the entire processing chain. In addition, the risks arising from the processing of personal data would be assessed before processing activities begin, and, if necessary, a data protection impact assessment would be conducted in accordance with data protection legislation. The actors must also implement technical and organisational measures proportionate to the risks arising from the processing. As the data controller for the Suomi.fi Messages service as a whole, the Digital and Population Data Services Agency primarily has the responsibility to ensure that the risks arising from the processing of personal data within the Suomi.fi Messages service have been properly assessed and that the necessary measures have been taken to minimise those risks.

Agreements concerning the processing of personal data can also reduce the risks to the confidentiality of messages for private digital mailbox service providers. Third parties could potentially gain access to confidential messages and their contents, for example, through digital mailbox service providers involved in the service of documents procedure, due to insufficient access control or security. However, the risk that third parties could access confidential messages related to official notifications received by administrative customers can be reduced through the technical and organisational measures required in the agreements governing the processing of personal data. In addition, the actors would be obliged to comply with, for example, the information security requirements under Chapter 4 of the Act on Information Management, which cover, among other things, access control and the secure transfer of data, thereby reducing the risk of unauthorised access to confidential messages.

Risks to the protection of personal data and the confidentiality of messages are also reduced by the fact that the Digital and Population Data Services Agency, as the service provider of the Suomi.fi Messages service, ensures a high level of security and data protection for the service. Preparedness for the service is designed by taking into account the criticality of the service and the statutory obligation of the Digital and Population Data Services Agency to provide the service. In addition, the Digital and Population Data Services Agency has already established processes in place regarding information security, data protection, preparedness, and continuity management. Since large amounts of personal data already pass through the Suomi.fi Messages service, the service is already in a critical position in ensuring the protection of personal data and the confidentiality of messages. The proposed change would therefore only slightly increase the already significant importance of the Suomi.fi Messages service in terms of protecting personal data and the confidentiality of messages.

The confidentiality of messages could, on the other hand, be compromised if an administrative customer shares a digital mailbox with another user, or if their login credentials for the digital mailbox service fall into the wrong hands, in which case messages could be accessed improperly through the administrative customer's own digital mailbox. An administrative customer using a digital mailbox can reduce the risk of unauthorised access by taking special care of their login credentials for the digital mailbox service. The risks associated with using a shared digital mailbox can primarily be mitigated through the functionalities of the

digital mailbox services, but ultimately also by the administrative customer choosing not to use a shared digital mailbox to receive notifications from the authorities.

#### 4.2.3 Social effects

##### 4.2.3.1 Impact on the authorities

The proposed changes are not assessed to have significant impacts on the procedures or operational processes of authorities using Suomi.fi Messages. User organisations of Suomi.fi Messages would continue to send the same official notifications and other messages to the message transmission service as they do currently. In the future, messages would be transmitted via the message transmission service, functioning as a background service, through an interface to the service the user has indicated they are using, which is registered in the Suomi.fi Messages user registry. Authorities obliged to use support services under section 5 of the Act on Support Services would continue to be required to use Suomi.fi Messages, even though the official notifications sent to the Suomi.fi Messages background service could also be displayed in other digital mailbox services. To deviate from the obligation to use Suomi.fi Messages, an authority would need to apply for an exemption in accordance with the procedure and requirements set out in section 7 of the Act on Support Services. It would not be possible to deviate from the obligation only with respect to other digital mailbox services; any exemption application would concern Suomi.fi Messages and all services connected to it.

The government proposal may have impacts on user organisations due to a potentially increased need for customer service and advisory support. Sending organisations must be able to advise customers receiving messages and direct them to the correct service, even when the customer has chosen to read official notifications from the authority via a private digital mailbox service.

The government proposal would result in new tasks for the Digital and Population Data Services Agency related to the development of the message transmission service, particularly during the initial phase of integrating private digital mailbox services with the message transmission service. These technical aspects related to the development of the service are described in more detail in section 4.2.3.2. In the future, the Digital and Population Data Services Agency could, by agreement, agree on the implementation of the task of providing a viewing application with another service provider. However, the transfer of tasks to other service providers would not mean removing the task of providing a viewing application for Suomi.fi Messages from the Digital and Population Data Services Agency, but making it possible for a viewing link to be offered by other service providers as well.

The number of tasks related to drafting and managing agreements is assessed to be small. The Digital and Population Data Services Agency would assume some tasks related to cooperation between service providers connected to the background service and the management of disruptions. The Digital and Population Data Services Agency would also have the right to supervise the activities of service providers. Tasks related to other service providers' viewer applications are expected to be handled with the resources already available at the Digital and Population Data Services Agency for producing Suomi.fi Messages.

The Finnish Transport and Communications Agency would also continue to have tasks related to the supervision of digital mailbox services, as provided for, among other things, in the Cybersecurity Act. The proposed changes would not affect the Finnish Transport and Communications Agency's current supervisory tasks or resource needs.

The government proposal would have positive impacts on administrative customers' interactions with the authorities. In the future, administrative customers would have the opportunity to influence which electronic service they use to receive official electronic notifications and other messages from the authorities. Many may find, for example, services provided by private service providers more versatile or easier to use than Suomi.fi Messages. For such individuals, the availability of the authorities' services could improve to a small extent.

##### 4.2.3.2 Information society and data protection

The proposal is assessed to have a positive impact on people as users of communication networks, communication services, and digital services. Under the government proposal, administrative customers would have better opportunities to receive and read electronic messages and documents sent to them both by private actors and by authorities through a single service. Administrative customers could also choose which digital mailbox they want to use to read notifications from the authorities and related messages. With the

changes proposed in the proposal, users of digital mailboxes would also be able to more easily switch their digital mailbox service provider, as official from the authorities would, thanks to the background service, be available in another provider's digital mailbox without the need for separate data transfers. End users would therefore not be tied to the service provider they initially chose, but could switch providers as needed without undue effort in transferring their data in this regard.

The proposal would increase the freedom of choice for consumers, as well as for citizens and businesses receiving notifications from the authorities, and would make receiving the authorities' digital mail simpler, more customer-oriented, and smoother. This is expected to encourage people to adopt digital mailbox services and facilitate their adoption and to encourage them to prefer electronic official communications over paper letters. This could also be partly encouraged by the fact that, under the proposed changes, users of digital mailboxes could have a better user experience when using an electronic mailbox, as the services provided by private providers may offer functionalities that are not available in Suomi.fi Messages. In addition, the ability to easily choose and switch providers may partly encourage private digital mailbox providers to compete by introducing new functionalities and improving service quality, which enhances the position of consumers as service users. A better and smoother user experience in receiving official notifications electronically could encourage individuals and communities to use digital services more broadly in other areas of life as well.

As a result of the changes proposed in the government proposal and the involvement of new actors, administrative customers communicating electronically with authorities may, on the other hand, find it challenging to grasp the overall picture of electronic communications from the authorities. Administrative customers may therefore require more support in adopting and using electronic communication with the authorities. The effects of potential challenges faced by these administrative customers on the smoothness of electronic dealings with the authorities can be mitigated through coordinated action and communication by all actors involved in the system, carried out in cooperation with stakeholders. It should also be noted that the use of private digital mailbox services is always based on the administrative customer's voluntary and active choice.

The proposal is also expected to have impacts on companies providing digital services. These impacts are discussed in more detail in connection with business impacts in chapter 4.2.3.4.

Receiving electronic services of documents and related messages from the authorities, as well as electronic messages from private actors, primarily through a single digital mailbox creates better opportunities for the authorities and other actors to reach their customers electronically, while also enabling them to offer increasingly high-quality electronic services and more opportunities for digital interactions. This may therefore encourage the authorities and other organizations to make increasing use of electronic channels for official transactions. The possibility for public administration customers to also use other digital mailbox services to receive official notifications and other messages is assessed to have an effect of speeding up information flow and promoting the development of digital mailbox services. The proposed legislative changes may increase the number of customers of private digital mailbox service providers, thereby supporting opportunities for new innovations in digital mailbox operations. This, in turn, could also benefit the development of the authorities' services. It can thus be assessed that the proposed changes promote the development of the information society more generally.

The inclusion of private digital mailbox services in the delivery of official notifications and the construction of the Suomi.fi Messages background service system will, particularly in the initial phase of operations, incur costs, which are detailed in section 4.2.1. The costs of delivering the authorities' electronic services of documents will therefore increase compared to a model in which all services are delivered solely via Suomi.fi Messages. The authorities would still not need to pay for the delivery of electronic services of documents through the Suomi.fi Messages background system, and the costs incurred would be covered by the operating expenses allocated to the Digital and Population Data Services Agency.

In addition to impacts on the information society, the proposal is assessed to have effects on data protection and the allocation of responsibility for the processing of personal data in the Suomi.fi Messages system. User organizations that send messages and documents to the Suomi.fi Messages background service would continue to act as data controllers with respect to the content of the messages and documents they send. The Digital and Population Data Services Agency, as the provider of the Suomi.fi Messages service and background service, would also continue to act as a data processor for the messages sent by the user organisations and, indirectly, for their content. With the inclusion of private digital mailbox providers in the delivery of official services via Suomi.fi Messages, and in the related processing of personal data, new actors would be involved. Private digital mailbox providers would act as data processors with respect to the

services and their content, while the Digital and Population Data Services Agency would use the private digital mailbox providers to display the services on behalf of the user organisations acting as data controllers. Private digital mailbox providers would thus act as sub-processors in relation to the Digital and Population Data Services Agency with respect to the display of official services. The processing of personal data carried out by the Digital and Population Data Services Agency, and where applicable by private digital mailbox providers as sub-processors, is based on the legal grounds for personal data processing described in section 2.3.2.

The Digital and Population Data Services Agency would act as the data controller with respect to personal data generated through the use of Suomi.fi Messages functionalities and the background service. Private digital mailbox providers would act as data processors in this context, as they would not have the right to independently collect or manage their own permission or contact information registers. However, the processing of personal data by private digital mailbox providers in their services beyond the aforementioned scope would be governed by the privacy terms of the private digital mailbox services themselves. According to Article 28(2) of the GDPR, a data processor may not engage another processor without prior specific or general written authorisation of the data controller. When such written prior authorization is involved, the data processor must inform the data controller of any planned changes involving the addition or replacement of other data controllers, thereby giving the data controller the opportunity to object to such changes.

According to Article 28(3) of the GDPR, the processing of personal data shall be governed by a contract or other legal act under Union or Member State law, that is binding on the processor with regard to the controller. This agreement must specify the subject and duration of the processing, the nature and purpose of the processing, the types of personal data and categories of data subjects, and the data controller's obligations and rights. According to Article 28(4) of the GDPR, where a processor engages another processor for carrying out specific processing activities on behalf of the controller, the same data protection obligations as set out in the contract or other legal act between the controller and the processor as referred to in paragraph 3 shall be imposed on that other processor by way of a contract or other legal act under Union or Member State law, in particular providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that the processing will meet the requirements of the GDPR. If the second data processor fails to meet its data protection obligations, the original data processor remains fully responsible for ensuring that the second processor fulfills its obligations toward the data controller.

Thus, the processing of personal data must be agreed upon both between the user organizations and the Digital and Population Data Services Agency, and between the Digital and Population Data Services Agency and the private digital mailbox providers. If a user organisation acting as a data controller could not agree with the service producer on the processing of personal data or the sub-processors used therein, it should apply for a derogation from its obligation of use in accordance with section 7 of the Support Services Act.

As a result of the changes proposed in the proposal, services by public authorities processed in the Suomi.fi Messages service would also be processed in the digital letterbox services of private digital mail operators, as the operators who have signed an agreement with the service provider would display services by public authorities and related messages in their digital mail services through a viewing application provided through an interface built into the Suomi.fi Messages background service. The messages of an individual user, including their content and any relevant attachments, would be retrieved from the Suomi.fi Messages back-end service at the user's request and stored in a private digital mailbox service only temporarily for the duration of a single session, unless the user voluntarily, message by message, and explicitly indicates that they wish to retain that particular message in the private digital mailbox as well. All documents and messages would be stored and retained centrally in the message delivery service operating in the back-end service. In the proposed model, responsibility for the secure transmission of official services would therefore lie with the Digital and Population Data Services Agency as the service provider and maintainer of the message delivery service, and with private digital mailbox operators as viewers of the documents via their viewing applications. This, however, would not change the sending organization's own duty to ensure that the service is delivered securely or that its transmission is secure.

In private digital mailbox services, as well as in the back-end service maintained by the Digital and Population Data Services Agency, personal data included in official services and related messages would be processed. Some of this personal data may be classified as confidential, belong to special categories of personal data within the meaning of Article 9 of the GDPR, such as health information, or concern criminal convictions and offences. The data may also otherwise be sensitive and may partly include personal data of data subjects in a vulnerable position, such as children or elderly persons. Private actors participating in the electronic service of official documents would, in connection with their task of assisting a public administrative function, also have access to the user and contact information register of the Suomi.fi

Messages back-end service. The processing of personal data may be large-scale if public administration customers widely adopt private digital mailboxes for receiving services and if an increasing number of sender organisations begin using Suomi.fi Messages. This would increase both the amount of personal data processed in the Suomi.fi Messages back-end service and by private digital mailbox providers, as well as the number of data subjects whose data are processed. Thus, there would in principle be a large number of data subjects and a large volume of personal data being processed.

Large-scale processing that partly includes special categories of personal data, confidential information, or personal data of data subjects in a vulnerable position increases the risks of adverse effects on the rights and freedoms of the data subjects. In addition, personal data would be processed by several different actors in a broader processing environment, which as a starting point increases the potential attack surface both technically and organisationally and thus the risk that personal data could be subject to, for example, data breaches or other information security incidents. This may result, among other things, in the disclosure of confidential information, the resulting mental distress to data subjects, or the possibility of misuse of the data. In particular, the large-scale storage of data processed in the Suomi.fi Messages service outside the service itself constitutes a significant data protection risk. The involvement of multiple actors in the processing of personal data may also increase the risk that personal data would be processed unlawfully, for example for purposes other than those predefined, or that personal data would be made available to a broader group of processors than is necessary.

The likelihood of adverse impacts on data protection is partly reduced by the fact that private digital mailbox providers would, as described above, act as processors of personal data with regard to the presentation of official services and would therefore be contractually bound to process personal data under the authority of the data controllers solely for a limited purpose that is directly necessary for carrying out the task of assisting a public administrative function. From this perspective, the processing of personal data related to the Suomi.fi Messages ecosystem by private digital mailbox providers will be fairly limited and will take place in accordance with the data controller's instructions, which correspondingly reduces the service providers' ability to decide on data protection solutions related to their operations. In addition, under the agreement, private digital mailbox providers would be obliged to implement technical and organisational measures commensurate with the risks arising from the processing of personal data, which in turn helps ensure the lawfulness of personal data processing. In particular, the risk of personal data security breaches is further reduced by the fact that private digital mailbox providers that have entered into an agreement would be obliged not only to implement appropriate technical and organisational measures to protect personal data, but also to comply with other information security requirements applicable to their operations. The operators would, for example, be subject to the information security requirements applicable under the eIDAS Regulation and the information security requirements set out in Chapter 4 of the Information Management Act.

The data protection risks to data subjects are significantly reduced by the fact that data retrieved via the Suomi.fi Messages back-end service from official messages would not be stored permanently in private digital mailbox services; instead, the data would be stored in a private digital mailbox service only temporarily for the duration of a single session and would be retrieved and displayed in the service anew each time, solely as a result of an action initiated by the user. After this, the private digital mailbox provider would be obliged to immediately delete all data related to this. As is currently the case, the data would be stored and retained on a more permanent basis in a centralised manner in the Suomi.fi Messages back-end service managed by the Digital and Population Data Services Agency. As a result of private digital mailbox providers becoming involved in the service of official notifications, an increasing number of organisations and citizens may begin to use Suomi.fi Messages, in which case an ever-growing number of messages and personal data would be processed within Suomi.fi Messages. Suomi.fi Messages could therefore appear, to some extent, as an increasingly attractive target for data breaches or other cyberattacks.

The transmission of official messages via private digital mailbox providers would also be dependent on the operation of the Suomi.fi Messages back-end service, which is why, under the proposed changes, the reliability and continuity management of the service will become even more important for the delivery of official notifications and for ensuring data protection. Due to the centralised back-end service, the Digital and Population Data Services Agency also has an increasingly emphasised obligation to ensure a high level of information security and data protection for the service. However, the data protection risks arising from the centralised back-end service are mitigated by the fact that the Digital and Population Data Services Agency, as the service provider of the Suomi.fi Messages service, ensures a high level of information security and data protection for the service and that the service meets the requirements laid down in the Information Management Act. Preparedness measures have also been planned for the service, taking into account the critical nature of the service and the Digital and Population Data Services Agency's statutory

obligation to provide it. In addition, the Digital and Population Data Services Agency has already established processes in place regarding information security, data protection, preparedness, and continuity management. The operational reliability and information security of the Suomi.fi Messages back-end service are therefore already of great importance, taking into account the number of users of the service and the types of personal data processed within Suomi.fi Messages. In addition, the significance of the service in this respect will increase even if the proposed legislative changes concerning the primacy of electronic service of documents in public administration (Government proposal HE 124/2025 vp) enter into force as proposed. Thus, the data protection risks arising from the Suomi.fi Messages service itself would increase only slightly as a result of the proposed changes.

In the model proposed in the proposal, the risks to the protection of personal data and privacy may be increased by the possibility that official documents or, for example, confidential information could be unlawfully disclosed to another person via digital mailboxes. For example, confidential information could be inadvertently disclosed to another user of a digital mailbox through shared digital mailboxes, or the login credentials or authentication means of a digital mailbox user could, for instance, unlawfully fall into the hands of another person. However, users themselves can reduce the risk of unauthorised use of their authentication means and credentials by taking proper care of them and keeping them confidential. The data protection risks associated with using a shared digital mailbox can primarily be mitigated through the functionalities of the digital mailbox services, but ultimately also by the administrative customer choosing not to use a shared digital mailbox to receive official notifications from the authorities.

Assuming that the above-described measures to mitigate data protection risks are implemented, the adverse data protection impacts resulting from the proposal are assessed to be identifiable in terms of severity but remote in terms of likelihood. However, it is not possible at this stage to carry out a detailed and precise risk assessment, as not all details of the personal data processing, nor, for example, the technical and organisational safeguards to be implemented, are yet known. Accordingly, this assessment is based on a high-level analysis. In any event, controllers must independently assess the risks arising from the processing before commencing the processing operations.

#### 4.2.3.3 Impacts on public authorities' information management

The proposal would have effects on public authorities' information management and the related processes. Under the current legislation, public authorities are already largely obliged to use the Suomi.fi Messages service, and the Digital and Population Data Services Agency, as the provider of the message transmission service, is responsible for the technical transmission of messages between the authority and the Suomi.fi service, as well as for the storage of transmitted messages. In the future, messages from user organisations would, if the user so wishes, be transmitted from the Suomi.fi Messages back-end service also to viewing applications provided by private operators. The change proposed in the proposal would therefore introduce new user interfaces to the message transmission service, which would change in nature into a back-end and storage service for official messages. The Digital and Population Data Services Agency would still be obliged to provide the Suomi.fi Messages user interface as one viewing application, even if it had also transferred the task of providing a viewing application to another operator. For the Digital and Population Data Services Agency, the most significant changes would relate to the amendments proposed to the Act on Support Services concerning the transmission of notifications from the back-end service to public administration customers. The services of those service providers with whom the Digital and Population Data Services Agency has agreed on transferring the task of providing a viewing application would be connected to the message transmission service, enabling users to read notifications and other messages sent to them through the service of their choice. New obligations would arise for the Digital and Population Data Services Agency to carry out technical tasks in order to enable the connection of private digital mailbox providers.

The proposed changes are not assessed to have a significant impact on the tasks or responsibilities of authorities sending messages. The most central impacts on the operations of sending authorities relate to processes for ensuring the successful delivery of notifications, in which, depending on the needs of the sending authorities, it will in the future be necessary to take into account from which digital mailbox service each notification has been opened. However, these tasks will also be primarily handled by the Digital and Population Data Services Agency.

As a result of the changes proposed in the proposal, responsibilities and obligations related to information management would nevertheless become more decentralised and distributed among several different actors. In this respect, private digital mailbox providers that would participate in the presentation of official notifications would be subject to the Information Management Act, and they would be obliged to organise

information management and information security related to the presentation of notifications in accordance with the Information Management Act and other applicable legislation, such as the Cybersecurity Act. In addition, part of the responsibilities for incident management would be transferred to private digital mailbox providers. Consequently, as a result of the proposed changes, the Digital and Population Data Services Agency would no longer have as significant an opportunity as in the current situation to independently influence information management across the Suomi.fi Messages ecosystem as a whole.

With the arrival of new actors, the place where new information related to the message transmission service as a whole is generated will change. Information on the availability of a message in the service used by an administrative customer, information on the opening of the message, and, in the case of verifiable service, information on the acknowledgement of receipt will in the future be generated, for users of private digital mailbox providers, within the relevant digital mailbox service rather than in the service managed by the Digital and Population Data Services Agency. However, the ways in which new information is generated would mostly remain the same as at present.

The proposal would not, as described in section 4.2.3.2, affect the responsibilities for maintaining registers; the primary responsibility for maintaining registers would continue to lie with the user organisations. Other viewing application providers would act as sub-processors for the Digital and Population Data Services Agency, which acts as the personal data controller, and user organisations would need to approve their use. The proposal could have an impact on the information security of the communications service if it were to include the service providers that have concluded an agreement with the service provider with regard to viewing applications. However, in a contract on the transfer of a task concerning the provision of a viewer, the service provider could require, for example, compliance with data security requirements that are commensurate with the communications service provider. The agreement could, for example, require the service provider to demonstrate at regular intervals that its viewer meets the requirements set for it. As described in section 2.5.2.3 above, private digital mail services, which would normally be provided by viewer providers, would appear to be trust services within the meaning of the eIDAS Regulation and would therefore also be subject to the information security requirements of the eIDAS Regulation and the cybersecurity regulation.

Information would not be stored in viewing applications for longer than a single user session, and the service providers offering them would, in principle, have no right to read messages sent to or by natural persons or companies in their service. If the user organisation considers that the viewing applications of the service providers that have concluded a contract with the service provider would not be sufficiently secure, it should apply for an exception to its obligation to use the messaging service on the basis of the information security exception.

#### 4.2.3.4 Impact on companies

The amendments proposed in the proposal would allow the participation of private operators in the display of electronic notifications by public authorities by means of viewing applications. The proposal is therefore assessed to have significant effects on companies providing private digital mailbox services and other digital service providers that might be interested in presenting electronic notifications from the authorities and related messages through their services.

At present, there are two competing private digital mailbox service providers operating in the Finnish market, through which official notifications may have been delivered to public administration customers using these services. However, authorities have so far not made significant use of private digital mailbox services in their notification procedures. This may partly be because the implementation of notifications constitutes the exercise of a public administrative task, and the delegation of this task to private digital mailbox services has not previously been provided for in the manner required by section 124 of the Constitution. In addition, the delivery of notifications through private digital mailbox services has so far operated in such a way that the sending authority has made a separate agreement with one or more private digital mailbox providers regarding the transmission of messages.

Under the proposal, private digital mailbox providers could, on the basis of an agreement with the provider of the message transmission service, participate in the presentation of official notifications through a viewing application. Under the changes proposed in the proposal, the participation of private digital mailbox providers in the presentation of official notifications would be clearly regulated in the manner required by section 124 of the Constitution, which clarifies the role of private digital mailbox providers in the delivery of official electronic notifications and thereby creates better conditions for conducting business based on digital mailbox services in the context of official communication. In addition, the proposed regulation creates

opportunities for new digital business activities. The regulation may therefore also provide these actors with new revenue opportunities. Better conditions for conducting business and developing new digital business models promote competition between companies in the digital mailbox market, as this could encourage companies to develop, for example, better and more innovative services, new functionalities, and various value-added services to attract end users and sending organisations to their services. The proposed changes can also be regarded as creating conditions for new innovations due to the increased competition.

Competition is further promoted by the fact that, under the proposed changes, it would be somewhat easier for new actors to enter the market, since operators could present official notifications from all sending organisations using Suomi.fi Messages without needing separate agreements for the delivery of notifications with each sending organisation. Thus, new actors would have slightly better conditions to gain a foothold in the market without a large end-user base. In addition, all actors would have clear statutory provisions regarding the possibility of participating in the official electronic notification procedure and its requirements, which would ensure equal competitive conditions in this respect. The opportunities for new actors, particularly small and medium-sized enterprises, to enter the digital mailbox market could, however, be somewhat limited by the expectation that operators meet, among other things, general functional and information security requirements. Small and medium-sized enterprises may have more limited resources to meet the required conditions.

The effects of the regulation suggested in the proposal have been assessed in light of EU competition and state aid rules (Articles 106 and 107 of the Treaty on the Functioning of the European Union, TFEU) and national legislation on competition neutrality (Chapter 4a of the Competition Act (948/2011)). According to Article 106(1) of the TFEU, Member States shall neither enact nor maintain any measure that concerns public undertakings or undertakings to which Member States grant special or exclusive rights and which is contrary to the provisions of this Treaty, in particular Articles 18 and 101–109. Under Article 107(1) TFEU, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market.

During the preparation of the proposal, these questions were assessed in relation to whether the presentation of official notifications by authorities constitutes economic activity. Competition and state aid rules apply to undertakings, i.e., units engaged in economic activity, regardless of their legal form or method of financing. Economic activity is any activity in which goods or services are offered on the market. Whether markets exist for certain services may depend on how those services are organised in the relevant Member State, and therefore may vary from one Member State to another. In addition, as a result of political choices or economic development, the classification of a particular activity may change over time. What is not economic activity today may become such in the future, and vice versa. (Communication from the Commission on the notion of State aid referred to in Article 107(1) of the Treaty on the Functioning of the European Union (2016/C 262), paragraphs 12–13)

Competition and state aid rules do not apply when the activity concerns the exercise of public authority. From the perspective of competition and state aid law, a unit is considered to be acting as a user of public authority when the activity in question belongs to the State's core functions or is related to these functions in its nature, objectives, and the rules applicable to it. In general, activities that are naturally part of the special rights of public authorities and for which the State is responsible are not considered economic activities, unless the Member State has decided to introduce market mechanisms. If a public entity engages in economic activity that can be separated from the exercise of public authority, the entity acts as an undertaking with respect to that activity. Conversely, if the economic activity cannot be separated from the exercise of public authority, all activities of that entity are still considered part of the exercise of public authority and therefore do not fall within the scope of the concept of an undertaking. (Commission Communication 2016/C 262, paragraphs 17–18)

If a Member State has decided to introduce market mechanisms, and the activity is to be considered economic in nature, Chapter 4a of the Competition Act on competition neutrality also applies. Chapter 4a of the Competition Act provides for the authority of the Finnish Competition and Consumer Authority to supervise and ensure equality of competition between public and private economic activities. According to section 30b of the Act, Chapter 4a of the Competition Act does not apply if the procedure or structure of the activity follows directly from legislation, or if its application would prevent the performance of a task relating to a significant public interest, such as citizens' well-being, safety, or other comparable general interests.

The obligation of authorities to provide notifications is regulated in the Administrative Procedure Act and the Act on Electronic Notifications by Authorities. The electronic notification procedure constitutes the exercise of a public administrative function, as it is a statutory procedure that forms an essential part of administrative proceedings. The message transmission service intended for implementing electronic notifications, and the obligation of authorities to use the service, is regulated in the Act on Support Services. This proposal would provide private digital mailbox providers with the possibility to present official notifications through a viewing application provided by the private digital mailbox provider, and sets out the conditions for this. Displaying electronic notifications in a user interface is an essential part of the notification procedure, as it makes the notification available to the recipient and readable. This is therefore an auxiliary task closely linked to a public administrative function, forming part of the public administrative task assigned to the service provider by law.

Since the electronic notification procedure and the presentation of notifications are part of a public administrative function, which under section 124 of the Constitution is primarily the responsibility of authorities, these activities are by their nature tasks typical of public authority. Based on the provisions on notifications in the Administrative Procedure Act and the Act on Electronic Services and Communication in the Public Sector, these activities also relate to the State's core functions in terms of the rules that apply to them. The activities also relate to the State's core functions in terms of their objectives, as their purpose is to fulfil the authority's obligation to provide notifications, which is an essential part of the processing of administrative matters and a prerequisite for exercising the right of appeal. Therefore, from the perspective of EU competition and state aid law, the electronic notification procedure and the presentation of notifications constitute the exercise of public authority, which does not constitute not economic activity within the scope of EU competition and state aid rules.

The responsibilities and tasks of private digital mailbox providers related to the authorities' electronic notification procedure will expand substantially as a result of the changes suggested in the proposal, as these private digital mailbox providers will carry out an auxiliary task that supports a public administrative function. Carrying out and initiating a task that assists a public administrative function will impose administrative burdens and, consequently, costs on private digital mailbox providers and any other actors participating in authorities' electronic notification procedures as proposed in the proposal. Administrative burdens arise from fulfilling the prerequisites required to begin performing this task, such as meeting functional and technical requirements, and from the related administrative procedures. For example, the technical features and requirements for a new interface enabling the presentation of notifications are expected to require significant changes to the private digital mailbox providers' existing IT systems, in order to ensure interoperability with the new interface. In addition, private digital mailbox providers must adapt their message structures to correspond with the Suomi.fi Messages back-end service, as the data structure and technical implementation of messages and their attachments in the back-end service differ from those in private digital mailbox services.

Beyond these separate requirements related to initiating the activity, the actors must also comply with new requirements imposed by other legislation applicable to the task assisting a public administrative function. Private digital mailbox providers also bear responsibility for ensuring the proper implementation of notifications, as more specifically defined in the Act on Support Services and in the agreement concluded with the service provider. In addition, general administrative laws applicable to public administration would apply directly to the activities of private digital mailbox providers in this context, meaning that, for example, responsibilities and obligations under the Information Management Act regarding information security and the organisation of information management would also directly apply to private digital mailbox providers. Other requirements would also apply to private digital mailbox providers, such as the digital support and accessibility obligations under the Digital Services Act, as well as official liability provisions. Furthermore, obligations under section 8 of the Administrative Procedure Act, such as the duty to provide guidance, and other principles of good administration, apply to private actors when they carry out a public administrative task. The proposed changes could also increase the need for customer support in the services of providers performing this task, and increase contacts to the providers' customer service, which in turn may raise the administrative burden and costs for service providers.

In order for actors to carry out a task assisting a public administrative function and to comply properly with the new statutory requirements and responsibilities applicable to them, it is anticipated that they will need to modify their operational processes and possibly also their organisational structures. In addition, the IT systems of private digital mailbox providers may need to be changed so that they can comply with the obligations under the new applicable regulations, for example those relating to confidentiality. Integrating the requirements of the new applicable regulations into processes, practices, IT systems, and overall business operations will incur costs for the companies. However, at present, it is not known how well private digital

mailbox providers meet, for example, the minimum information security requirements under Chapter 4 of the Information Management Act, or the extent of changes needed in areas such as their incident management processes, protection of data transfers, or logging.

The proposal would have a minor positive impact on companies and organisations that generally use the message transmission service, as companies using the service would, like other public administration customers, be able to make their own choice of viewing application for the presentation of notifications. After this, notifications sent by authorities to a company and delivered to the message transmission service would also be readable in the private digital mailbox services chosen by the company.

#### 4.2.3.5 Impacts on the Internal Market

The service offered by private digital mailbox providers can be considered a service within the meaning of Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services. In addition, some of the requirements included in the proposed regulation can be considered, in part, as provisions concerning services referred to in the Directive. Such provisions concerning services would, for example, be included in the proposed sections 8 h and 8 i. Since compliance with the provisions concerning services would be mandatory for service providers and would affect the offering of the service, the provisions constitute technical regulations within the meaning of the Directive. Including provisions considered technical regulations in national legislation is justified, because the proposed regulation concerns the delegation of a task assisting a public administrative function to a private actor, which requires, alongside other conditions set out in the Constitution, that it be provided for by law. The underlying principle is that all matters essential to the performance of a public administrative function should be made clear in the law that delegates the task.

Directive (EU) 2015/1535 requires that a draft law containing technical regulations be notified to the Commission before those regulations are adopted into national legislation. The Commission and other Member States have the opportunity to submit comments on the content of the proposal within three months of the notification. If the Commission or another Member State submits a detailed opinion within the deadline indicating that the planned measure could create obstacles to the free movement of services within the internal market, the adoption of the proposal must be postponed by an additional month. The notification procedure carried out and its outcome are described above in paragraph 1.2.

The service offered by private digital mailbox providers can also be considered a service falling within the scope of Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (hereinafter, the Services Directive). Chapter II of the Services Directive (Articles 5–8) lays down rules on administrative simplification. The provisions of this chapter apply to all procedures and formalities necessary for starting up and operating any service falling within the scope of the Directive. The proposed regulation has, where necessary, taken into account the requirements set out in Chapter II. For example, the requirement in Article 5(1) of the Services Directive to simplify procedures and formalities relating to access to and the exercise of a service activity has been taken into account, inter alia, by refraining—during the drafting process—from providing for a licensing procedure for commencing a service activity that would be more burdensome than the proposed contractual model (the licensing procedure is discussed in more detail below in Chapter 5.1). To some extent, the requirements of Chapter II of the Services Directive are directed at the authority implementing the proposed regulation at a later stage, as well as at other parties.

Chapter III of the Services Directive (Articles 9–15) governs the freedom of establishment of service providers. The provisions of that chapter apply to all requirements concerning the establishment of a service provider. Under the proposed regulation set out in this legislative proposal, a private digital mailbox provider must meet certain requirements and conclude an agreement with the authority before it may begin offering the viewing service. On the basis of the Services Directive, such a procedure may be considered to constitute an authorisation scheme falling within the scope of the Directive (Article 4(6) of the Services Directive and recital 39). Article 9(1) of the Services Directive lays down the conditions that must be met in order for a Member State to make compliance with an authorisation scheme a condition for access to or the exercise of a service activity. That provision requires that the authorisation scheme must not discriminate against any service provider, that the need for the scheme must be justified by an overriding reason relating to the public interest, and that the objective pursued cannot be attained by a less restrictive measure, in particular because ex post supervision would take place too late to have any real effect.

The contractual model proposed in the legislative proposal is considered to satisfy the conditions set out in Article 9(1) of the Services Directive, first of all because, under the model, service providers are treated in

the same manner regardless of the Member State in which they are established. All service providers that meet the statutory requirements would, on the basis of the contract, be entitled to offer the viewing application within the messaging service. Secondly, the contractual model can be justified by overriding reasons relating to the public interest, which include public security, the protection of recipients of services, and consumer protection, as the contractual model seeks to ensure a high level of quality of services as well as the security and proper functioning of the services. Thirdly, these objectives cannot be achieved by a less restrictive measure, since, in order to attain the objectives, service providers must meet certain requirements, for example with regard to functionalities and information security. The proposed model would make it possible to ensure that all service providers meet the same requirements and provide services at least at a certain level of quality and security. In this way, for example, consumers can be confident that all service providers meet certain quality criteria. A certain minimum level of quality would encourage service providers to develop various additional services and features, which would also serve the interests of consumers. In light of the objectives pursued, ex post supervision would take place too late to have any real effect, since, for example, personal data breaches or problems relating to the availability of important documents may negatively affect the objectives within a short period of time after the breach or the emergence of such problems.

Pursuant to Article 10(1) of the Services Directive, an authorisation scheme shall be based on criteria which preclude the competent authorities from exercising their power of assessment in an arbitrary manner. Pursuant to Article 10(2), the criteria must be non-discriminatory, justified by overriding reasons relating to the public interest, proportionate to the overriding reason relating to the public interest in question, clear and unambiguous, objective, made public in advance, and transparent and accessible. In the proposed regulation set out in the legislative proposal, the criteria imposed on service providers as a condition for concluding a contract may be regarded as non-discriminatory, as the criteria treat service providers in the same manner regardless of the Member State in which the service provider is established. The criteria are justified by the same overriding reasons relating to the public interest as the contractual model itself, and, for the reasons set out above, the objectives pursued could not be achieved by a less restrictive measure. The criteria are limited to what it is necessary to require of service providers in order to protect recipients of services and consumers. The criteria are also clear and unambiguous, as their meaning would be explained in the provision-by-provision explanatory memorandum. The criteria are objective, as they reflect general conditions for commencing an activity, similar to those laid down elsewhere in legislation as prerequisites for engaging in other activities. The criteria are also made public in advance and are transparent and accessible, as the criteria would be laid down in law and the contractual terms would be publicly available.

The regulation proposed in the legislative proposal does not include any of the prohibited requirements laid down in Article 14 of the Services Directive. However, the proposed regulation may include requirements of the kind referred to in Article 15(2) of the Services Directive. Pursuant to Article 15(3) of the Services Directive, the requirements referred to in paragraph 2 must be non-discriminatory, justified by an overriding reason relating to the public interest, and proportionate.

Since the proposed section 8 h would require that a legal person acting as a service provider has the financial capacity necessary for the performance of the task, this could be regarded as a requirement concerning the possession of share capital within the meaning of Article 15(2)(c) of the Services Directive. Furthermore, since section 8 h would require that a legal person acting as a service provider has the personnel necessary for the performance of the task, this requirement could be regarded as a requirement concerning a minimum number of employees within the meaning of Article 15(2)(f) of the Services Directive. The proposed regulation may also include a requirement within the meaning of Article 15(2)(d) of the Services Directive, under which access to a specific service activity is reserved to particular service providers due to the specific nature of the activity, since the proposed regulation would apply only to private operators carrying out a certain type of activity and meeting requirements relating, inter alia, to reliability and financial capacity. These requirements included in the proposed regulation may be regarded as non-discriminatory, justified by overriding reasons relating to the public interest, and proportionate, on the same grounds as those set out above in relation to the contractual model. In addition, it can be noted that, since the proposed regulation would involve the delegation of a public administrative task to a private entity within the meaning of the Constitution, the regulation must specify which tasks may be transferred to a private entity and under what conditions. It is not possible to base on contractual arrangements alone features such as requirements concerning the general conditions of the activity or the assessment of the operator's suitability and reliability.

Pursuant to Article 15(7) of the Services Directive, Member States must notify the Commission of new statutory provisions containing requirements referred to in paragraph 2, as well as the reasons underlying them. The Commission shall communicate the notified requirements to the other Member States. The submission of the requirements does not prevent Member States from adopting the provisions in question.

Within three months of the notification, the Commission shall examine whether the provisions are compatible with Union law and, where appropriate, shall adopt a decision requesting the Member State concerned to refrain from adopting them or to repeal them.

Other key provisions of Chapter III of the Services Directive have also been taken into account in the proposed regulation set out in the legislative proposal. For example, Article 10(6) of the Services Directive requires that, with the exception of the granting of authorisations, all decisions taken by the competent authorities, including the refusal or withdrawal of authorisations, must be reasoned and must be subject to judicial review or review by other appeal bodies. Under the proposed regulation, the service producer would, as a rule, be required to conclude contracts with all service providers that notify the service producer of their willingness to carry out the task and that meet the statutory requirements. The contract would be administrative in nature. Pursuant to section 20(1)(4) of the Administrative Judicial Procedure Act (808/2019), the Administrative Court has jurisdiction to hear, as an administrative dispute, a dispute concerning an administrative contract. To some extent, Chapter III of the Services Directive also contains requirements that the competent authority must take into account in the implementation of an authorisation scheme. In this context, the competent authority must also take into account the provisions laid down in the national Act on the Provision of Services (1166/2009). The Act on the Provision of Services is related to the national implementation of the Services Directive and, according to its preparatory works, also applies to a private entity performing a public administrative task (Government proposal HE 216/2009 vp, p. 54).

Chapter IV of the Services Directive (Articles 16–21) governs the freedom to provide services. That chapter concerns cross-border provision of services, that is, situations in which the service provider is not established in the Member State in which it provides services. Pursuant to Article 16(1) of the Services Directive, a Member State may not make access to a service activity within its territory subject to requirements that are not non-discriminatory, necessary, and proportionate. Article 16(2) of the Services Directive lays down requirements that Member States may not impose on a service provider established in another Member State. However, under Article 16(3) of the Services Directive, the Member State to which the service provider moves may impose requirements relating to the exercise of a service activity that are justified on grounds of public policy, public security, public health, or environmental protection and that comply with the principles referred to above. The requirements now proposed in section 8 h are justified on grounds of public security, as the requirements imposed on service providers ensure a certain minimum level of security and operational reliability for a nationally critical service with the entry of private operators. The requirements are also non-discriminatory and proportionate on the same grounds as those set out above in relation to the contractual model.

Pursuant to Article 39(5) of the Services Directive, Member States must submit to the Commission the national requirements the application of which may fall within the scope of the third subparagraph of Article 16(1) and the first sentence of Article 16(3) of the Services Directive, together with the reasons underlying them. The Commission shall communicate the notified requirements to the other Member States. The submission of the requirements does not prevent Member States from adopting the provisions in question. The notification procedure implemented pursuant to Article 39(5) and Article 15(7) of the Services Directive is described above in paragraph 1.2.

Procedures falling within the scope of the Services Directive are also covered by the Regulation (EU) 2018/1724 of the European Parliament and of the Council (the SDG Regulation), establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012. The provisions of the SDG Regulation complement the requirements of the Services Directive. Procedures under the Services Directive must be provided fully electronically in accordance with Article 6 of the SDG Regulation, and the information concerning the procedures must comply with the quality requirements for information laid down in Article 10 of the SDG Regulation. In addition, procedures under the Services Directive must comply with Articles 13, 24, and 25 of the SDG Regulation. The competent authority must take the above-mentioned SDG Regulation requirements into account when implementing procedures under the Services Directive.