

Implementation of an automated decision-making procedure in matters related to National Certificates of Language Proficiency

Decision

The Finnish National Agency for Education is implementing an automated decision-making procedure for decisions regarding the generation of National Certificates of Language Proficiency.

Grounds

General

Automated decision-making is based on the Administrative Procedure Act. In addition, provisions on the preconditions for implementing an automated decision-making procedure are laid down in the Act on Information Management in Public Administration. These regulations ensure that the processing meets the requirements of good governance.

When automated decision-making is targeted at natural persons, the procedure must also comply with data protection legislation.

National Certificates of Language Proficiency are regulated by the Act on National Certificates of Language Proficiency. The criteria for National Certificates of Language Proficiency, the languages of the certificates and the tests used in the certificates are decided by the Finnish National Agency for Education.

In matters concerning the generation of National Certificates of Language Proficiency, the decision-making procedure consists of two parts. The first part consists of the assessment of completed National Certificates of Language Proficiency tests, in which decision-making is carried out by human resources. Automated decision-making is only used in the second part of the decision-making procedure, which involves only declaratory binding decision-making.

The legal protection of the test-taker in the case of an automatically generated decision is the same as for ordinary decisions; the test-taker may request an administrative review as provided for in section 13 of the Act on National Certificates of Language Proficiency.

Appropriateness of automated decision-making

The appropriateness of automated decision-making is related to the efficiency of the decision-making process. The procedure requires less processing by public officials, which speeds up the production of test results and reduces the costs of the certificate system. The implementation of automated decision-making is also linked to the development of the certificate system, as part of which the certificates are being digitalised and integrated into the national register service for completed studies and degrees. The changes and automated decision-making are in the best interests of the test-taker without otherwise changing their status or jeopardising their legal protection.

Legal grounds for the decision

Provisions on the preconditions for an automated decision-making procedure are laid down in chapter 8b of the Administrative Procedure Act. The chapter contains provisions on the preconditions for automated decision-making, the legal protection requirement and the obligation of the authority to inform the party concerned that their matter is subject to automated decision-making. The regulation gives an authority the power to use automated decision-making under the conditions set out in the chapter.

According to section 53e of the Administrative Procedure Act, decision-making is automated if the decision that ends the processing of a matter is made by means of automatic information processing without being verified and approved by a natural person. According to section 53e of the Administrative Procedure Act, an authority may use automated decision-making to decide on a matter that does not involve circumstances requiring individual consideration. A matter may also be decided by means of automated decision-making if a public official or other person handling the matter has assessed the circumstances requiring individual consideration of the matter, as is the case in the processing of completed National Certificates of Language Proficiency tests.

Chapter 6a of the Act on Information Management in Public Administration contains provisions that promote good governance. The provisions concern, among other things, the documentation, quality assurance, quality control and implementation of an automated decision-making procedure. The chapter also contains provisions on the allocation of official liability for automated decision-making. Furthermore, the chapter lays down provisions on ensuring that the data used in automated decision-making is up to date and accurate and the obligation to provide information on the automated decision-making procedure.

The Finnish National Agency for Education has, as required by section 28a of the Act on Information Management in Public Administration, described the automated decision-making procedure and the division of tasks between the persons responsible for the procedure.

This implementation decision is published in the public information network on the website of the Finnish National Agency for Education in the manner required by section 28e of the Act on Information Management in Public Administration.

Automated decision-making on the matters of natural persons must meet the requirements of the General Data Protection Regulation (EU 2016/679). The General Data Protection Regulation requires national legislation on the making of automated individual decisions. This requirement is met by the provisions of chapter 8b of the Administrative Procedure Act and chapter 6a of the Act on Information Management in Public Administration.

Date of implementation

This decision shall enter into force once it has been approved. The automated decision-making procedure is planned to be implemented on 1 April 2026.

Request for review

Requesting a review of this implementation decision is not allowed.

Applicable provisions

Administrative Procedure Act sections 53e - 53g
Act on Information Management in Public Administration sections 28a - 28g
Administrative Judicial Procedure Act section 6, subsection 2

Contact information for further information

Contact at the Finnish National Agency for Education for more information on the use of the automated decision-making procedure: +358 29 497 150

List of documents on which the implementation decision is based

Description of processing rules, division of tasks and quality assurance (OPH-2482-2026)