

13.7.2025

**Author**

WOLFF, Heinrich Amadeus (STEMMER, Bastian)

**Title**

Das Akteneinsichtsrecht nach § 29 VwVfG und das Recht der externen Gutachter auf Anonymität im Berufungsverfahren / Heinrich Amadeus Wolff und Bastian Stemmer

**Publication year**

2014

**Source/Footnote**

In: Wissenschaftsrecht. - 47 (2014) 3, S. 361 - 370

**Inventory number**

38564

**Keywords**

Berufung : allgemein ; Hochschullehrer : allgemein

**Abstract**

As a rule, the legal regulations concerning professorial appointment procedures provide for an evaluation by external assessors. The question which therefore arises is whether the candidates' right of access to documents granted to them in the framework of the administrative procedure also includes the right to be informed about the names of the assessors. This question has not yet been conclusively clarified in court. It has to be distinguished from the separate question as to whether the candidates, if they take legal action, have the right to be informed about the name of the assessors in the course of the legal proceedings. Some state laws contain an explicit regulation for the administrative procedure. As long as no special regulation exists, the question is referred to section 29 VwVfG (= Verwaltungsverfahrensgesetz, i.e. the Administrative Procedure Act). For manifold reasons, according to the opinion stated here, section 29 VwVfG grants the candidates the right to be informed about the contents of the assessment, but not about the name of the assessors. The most important argument is that the contents of the assessment would be less objective if the assessors had

**13.7.2025**

to reckon with their names being disclosed. (HRK / Abstract übernommen)