

Issuer:	Riigikogu
Type:	act
In force from:	01.02.2016
In force until:	31.12.2016
Translation published:	04.02.2016

## Population Register Act

Passed 31.05.2000

RT I 2000, 50, 317

Entry into force 01.08.2000, partially 01.01.2001. a.

Amended by the following acts

Passed	Published	Entry into force
07.03.2001	RT I 2001, 31, 173	07.04.2001
25.04.2002	RT I 2002, 41, 254	27.05.2002
05.06.2002	RT I 2002, 53, 336	01.07.2002
12.06.2002	RT I 2002, 57, 355	18.07.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
20.11.2002	RT I 2002, 102, 599	01.05.2004
18.12.2002	RT I 2003, 4, 22	23.01.2003
24.03.2004	RT I 2004, 22, 148	08.04.2004
14.04.2004	RT I 2004, 30, 208	01.05.2004
15.12.2004	RT I 2005, 1, 1	31.03.2005
13.04.2005	RT I 2005, 24, 179	01.01.2006
20.04.2005	RT I 2005, 25, 192	27.05.2005
01.06.2005	RT I 2005, 33, 243	01.08.2005
15.06.2005	RT I 2005, 39, 308	21.07.2005
19.04.2006	RT I 2006, 21, 159	01.06.2006
17.05.2006	RT I 2006, 26, 191	01.08.2006
24.01.2007	RT I 2007, 12, 66	01.01.2008
15.02.2007	RT I 2007, 24, 127	01.01.2008
10.12.2008	RT I 2008, 59, 330	01.01.2009
20.05.2009	RT I 2009, 29, 175	01.07.2009
20.05.2009	RT I 2009, 30, 177	01.07.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140(2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13.07.2010 (OJ L 196, 28.07.2010, pp. 24-26).
25.11.2010	RT I, 09.12.2010, 1	01.01.2011
16.02.2011	RT I, 14.03.2011, 1	01.01.2012
07.11.2013	RT I, 22.11.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014 In Chapter 13 of the Act, the word "supervision" [järelevalve] has been replaced by the words "administrative supervision" [haldusjärelevalve] in the appropriate case form.

19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers substituted on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act.
09.12.2015	RT I, 30.12.2015, 5	01.01.2016
17.12.2015	RT I, 31.12.2015, 31	01.01.2016
14.01.2016	RT I, 22.01.2016, 7	01.02.2016

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application of Act

(1) This Act provides for the composition of data in the population register and the procedure for the introduction and maintenance of the population register, processing of data and access to data in the population register, entry of data on residence in the population register and exercise of supervision over the maintenance of the population register.

[RT I 2002, 61, 375 - entry into force 01.08.2002]

(2) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

[RT I 2002, 61, 375 - entry into force 01.08.2002]

(3) This Act applies to entry of vital statistics data in the population register, unless otherwise provided for in the Vital Statistics Registration Act.

[RT I 2009, 30, 177 - entry into force 01.07.2010]

### § 2. Purpose of Act

The purpose of this Act is to ensure the collection of main personal data of the subjects of the population register in a single database for the performance of functions of the state and local governments provided by law upon the exercise of the rights, freedoms and obligations of persons, and the maintenance of records on the registration of population.

[RT I 2006, 26, 191 - entry into force 01.08.2006]

### § 3. Official name and type of database of population register

(1) The official name of the population register is the Estonian population register (hereinafter *population register*).

(2) The population register is a general national register.

### § 4. Subject of population register

The subject of the population register is an Estonian citizen, a citizen of the European Union, Member State of the European Economic Area or the Swiss Confederation who has registered his or her residence in Estonia or an alien who has been granted a residence permit or right of residence in Estonia.

[RT I 2006, 26, 191 - entry into force 01.08.2006]

### § 5. General principles of maintenance of population register

(1) The Personal Data Protection Act and the Public Information Act apply to the maintenance of the population register together with the specifications provided for in this Act.

[RT I 2007, 24, 127 - entry into force 01.01.2008]

(2) The following shall be ensured upon maintaining the population register:

- 1) protection of private life of persons;
- 2) registration of subjects of the population register on the basis of the administrative-territorial organisation of the country;
- 3) access of the state and local government agencies and natural and legal persons to data in the population register for the performance of public law functions assigned to such agencies or persons by law or on the basis thereof (hereinafter *public duties*);
- 4) access of legal persons and natural persons with legitimate interest to data in the population register.

### § 6. Effect of data entered in population register

(1) Data entered in the population register are informative and statistical.

(2) Data entered in the population register have legal effect in cases prescribed by law.

(3) The performance of public duties shall be based on the primary data in the population register. Initial collection of primary data in the population register in other databases is prohibited.  
[RT I, 14.03.2011, 1 - entry into force 01.01.2012]

(4) Primary data entered in the population register on a subject of the population register constitute the basis for the corresponding data on the subject of the population register contained in other databases.  
[RT I, 14.03.2011, 1 - entry into force 01.01.2012]

#### **§ 7. Owner of population register**

The population register is the property of the state.

#### **§ 8. Manner of maintenance and processing of data of population register**

(1) The population register is maintained as an electronic database.

(2) Automatic data processing is used upon the processing of data in the population register.

(3) Data in the population register may be processed online under the conditions and pursuant to the procedure provided for in this Act.

(4) For the purposes of this Act, online processing means automatic processing of the register data through a data communication network.

#### **§ 9. Structure of population register**

(1) The population register is maintained as a uniform single-level database.

(2) The composition of data in the population register is structured on the basis of the administrative-territorial organisation of the country and types of data in the population register.

## **Chapter 2 CHIEF PROCESSOR AND AUTHORISED PROCESSOR OF POPULATION REGISTER**

#### **§ 10. Chief processor of population register**

The Ministry of the Interior exercises the rights of the chief processor of the population register (hereinafter *chief processor*).

#### **§ 11. Rights and obligations of chief processor**

(1) The chief processor shall ensure the maintenance of the population register and processing of data contained therein in compliance with law and legislation issued on the basis thereof.

(2) The chief processor shall:

- 1) organise design and development work necessary for the maintenance of the population register;
- 2) accept the work specified in clause 1) of this subsection and prepare a corresponding legal instrument;
- 3) co-ordinate the maintenance of the population register;
- 4) organise the protection of the data in the population register;
- 5) establish the procedure for the maintenance of the population register or enter into a contract for the maintenance of the population register with the authorised processor of the population register;
- 6) enter into or authorise the authorised processor to enter into data processing contracts;
- 7) exercise supervision over the maintenance of the population register;
- 8) resolve disputes between persons who submit data (hereinafter *persons submitting data*), data recipients and the authorised processor which are related to maintenance of the population register;
- 9) adjudicate challenges related to the maintenance of the population register;
- 10) collect and analyse proposals relating to the maintenance of the population register from persons submitting data and data recipients and the authorised processor;
- 11) prepare the draft annual budget of the population register;
- 12) approve the budget and monitor implementation thereof;
- 13) organise the drafting of legislation necessary for maintenance of the population register;
- 14) perform other functions placed within the competence of the chief processor by this Act.

(3) In addition to the rights and obligations prescribed in subsection (2) of this section, the rights and obligations prescribed in the Personal Data Protection Act and the Public Information Act extend to the chief processor unless otherwise provided by this Act.  
[RT I 2007, 12, 66 - entry into force 01.01.2008]

(4) The minister responsible for the area shall, by a directive, appoint an official or a structural unit of the Ministry to organise the performance of obligations of the chief processor.

## **§ 12. Appointment of authorised processor of population register**

(1) The Government of the Republic shall appoint, by an order, at the proposal of the minister responsible for the area a state agency or legal person in private law which complies with the requirements provided for in this section as the authorised processor of the population register (hereinafter *authorised processor*). A legal person in private law shall be appointed pursuant to the procedure provided for in the Administrative Co-operation Act.  
[RT I 2005, 25, 192 - entry into force 27.05.2005]

(2) Upon appointment of the authorised processor, the Government of the Republic shall consider the opinion of the state information systems co-ordination authority and the Data Protection Inspectorate.

(3) The authorised processor shall:

- 1) own the information technology equipment necessary for maintenance of the population register or such equipment shall be available to the authorised processor;
- 2) have experience in maintenance of databases where automatic data processing is used;
- 3) be able to organise training necessary for the processing of data in the population register;
- 4) have the knowledge and means necessary for organising the protection of data in the population register;
- 5) have the opportunity to employ persons familiar with legislation concerning the protection of personal data and databases and high-level information technology.

(4) Authorised processor who is a legal person in private law shall not have tax arrears or other proprietary obligations which would hinder the maintenance of the population register.

(5) Prior to submitting a proposal to the Government of the Republic, the chief processor shall verify the compliance of the candidate for authorised processor with the requirements together with the state information systems co-ordination authority and the Data Protection Inspectorate.

(6) The chief processor may specify the conditions listed in subsection (3) of this section and shall notify the candidate for authorised processor of the specified conditions one month prior to verifying the compliance of the candidate with the requirements.

## **§ 13. Rights and obligations of authorised processor**

(1) The authorised processor is required to maintain the population register in compliance with law and legislation issued on the basis thereof, pursuant to the procedure for the maintenance of the population register or a contract for the maintenance of the population register and orders issued by the chief processor within the competence of the chief processor.

(2) The authorised processor shall:

- 1) process the data in the population register in the cases, to the extent and pursuant to the procedure prescribed by this Act, the procedure for the maintenance of the population register or the contract for the maintenance of the population register entered into with the chief processor;
- 2) ensure the preservation of data entered in the population register;
- 3) report on work performed to the chief processor pursuant to the procedure and during the terms established in the procedure or contract for the maintenance of the population register;
- 4) enter, with the authorisation of the chief processor, into contracts for the processing of data in the population register;
- 5) provide persons submitting data and data recipients with instructions and explanations in technical issues relating to data processing and transfer of data;
- 6) submit inquiries to persons submitting data;
- 7) ensure the confidentiality of information related to the protection of data in the population register even after the termination of authorisation of the authorised processor;
- 8) organise, upon the request of the chief processor, training necessary for processors of data in the population register, persons submitting data and data recipients;
- 9) notify the chief processor of cases where persons submitting data fail to submit data on time or in compliance with the requirements;
- 10) perform other functions placed within the competence of the authorised processor by this Act.

(3) If the authorised processor finds that an order of the chief processor is in conflict with law, the authorised processor shall not comply with the order and shall immediately notify the chief processor and the Data Protection Inspectorate in writing thereof. If the chief processor repeats its order in writing, the authorised processor is required to comply therewith and notify the Data Protection Inspectorate thereof.

(4) The authorised processor has the right to request written orders from the chief processor.

(5) In addition to the rights and obligations provided for in subsections (2)–(4) of this section, the rights and obligations prescribed in the Public Information Act and the Personal Data Protection Act extend to the authorised processor unless otherwise provided by this Act.  
[RT I 2007, 12, 66 - entry into force 01.01.2008]

## **Chapter 3**

# **CONDITIONS OF MAINTENANCE OF POPULATION REGISTER**

### **§ 14. Establishment of procedure and entry into contract for maintenance of population register**

(1) For the maintenance of the population register, the minister responsible for the area shall establish the procedure for the maintenance of the population register in the case of an authorised processor who is a state agency or enter into a contract under public law for the maintenance of the population register (hereinafter *contract*) with an authorised processor who is a legal person in private law.

(2) The contract shall be approved by the Data Protection Inspectorate prior to entry into the contract.

(3) The contract shall be entered into for five years. The term of the contract is extended for the following five years if the chief processor or authorised processor who is a legal person in private law fails to give notice of the termination of the contract in writing at least one year prior to the expiry of the term of the contract.

(4) If the chief processor or authorised processor who is a legal person in private law gives notice of the termination of the contract, a new authorised processor is appointed and a new contract is entered into not later than six months prior to the expiry of the term of the valid contract or, in the case of premature termination of the contract, not later than three months prior to termination of the contract.

[RT I 2004, 22, 148 - entry into force 08.04.2004]

### **§ 15. Procedure for maintenance of population register and terms of contract**

(1) The following shall be provided for in the procedure or contract for the maintenance of the population register:

- 1) the requirements for and methods of maintenance of the population register;
- 2) the volume, extent, terms and conditions of data processing;
- 3) the procedure and requirements for data protection;
- 4) the procedure for and terms of maintenance and financing the development of the population register;
- 5) the procedure and terms for the submission of reports on work performed by the authorised processor upon maintenance of the register;
- 6) the conditions of and procedure for ordering data processing;
- 7) the procedure for performing design work necessary for the maintenance of the population register and processing of data therein and work ensuring the introduction and development of the population register;
- 8) the procedure for transferring the maintenance of the population register to a new authorised processor and other measures applied to ensure the continuity of the maintenance of the population register.

(2) The following may be additionally provided for in the contract:

- 1) restrictions on the assumption by the authorised processor of obligations which may damage the performance of obligations of the authorised processor prescribed in this Act and the contract;
- 2) the conditions and extent of and procedure for covering the expenses of the authorised processor related to the maintenance of the population register arising from the termination of the contract initiated by the chief processor.

(3) Additional terms and conditions may be prescribed in the contract by agreement between the parties to the contract. The terms of contract may be amended by agreement of the parties.

(4) The rights and obligations granted to the chief processor and authorised processor by law in the maintenance of the population register and data processing shall not be extended or restricted by the contract.

### **§ 16. Bases for termination of contract for maintenance of population register**

(1) The following constitute the basis for termination of the contract on the initiative of the chief processor:

- 1) repeated or a single violation of the Personal Data Protection Act, the Public Information Act or this Act which involves the authorised processor violating the requirements for data protection or which caused data to be accessible to persons who have no right to obtain such data or which allowed cross-usage of data not arising from an Act or legislation issued on the basis thereof;

[RT I 2007, 12, 66 - entry into force 01.01.2008]

- 2) offences relating to computers or data processing committed by employees of the authorised processor;

- 3) failure to comply or inadequate compliance with the provisions of the contract after a precept from the chief processor;
- 4) disagreement with a proposal to amend the contract made by the chief processor to increase the quality of data protection or data processing;
- 5) financial obligations assumed by the authorised processor which endanger the maintenance of the population register;
- 6) a reasoned proposal to terminate the contract made by the Data Protection Inspectorate upon failure to comply or inadequate compliance by the authorised processor with the requirements of data protection which endangers the actuality of data in the population register or allows data to be accessible to persons who have no right to obtain such data.
- 7) failure to reach an agreement, within one month after the state budget is passed, with the authorised processor on the coverage of the costs of maintenance of the population register during the following budget year.

(2) The following constitute the basis for termination of the contract by the authorised processor:

- 1) an extensive increase in the volume of data processing compared to the volume prescribed in the contract without additional financing;
- 2) failure on the part of the chief processor to organise and accept works necessary for the design, introduction and development of the population register or non-compliance with terms thereof;
- 3) termination of the financing prescribed by the contract for maintenance of the population register or repeated failure to comply with the terms of financing;
- 4) a decision not to extend the contract for the following term.

(3) A contract may be terminated prematurely and unilaterally on the bases prescribed in clauses (1) 1), 3), 5), 6) and 7) and (2) 2) and 3) of this section. Upon termination of the contract on the bases provided for in clauses (1) 1), 3), 5), 6) and 7) of this section, the authorised processor shall not be compensated for the contractual expenses.

#### **§ 17. Notification of termination of contract for maintenance of population register**

The party initiating termination of the contract shall notify the other party to the contract in writing of the termination of the contract not later than one year prior to expiry of the term of the contract and of premature termination not later than six months prior to the termination of the contract and shall refer to the basis provided for in subsection 16 (1) or (2) of this Act.

#### **§ 18. Formalisation of termination of contract for maintenance of population register**

(1) The termination of the contract shall be documented in the form of a legal instrument in which the following shall be provided:

- 1) the procedure for and terms of the transfer of maintenance of the population register to the new authorised processor;
- 2) the rights and obligations of parties to the contract after termination of the contract.

(2) Authorised representatives of the chief processor and authorised processor shall sign the legal instrument.

#### **§ 19. Data processing contract**

(1) Chief processor and authorised processor as specifically authorised by the chief processor may enter into contracts for the processing of data in the population register with persons submitting data and data recipients for the processing of data to a limited extent. With the consent of the chief processor, a tripartite contract is entered into between the chief processor, authorised processor and the person submitting data or data recipient.

(2) As an exception, the authorised processor may, with the permission of the data protection supervision authority and the specific authorisation of the minister responsible for the area, enter into data processing contracts to the extent of single data processing operations with legal persons or agencies which are not persons submitting data or data recipients if such persons or agencies comply with the requirements for the authorised processor provided for in clauses 12 (3) 1), 2), 4) and 5) of this Act.

(3) The following shall be provided for in a data processing contract:

- 1) data in the population register which is to be processed;
- 2) data processing operations which are to be performed and the extent and terms thereof;
- 3) the extent of, procedure for and methods of data processing, including the right to process data in the population register online;
- 4) the extent of access to data;
- 5) if access is granted, the purpose of using the data obtained (including the right to transfer data into another database);
- 6) the procedure for providing technical instructions and reporting;
- 7) general technical and organisational measures to protect data which are being processed and the procedure for the implementation of measures of data protection;
- 8) the procedure for financing data processing;
- 9) the term of the contract and conditions for termination thereof.

(4) All obligations and liabilities prescribed for the authorised processor in the Public Information Act, the Personal Data Protection Act and this Act extend to persons or agencies who process data in the population register on the basis of a data processing contract (hereinafter *contractual processors*) upon data processing and compliance with the requirements of data protection within the competence of such person or agency unless otherwise provided for in this Act.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(5) A data processing contract for an unspecified term shall be entered into with a person submitting data. Upon termination of the contract, bases similar to the bases provided for in subsections 16 (1) and (2) of this Act apply and the other party shall be notified of the termination of the contract at least two weeks prior to termination of the contract.

(6) Upon termination of a data processing contract with a person submitting data, the chief processor has the right to issue orders to the person submitting data to ensure the continuity of data processing.

## **Chapter 4**

# **COMPOSITION OF DATA IN POPULATION REGISTER**

### **§ 20. Types of data in population register**

The types of data in the population register are:

- 1) personal data of the subject of the population register and data related to personal data which are updated to the latest documented correct status (hereinafter *actual data*);
- 2) data which are of assistance upon the maintenance of the population register;
- 3) data preparing the status of the subject of the population register;
- 4) data preserved in the archives of the population register.

### **§ 21. Personal data entered in population register**

(1) Personal data to be entered in the population register are:

- 1) surname or surnames;
  - 2) given name or given names;
  - 3) sex;
  - 4) date of birth;
  - 5) data on the place of birth (according to the administrative-territorial division valid at the time of birth);
  - 6) personal identification code;
  - 6<sup>1</sup>) personal identification code of a foreign state upon existence thereof;
  - 7) data on citizenship;
  - 8) existence and term of an alien's residence permit and work permit or right of residence;
  - 8<sup>1</sup>) existence and validity of e-residency;
- [RT I, 31.12.2015, 31 - entry into force 01.01.2016]
- 9) data on residence;
  - 9<sup>1</sup>) contact details;
  - 10) data on marital status (single, married, widow/widower, divorced);
- [RT I 2009, 30, 177 - entry into force 01.07.2010]
- 11) data on a parent's right of custody (parent who is granted right of custody, transfer of right of custody in part or in full to one parent, suspension and restoration of right of custody, restriction of right of custody, deprivation of right of custody in full, separation of child from family);
- [RT I, 22.11.2013, 1 - entry into force 01.01.2014]
- 12) data on guardianship (the name, personal identification or registry code and residence or registered office of the guardian, the time of beginning and end of guardianship and the transactions which the person under guardianship can enter into without the consent of his or her guardian);
- [RT I 2009, 30, 177 - entry into force 01.07.2010]
- 13) data stating that the person has restricted active legal capacity and has been divested of his or her active legal capacity with regard to the right to vote by a court ruling;
- [RT I 2008, 59, 330 - entry into force 01.01.2009]
- 14) data on the person's death or declaration of death (the time and place of death or the time since when the person is declared dead and, if corresponding data exist, the place of burial and cause of death);
  - 15) [repealed - RT I 2008, 59, 330 - entry into force 01.01.2009]
  - 16) the personal identification codes of the person's mother, father, spouse and children as entered in the population register or data provided for in clauses 1)–5) and 7)–9) of this subsection on the person's mother, father, spouse and children;
  - 17) [repealed - RT I 2002, 41, 254 - entry into force 27.05.2002]
  - 18) data on the ethnic nationality, mother tongue, education and area of activity of the person collected for statistical purposes and submitted voluntarily by the person.

(2) Data on citizenship specified in clause (1) 7) of this section are:

- 1) Estonian citizenship or citizenship of a foreign state;
- 2) lack of citizenship;
- 3) unspecified citizenship;
- 4) in the case of Estonian citizenship, the time of acquisition, resumption and loss of citizenship;
- 5) the previous citizenships of the person;
- 6) secondary citizenships of the person.

[RT I 2009, 30, 177 - entry into force 01.07.2010]

(2<sup>1</sup>) The secondary citizenship specified in clause 2 (6) of this section means the secondary citizenship set out in the source documents for entering data specified in subsection 26 (1) of this Act in the population register, which is not the basis for his or her status of a subject of the population register.

[RT I 2009, 30, 177 - entry into force 01.07.2010]

(2<sup>2</sup>) E-residency specified in clause (1) 8<sup>1</sup>) of this section is the legal status of the person who has been issued an e-resident's digital identity card on the basis of the Identity Documents Act. Data on existence and validity of e-residency are:

- 1) existence of the e-resident's digital identity card issued to the person;
- 2) date of issue and date of expiry or date of revocation of the e-resident's digital identity card.

[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

(3) Data on the residence specified in clause (1) 9) of this section are:

- 1) residential address;
- 2) the time of entry of the residential address in the population register;
- 3) the time of change in data on the residence entered in the population register;
- 4) in the case of a person who is the subject of the population register and who resides in a foreign state or who arrived from a foreign state, the name of the state, administrative unit and residential address (if address details exist);
- 5) in the case of an Estonian citizen who has the right to vote and who permanently resides in a foreign state, the last permanent residence of the person or his or her parents (grandparents) in Estonia to the accuracy of the rural municipality or city or city district in Tallinn on the basis of administrative-territorial organisation valid at the time (on the basis of an application of the person).

(4) The residential address specified in clause (3) 1) of this section consists of the following data:

- 1) the name of the county;
- 2) the name of the city or rural municipality;
- 3) the name of the city district or rural municipality district;
- 4) the type and name of the settlement unit;
- 5) the name of the address unit (street, road, square, farm or other small place used in the address);
- 6) the number of the residential building (building);
- 7) the number of the apartment or other separate space;
- 8) the codes of address (if such codes exist);
- 9) postal code.

(5) The contact details specified in clause (1) 9<sup>1</sup>) of this section are the following data submitted by the person or entered in the population register on another basis provided for in this Act:

[RT I, 14.03.2011, 1 - entry into force 01.01.2012]

1) address of space of residence if the person resides in another place for a longer period of time or from time to time or if only the city, rural municipality, city district or rural municipality district is indicated as the residence of the person;

- 2) e-mail address;
- 3) post box number;
- 4) telephone number;
- 5) other telecommunications numbers.

[RT I 2006, 26, 191 - entry into force 01.08.2006]

(6) For the purposes of this Act, the marital status shall be entered as the data on marital status specified in clause (1) 10) of this section as follows:

- 1) single, if no data on a source document certifying marriage of the person have been entered in the population register;
- 2) married, if data on a source document certifying contraction of valid marriage of the person have been entered in the population register;
- 3) divorced, if data on a source document certifying divorce have been entered in the population register as the last document setting out the marital status;
- 4) widow/widower, if data on a source document certifying contraction of marriage have been entered in the population register as the last document setting out the marital status and the marriage has terminated upon the death of the spouse.

[RT I 2009, 30, 177 - entry into force 01.07.2010]

## § 22. Data related to personal data

(1) Data related to the personal data entered in the population register are:

- 1) the date of entry into force of the data (if necessary);
- 2) [repealed - RT I 2002, 41, 254 - entry into force 27.05.2002]
- 3) data on the person being entered in a list of candidates for elections;
- 4) data on the restriction on access to data;
- 5) the time when the person left Estonia and the state where he or she permanently settled in or the time of the person's arrival to permanently settle in Estonia and the state where he or she arrived from;
- 6) data on documents issued to the person.

(2) Data on the following documents issued by state or local government agencies shall be entered in the population register:

- 1) identity cards;
  - 1<sup>1</sup>) residence permit cards;  
[RT I, 09.12.2010, 1 - entry into force 01.01.2011]
- 2) Estonian passports;
- 3) [repealed - RT I 2005, 25, 192 - entry into force 27.05.2005]
- 4) diplomatic passports;
- 5) [repealed - RT I 2005, 33, 243 - entry into force 01.08.2005]
- 6) seafarer's service record books;
- 7) certificates of record of service on Estonian ships;
- 8) alien's passports;
- 8<sup>1</sup>) temporary travel documents;
- 9) travel documents for refugees;

(9<sup>1</sup>) [repealed - RT I 2002, 41, 254 - entry into force 27.05.2002]

(9<sup>2</sup>) [repealed - RT I 2002, 41, 254 - entry into force 27.05.2002]

- 10) birth certificates;
- 10<sup>1</sup>) [repealed - RT I, 22.11.2013, 1 - entry into force 01.01.2014]
- 11) marriage certificates;
- 11<sup>1</sup>) [repealed - RT I, 22.11.2013, 1 - entry into force 01.01.2014]
- 12) divorce certificates;
- 12<sup>1</sup>) [repealed - RT I, 22.11.2013, 1 - entry into force 01.01.2014]
- 13) [repealed - RT I 2005, 1, 1 - entry into force 31.03.2005]
- 14) death certificates;
- 14<sup>1</sup>) [repealed - RT I, 22.11.2013, 1 - entry into force 01.01.2014]
- 15) [repealed - RT I 2002, 41, 254 - entry into force 27.05.2002]

(15<sup>1</sup>) [repealed - RT I 2005, 25, 192 - entry into force 27.05.2005]

- 16) driving licences which are identity documents pursuant to subsection 2 (1) of the Identity Documents Act;
- 17) certificates of legal capacity to contract marriage;  
[RT I 2009, 30, 177 - entry into force 01.07.2010]
- 18) [repealed - RT I, 22.11.2013, 1 - entry into force 01.01.2014]

(3) Data provided for in clauses 23 (2) 1)–3) of this Act on documents provided for in subsection (2) of this section and the personal identification code of the person to whom a document is issued shall be entered among the actual data in the population register.

## § 23. Data which are of assistance upon maintenance of population register

(1) Data which are of assistance upon the maintenance of the population register are:

- 1) data on the source documents of data;
- 2) data on the processing of data.

(2) Data on a source document of data are:

- 1) the type (code) and number of the document;
- 2) the date of preparation, issue and entry into force of document, the term of validity of the document or the time when the document is revoked or declared invalid;
- 3) the name of the agency which prepared and issued or revoked the document or declared the document invalid and, if corresponding data exist, the official title, given name and surname of the person who performed the corresponding act;  
[RT I 2009, 30, 177 - entry into force 01.07.2010]
- 4) the place (the name of the agency) where the document (the original) is preserved.

(2<sup>1</sup>) Data on a source document of data are also digital source documents and the following data used upon preparation thereof or making of an entry:

- 1) data on documents;
- 2) names of applicants;
- 3) statistical data;
- 4) comments;
- 5) birth documentation;
- 6) marriage documentation;
- 7) divorce documentation;
- 8) death documentation;
- 9) extract from the population register;
- 10) family register;
- 11) file of vital statistics data.

[RT I, 22.11.2013, 1 - entry into force 01.01.2014]

(3) Data on processing data are:

- 1) the codes of data;
- 2) the time of making the entry in the population register;
- 3) data on the person who made the entry in the population register (the code assigned by the authorised processor or the name of the agency, official title, given name and surname or personal identification code of the person who made the entry);
- 4) data on transferring data;
- 5) data on access to data;
- 6) data on the restriction on access to data;
- 7) data arising from the conditions of data processing (software).

(4) Data on transferring the data provided for in clause (3) 4) of this section are:

- 1) data on the person submitting data (in the case of a person who submits data regularly, the code of the person submitting data assigned by the authorised processor or the name of the agency and the official title, given name and surname or personal identification code of the person who transferred the data);
- 2) data which were transferred;
- 3) the time of the transfer of data.

(5) Data on access to the data provided for in clause (3) 5) of this section are:

- 1) data on the data recipient (data on the agency and data on persons who received data and, in the case of a regular data recipient, the code of data recipient assigned by the authorised processor);
- 2) reference to data to which access was provided;
- 3) the method of access to data;
- 4) the purpose of accessing data and conditions of usage thereof;
- 5) data on issuing data (the basis for and time of issuing data).

(6) Data on the restriction on access to data provided for in clause (3) 6) of this section are:

- 1) the basis for restriction on access;
- 2) the person at whose request the restriction was established;
- 3) the period of time during which access is restricted.

[RT I 2005, 25, 192 - entry into force 27.05.2005]

## **§ 24. Data preparing status of subject of population register**

(1) Upon preparation of the status of a subject of the population register, the following data are collected in the population register:

- 1) data on new-born children;
- 2) data on foundlings;
- 3) data on applicants for residence permit or right of residence;
- 4) data on persons who according to the data collected on them appear to be a subject of the population register but the data provided for in clauses 21 (1) 1)–9) of this Act are partially missing.

(2) Data on a new-born child are:

- 1) sex;
- 2) date of birth;
- 3) personal identification code;
- 4) data specified in clauses 21 (1) 1)–10) of this Act on the mother of the new-born child or a reference to the mother's data in the population register.

(3) Data on a foundling are:

- 1) the place of finding of the foundling to the accuracy of a rural municipality or city;
- 2) sex;
- 3) presumed date of birth;
- 4) the person or agency to whom the foundling is given to be raised (data on the guardian).

(4) Data on an applicant for a residence permit or right of residence are:

- 1) the residential address in the foreign state of the applicant for a residence permit or right of residence;

- 2) the time of accepting the application for a residence permit or right of residence for processing;
- 3) a decision to refuse issue of a residence permit or grant of right of residence;
- 4) data provided for in clauses 21 (1) 1)–7), 9) and 10) of this Act on the applicant for a residence permit or right of residence.

(5) All data specified in §§ 21 and 22 of this Act collected on a person specified in clause (1) 4) of this section shall be entered in the register among the data on the person preparing the status of the subject of the population register.

[RT I 2006, 26, 191 - entry into force 01.08.2006]

#### **§ 25. Data preserved in archives of population register**

The following data are preserved in the archives of the population register:

- 1) personal data and data related to personal data of a person entered in the population registration database;
- 2) personal data and data related to personal data of a person entered in the Estonian national electoral register of citizens;
- 3) personal data and data related to personal data of a person entered in the Estonian national electoral register of aliens;
- 4) personal data or data related to personal data of a subject of the population register which are no longer actual;
- 5) personal data and data related to personal data of a person who is no longer the subject of the population register;
- 6) data collected upon the preparation of the status of the subject of the population register on persons who did not receive the status;
- 7) personal identification codes which are formed and transferred together with data transferred for formation thereof;
- 8) inaccurate data discovered in the population register and information concerning who, when and why entered inaccurate data in the population register;
- 9) the basis for and time of transferring data to the archives or updating data from the archives to the status of actual data.

[RT I 2005, 25, 192 - entry into force 27.05.2005]

#### **§ 25<sup>1</sup>. Effect of data of vital statistics acts**

[RT I 2005, 25, 192 - entry into force 27.05.2005]

(1) Data entered in the population register based on vital statistics acts prepared by Estonian vital statistics offices as well as documents issued by agencies of foreign states have the same legal effect as entries concerning vital statistics acts.

(2) The documents issued by agencies of foreign states specified in the previous subsection shall be recognised in Estonia and legalised or authenticated by a certificate replacing legalisation (*apostille*), unless otherwise provided for in an international agreement.

[RT I 2009, 30, 177 - entry into force 01.07.2010]

#### **§ 25<sup>2</sup>. Document management of population register**

Documents received and created in the course of administrative proceedings prescribed in this Act which are registered in the population register need not be registered by an administrative authority in the document register of the agency.

[RT I, 22.11.2013, 1 - entry into force 01.01.2014]

## **Chapter 5 TRANSFER OF DATA TO BE ENTERED IN POPULATION REGISTER**

#### **§ 26. Source documents for entering data in population register**

(1) The source documents for entering data in the population register are:

- 1) medical birth certificates;
- 2) birth registration;
- 2<sup>1</sup>) birth entries;

[RT I 2009, 30, 177 - entry into force 01.07.2010]

- 2<sup>2</sup>) entries concerning acknowledgement of paternity;

[RT I 2009, 30, 177 - entry into force 01.07.2010]

3) marriage registration;

3<sup>1</sup>) marriage entries;

[RT I 2009, 30, 177 - entry into force 01.07.2010]

4) divorce registration;

4<sup>1</sup>) divorce entries;

[RT I 2009, 30, 177 - entry into force 01.07.2010]

5) a directive of the minister responsible for the area concerning assignment of a new given name, surname or personal name to a person or restoration of the previous given name, surname or personal name of a person, or a decision of a guardianship authority to give a surname to a child;

6) medical death certificates;

7) death registration;

7<sup>1</sup>) death entry;

[RT I 2009, 30, 177 - entry into force 01.07.2010]

8) decisions on correction and amendment of entries concerning vital statistics acts;

8<sup>1</sup>) entries concerning correction and amendment of marital status entries;

[RT I 2009, 30, 177 - entry into force 01.07.2010]

9) notices of residence for data on residence to be entered in the population register;

10) notices from competent local government agencies concerning entry of data on residence in the population register;

10<sup>1</sup>) documents containing contact details submitted by the person to an agency or person performing public duties;

[RT I, 14.03.2011, 1 - entry into force 01.01.2012]

11) notices from competent local government agencies concerning change in the names and numbers which are the bases for address details;

12) [repealed - RT I 2002, 41, 254 - entry into force 27.05.2002]

13) decisions on the issue, extension or revocation of residence permits and work permits, and decisions to refuse the issue or extension of residence permits;

13<sup>1</sup>) decisions on the grant, extension, extinguishment of the right of residence, and decisions to refuse the grant or extension of the right of residence;

[RT I 2006, 26, 191 - entry into force 01.08.2006]

13<sup>2</sup>) notices from issuers of e-resident's digital identity cards concerning the existence and validity of e-residency;

[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

14) identity documents of foreign states;

15) documents on the basis of which data of residence permits and the right of residence are amended;

[RT I 2006, 26, 191 - entry into force 01.08.2006]

16) orders of grant or resumption of citizenship issued by the Government of the Republic;

17) [repealed - RT I 2002, 41, 254 - entry into force 27.05.2002]

18) orders of release from or deprivation of Estonian citizenship issued by the Government of the Republic;

19) judicial decisions which have entered into force;

[RT I 2008, 59, 330 - entry into force 01.01.2009]

20) source documents of documents certifying Estonian citizenship issued by foreign missions of the Republic of Estonia prior to the Resolution of the Supreme Council of the Republic of Estonia "On the Independence of the Estonian State" (RT 1991, 25, 312);

21) [repealed - RT I 2002, 41, 254 - entry into force 27.05.2002]

22) notices from Estonian consular officers concerning the actual data on Estonian citizens permanently living in a foreign state and aliens specified in the Consular Act which are subject to entry in the population register;

[RT I 2009, 29, 175 - entry into force 01.07.2009]

23) [repealed - RT I 2002, 41, 254 - entry into force 27.05.2002]

24) [repealed - RT I 2005, 25, 192 - entry into force 27.05.2005]

25) [repealed - RT I 2002, 41, 254 - entry into force 27.05.2002]

26) documents issued by agencies of foreign states on the basis of which the personal data of persons who are subjects of the population register are created or changed if such documents are recognised in Estonia and legalised or authenticated by a certificate replacing legalisation (*apostille*), unless otherwise provided for in an international agreement;

[RT I 2009, 29, 175 - entry into force 01.07.2009]

27) application for grant of personal identification code to a person who is not a subject of the population register or an applicant for a residence permit or right of residence.

[RT I 2006, 26, 191 - entry into force 01.08.2006]

(2) A judicial decision specified in clause (1) 19) of this section is a source document for entry of data in the population register if, by the judicial decision:

[RT I 2008, 59, 330 - entry into force 01.01.2009]

1) a marriage is annulled;

2) a marriage is dissolved;

3) a divorce is annulled;

4) adoption is decided;

5) adoption is declared invalid;

6) filiation of a person is established;

- 7) establishment of the filiation of a person is declared invalid;
- 8) an entry concerning a vital statistics act is declared invalid;
- 9) a guardian is appointed to a minor, or to an adult with restricted active legal capacity;
- 10) a ruling by which a guardian is appointed to a minor, or to an adult with restricted active legal capacity is annulled;

[RT I 2008, 59, 330 - entry into force 01.01.2009]

- 10<sup>1</sup>) a person of 16 to 17 years of age is divested of his or her active legal capacity with regard to the right to vote;

[RT I, 22.01.2016, 7 - entry into force 01.02.2016]

- 10<sup>2</sup>) a ruling by which a person of 16 to 17 years of age is divested of his or her active legal capacity with regard to the right to vote is annulled;

[RT I, 22.01.2016, 7 - entry into force 01.02.2016]

11) [repealed - RT I 2002, 53, 336 - entry into force 01.07.2002]

12) [repealed - RT I 2002, 53, 336 - entry into force 01.07.2002]

13) [repealed - RT I 2002, 53, 336 - entry into force 01.07.2002]

14) [repealed - RT I 2002, 53, 336 - entry into force 01.07.2002]

15) a person is declared dead;

16) the declaration of death of a person is declared invalid;

17) [repealed - RT I 2008, 59, 330 - entry into force 01.01.2009]

18) a judgment establishing the fact that a person is missing is annulled;

19) deprivation of parental rights is decided;

20) deprivation of parental rights is declared invalid;

21) parental rights are restored;

22) eviction of a person from a dwelling which is the object of a housing relationship is decided;

23) the removal of a child from parent without the deprivation of parental rights is decided;

24) the return of a child to parent is decided;

25) the residence of a parent is determined as the residence of the child;

26) Estonian citizenship is granted to a child found in Estonia;

26<sup>1</sup>) termination of joint right of custody is decided;

[RT I, 22.11.2013, 1 - entry into force 01.01.2014]

26<sup>2</sup>) transfer, suspension, restoration, restriction or deprivation of right of custody is decided;

[RT I, 22.11.2013, 1 - entry into force 01.01.2014]

27) data entered in the population register are changed or supplemented in other cases.

[RT I 2008, 59, 330 - entry into force 01.01.2009]

## § 27. Data to be transferred

(1) Persons submitting data are required to enter in the population register or transfer to the authorised processor of the population register data to be processed upon the issue, amendment and revocation of documents specified in subsection 22 (2) and § 26 of this Act, or upon the use of documents issued in a foreign state in administrative proceedings as well as data from documents issued prior to the introduction of the population register, if such data create, change or specify personal data or data related to personal data subject to entry in the population register, or data which are of assistance upon the maintenance of the population register. [RT I 2005, 25, 192 - entry into force 27.05.2005]

(2) Together with data specified in subsection (1) of this section, persons submitting data are required to transfer the personal data provided for in clauses 21 (1) 1)–7).

[RT I 2009, 30, 177 - entry into force 01.07.2010]

## § 28. Persons submitting data

(1) Persons submitting data to the population register are agencies and persons who issue documents specified in subsection 22 (2) and § 26 of this Act, and agencies and persons who perform data acquisition from documents issued prior to the introduction of the population register with regard to data which are entered in such documents and which are subject to entry in the population register. If a document specified in the previous sentence has been issued in a foreign state and is used upon the performance of public duties, the person or agency using the document upon the performance of public duties shall be the person submitting data with regard to data which are entered in such documents and which are subject to entry in the population register. [RT I 2009, 30, 177 - entry into force 01.07.2010]

(2) The minister responsible for the area shall establish by a regulation the lists of data to be transferred by each person submitting data.

(3) Vital statistics officials shall enter vital statistics data in the population register pursuant to the procedure provided for in the Vital Statistics Registration Act.

[RT I 2009, 30, 177 - entry into force 01.07.2010]

## **§ 29. Methods of transfer of data**

(1) Persons submitting data shall transfer data by:

- 1) entering data in the population register online;
- 2) forwarding data through a data communication network.

(2) As an exception, a person submitting data may, upon agreement with the authorised processor, transfer data in the form of a copy of a document, an extract from a document or a notice.

## **§ 30. Term of and procedure for transfer of data**

(1) Persons submitting data shall enter data in the population register or transfer data to the authorised processor not later than on the working day following the date on which the source document of data in the population register provided for in § 26 of this Act is prepared, amended, specified, enters into force or is received, or the document specified in subsection 22 (2) of this Act is issued. Until corresponding technical possibilities are created, the chief processor may extend the term up to three working days at the request of the person submitting data.

(2) In order to transfer data on paper, a person submitting data shall prepare a covering letter in which a list of documents transferred is provided.

(3) The authorised processor may, with the approval of the chief processor, prescribe transfer of data in coded form and the method of transfer of data and the application of supplementary data protection measures for the transfer of data.

(4) The minister responsible for the area may establish by a regulation the format of notices necessary for the transfer of data and instructions for the completion thereof, if necessary.

(5) If a person submitting data is performing data acquisition from the documents specified in subsection 22 (2) and § 26 of this Act issued prior to the introduction of the population register, a contract for data processing shall be entered into between the chief processor and the person or agency performing data acquisition which shall also provide for the amount of data to be transferred, and the manner and terms of transfer.

[RT I 2005, 25, 192 - entry into force 27.05.2005]

## **§ 31. Rights and obligations of persons submitting data**

(1) A person submitting data has the right to:

- 1) know which received data transferred by the person submitting data have been registered by the authorised processor and which transferred data have been entered in the population register;
- 2) request from the authorised processor technical instructions for the transfer of data;
- 3) consult the chief processor for the resolution of disputes with the authorised processor which arise upon the transfer of data;
- 4) request data from the population register necessary for the performance of duties of the person submitting data.

(2) A person submitting data is required to:

- 1) ensure that the transferred data is in accordance with the data entered in the source document;
- 2) notify the authorised processor of the population register immediately of a mistake discovered in the transferred data and transfer the accurate data;
- 3) respond to inquiries from the chief processor or authorised processor which are related to submitting data to the population register within three working days as of receipt of the inquiry;
- 4) ensure that the measures of processing and protection of data in the population register shall not be accessible to persons who have no right to access such data;
- 5) notify the authorised processor immediately of any hindrance to the transfer of data;
- 6) preserve the source documents of the transfer of data in the population register or copies thereof until the transfer of such documents or copies thereof to a public archives and grant officials with supervisory authority access thereto;
- 7) maintain records on the transfer of data.

# **Chapter 6**

## **ENTRY OF DATA IN POPULATION REGISTER**

## **§ 32. Registration of persons as subjects of population register**

(1) A person is registered in the population register as a subject if an Estonian vital statistics office has registered his or her birth pursuant to the Vital Statistics Registration Act or if at least data provided for in clauses 21 (1) 1–9) of this Act are collected in the population register concerning the person and:

[RT I 2009, 30, 177 - entry into force 01.07.2010]

1) data of a document certifying the birth of the person are entered in the population register and Estonian citizenship is entered in the population register as the data on the citizenship of at least one of his or her parents or

[RT I 2009, 30, 177 - entry into force 01.07.2010]

2) a document certifying Estonian citizenship is issued to the person or

3) the person is granted Estonian citizenship or

4) the person is issued a residence permit or granted right of residence.

[RT I 2006, 26, 191 - entry into force 01.08.2006]

(2) Upon the registration of a person as a subject of the population register, personal data provided for in § 21 and data related to personal data provided for in § 22 of this Act which are collected on the person are entered among the actual data in the population register.

(3) If any data provided for in clauses 21 (1) 1)–9) of this Act on a person who is the subject of the population register are missing, the authorised processor shall immediately take measures to obtain the missing data by submitting an inquiry to the person who submitted the corresponding data.

### **§ 33. Entry of personal data and data related thereto among data preparing status of subject of population register**

Upon the preparation of a person's status as the subject of the population register, data on the person prescribed in subsections 24 (2), (3) or (4) accordingly and subsection 24 (5) of this Act shall be entered in the population register if:

1) a medical birth certificate is prepared concerning a new-born child or foundling;

2) the person has filed an application for a residence permit or right of residence and the application is accepted for processing;

3) any data on a subject of the population register provided for in clauses 21 (1) 1)–9) of this Act are missing.

[RT I 2006, 26, 191 - entry into force 01.08.2006]

### **§ 33<sup>1</sup>. Entry of personal data in population register upon issue of identity document and on the basis of application for formation of personal identification code if such data is not deemed to be actual data**

Upon the issue of an identity document to a person and on the basis of an application for the formation of a personal identification code, the data provided for in clauses 21 (1) 1)–7) of this Act and, upon the existence thereof, the data provided for in clauses 21 (1) 8<sup>1</sup>)–91) of this Act concerning the person shall be entered in the population register.

[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

### **§ 34. Entry of data in population register which are of assistance upon maintenance of population register**

The corresponding data provided for in § 23 of this Act shall be entered in the population register in the following cases:

1) upon the entry of the actual data of a subject of the population register or changes thereto in the population register;

2) upon the transfer of data to the archives of the population register;

3) upon the transfer of data from the archives among the actual data in the population register;

4) upon granting access to data;

5) upon closure of access to data.

### **§ 35. Organisation of entry of data in the population register**

(1) Data provided for in subsection 21 (1), subsections 22 (1) and (2) and subsection 23 (2) of this Act are entered among the actual data in the population register online by the person submitting data, or by the authorised processor or a contractual processor if data are transferred in any other manner.

(2) Data on the processing of data are entered in the population register or the archives of the population register automatically using the population register software or by the authorised processor. Data on the restriction on access provided for in subsection 23 (6) of this Act are entered in the population register by the authorised processor or contractual processor.

(3) If a local government agency lacks the technical resources to enter data in the population register online or forward data through a data communication network, a data processing contract shall be entered into for the transfer of data with regard to the data to be transferred by the local government agency.

## **Chapter 7**

# TRANSFER OF DATA TO ARCHIVES OF POPULATION REGISTER

## § 36. Bases for transfer of data to archives of population register

Personal data, data related to personal data and data preparing the status of a subject of the population register shall be transferred to the archives of the population register if:

- 1) such data are changed or corrected;
  - 2) the person ceases to be the subject of the population register;
  - 3) the person whose data were entered in the population register upon preparation of the status of the subject of the population register does not acquire the status of the subject of the population register;
  - 4) the term of data with a specified term expires;
  - 5) data shall be entered in the population register on the basis of documents issued prior to the introduction of the population register, upon issue of identify documents or on the basis of applications for formation of a personal identification code, and such data is not deemed to be actual data.
- [RT I, 31.12.2015, 31 - entry into force 01.01.2016]

## § 37. Transfer of data to archives of population register due to termination of status of subject of population register

- (1) The status of a subject of the population register terminates:
  - 1) upon death of the person;
  - 2) upon declaration of death of the person;
  - 3) [repealed - RT I 2006, 21, 159 - entry into force 01.06.2006]
  - 4) [repealed - RT I 2006, 21, 159 - entry into force 01.06.2006]
  - 5) upon loss of Estonian citizenship;
  - 6) if the term of a source document which determines the status of a subject of the population register expires, the document is revoked or declared invalid;
  - 7) if erroneous registration is established.

(2) If a person ceases to be a subject of the population register, the following data shall be transferred to the archives:

- 1) all actual data entered in the population register;
- 2) data of the source documents of actual data;
- 3) data on the processing of data to be transferred to the archives;
- 4) data of the source document of the transfer of personal data to the archives of the population register.

(3) If a person's status as a subject of the population register terminates, the data are transferred to the archives of the population register together with the data on the termination of the status of the subject.

(4) Data on the reasons for and the person whose mistake resulted in a person being erroneously registered in the population register shall be transferred to the archives of the population register on the basis specified in clause (1) 7) of this section.

[RT I 2006, 26, 191 - entry into force 01.08.2006]

## § 38. Transfer of data to archives of population register upon amendment or correction of data in population register

(1) Upon amendment or correction of the data in the population register, the new data are entered among the actual data in the population register and the earlier data in the population register are transferred to the archives of the population register.

(2) Upon correction of data, the inaccurate data are transferred to the archives of the population register together with data on who, why and when made the mistake.

## § 39. Transfer of data transferred to archives of population register among actual data

Personal data transferred to the archives of the population register and data related to personal data shall be transferred among the actual data in the population register by the authorised processor if:

- 1) the document which was the basis for transferring the data from the actual data in the population register to the archives is revoked or repealed or the act which was the basis for transferring the data from the actual data in the population register to the archives is declared unlawful;
- 2) the person whose data has been transferred to the archives of the population register acquires the status of a subject of the population register;
- 3) the data have been erroneously transferred to the archives of the population register.

[RT I 2002, 61, 375 - entry into force 01.08.2002]

## Chapter 8

# ENTRY OF DATA ON RESIDENCE IN POPULATION REGISTER

[RT I 2005, 25, 192 - entry into force 27.05.2005]

## § 39<sup>1</sup>. Obligation of person to ensure correctness of residential address

(1) A person who is a subject of the population register shall ensure the correctness of the residential address of the person, his or her minor children and persons under his or her guardianship entered in the population register by using the possibilities provided for in this Chapter for such purpose.

(2) If a person, his or her minor children and persons under his or her guardianship permanently settle in another residence, the person shall submit the address of the new residence for entry in the population register within thirty days after settling in the new residence.

[RT I 2005, 25, 192 - entry into force 27.05.2005]

## § 40. Notice of residence

(1) For a residential address to be entered in the population register, a person shall submit a notice of residence in writing to a competent local government agency of his or her residence. An Estonian citizen permanently residing in a foreign state and an alien provided for in the Consular Act shall submit the data on their residence to an Estonian consular officer pursuant to the procedure provided for in the Consular Act.

[RT I 2009, 29, 175 - entry into force 01.07.2009]

(2) Persons who wish to simultaneously enter the same residential address in the population register may submit a joint notice of residence.

(3) A person may submit a digitally signed notice of residence.

(4) The address of one residence is provided in a notice of residence. If a person uses several residences, he or she shall submit the address of one residence of his or her choice for entry in the population register. A person may also submit contact details in the notice of residence.

(5) The space the address details of which a person indicates in a notice of residence shall be a residential building or apartment which is used as permanent residence (hereinafter *dwelling*), except in the following cases:

- 1) if the person applies for entry in the population register of the address of a building under construction belonging to him or her, or the address of another space belonging to him or her as the residential address of the person and persons living together with him or her;
- 2) if the person proves the use of a space which is not a dwelling, as a residence.

(6) If a person is not the owner of the dwelling indicated in the notice of residence, the person shall append to the notice of residence a copy of the document certifying his or her right to use the residence or permission of the owner of the dwelling to enter the data specified in the notice of residence in the population register. If a person submits the notice of residence by post, he or she shall append to the notice of residence a copy of the page containing personal data of his or her identity document. If a digitally signed notice of residence is submitted, a copy of the page containing personal data of an identity document shall not be appended to the notice.

(7) The format of notices of residence and instructions for the completion thereof shall be established by the minister responsible for the area.

[RT I 2005, 25, 192 - entry into force 27.05.2005]

## § 41. Entry of residential address in population register on basis of notice of residence

A competent local government agency shall verify, within ten working days as of the receipt of a notice of residence, the compliance of the notice of residence with the requirements and enter the residential address in the population register or refuse to enter the residential address in the population register on the bases provided for in subsection 44 (1) of this Act.

## § 41<sup>1</sup>. Submission of notice of residence or contact details to agencies or persons performing public duties

(1) If a person who is the subject of the population register addresses, in the course of processing, an agency or person performing public duties not specified in subsection 40 (1) of this Act who uses the data entered in the population register upon performance of the duties, the agency or person shall verify the compliance of the residential address and contact details of the person who is the subject of the population register with the data

entered in the population register. If, in the course of processing, a person submits data on residence or contact details that are different from the data entered in the population register, the corresponding data shall be changed on the basis of a notice of residence submitted by the person or a document containing the contact details of the person submitted to an agency or person performing public duties by the person pursuant to the procedure provided for in subsection (2) of this section.

(2) An agency or person performing public duties shall forward a notice of residence through the data communication network for entry in the population register to a competent agency of the local government in the territory of which the residential address indicated in the notice of residence is located. The competent agency of the local government shall enter the residential address of the person in the population register or refuse to enter the residential address in the population register pursuant to the procedure provided for in § 41 of this Act. If only contact details are submitted, a person or agency specified in subsection (4) of this section or an agency specified in legislation established on the basis of subsection (5) of this section shall enter the contact details in the population register online.

(3) The procedure for forwarding notices of residence or contact details to competent agencies of local governments by agencies and persons performing public duties shall be established by a regulation of the Government of the Republic.

(4) The agencies specified in subsection (1) of this section are courts of first instance and courts of appeal and the persons specified in subsection (1) of this section are notaries and bailiffs.

(5) The list of additional agencies specified in subsection (1) of this section shall be established by a regulation of the Government of the Republic at the proposal of the minister responsible for the area.  
[RT I, 14.03.2011, 1 - entry into force 01.01.2012]

#### **§ 42. Specifications of entry of residential address in population register**

(1) The residential address of the mother of a new-born child entered in the population register shall be entered in the population register as the residential address of the new-born child together with the data of the medical birth certificate or birth entry.  
[RT I 2009, 30, 177 - entry into force 01.07.2010]

(2) The address of the residence or registered office of the parent or guardian of a minor with restricted active legal capacity shall be entered in the population register as the residential address of the minor with restricted active legal capacity.

(3) The address of the residence or registered office of the guardian of an adult with restricted active legal capacity shall be entered in the population register as the residential address of the adult with restricted active legal capacity.

(4) A parent or guardian may apply, pursuant to the procedure provided for in § 40 of this Act, for the address of a space which is not the residence or registered office of the parent or guardian to be entered in the population register as the residential address of the parent's child or the person under guardianship who is a minor with restricted active legal capacity.

(5) The residential address of an Estonian citizen who lives permanently in a foreign state or an alien specified in the Consular Act shall be entered in the population register by an Estonian consular officer or on the basis of data transferred by an Estonian consular officer.  
[RT I 2009, 29, 175 - entry into force 01.07.2009]

(6) The notice of residence of an adult with restricted active legal capacity shall be submitted by the guardian pursuant to the procedure provided for in § 40 of this Act.

(7) An alien shall submit the notice of residence specified in § 40 of this Act to the population register within one month after arriving or staying in Estonia on the basis of a residence permit or right of residence.  
[RT I 2006, 26, 191 - entry into force 01.08.2006]

(7<sup>1</sup>) Citizens of the European Union, Member States of the European Economic Area and the Swiss Confederation shall submit the notice of residence specified in § 40 of this Act pursuant to the provisions of the Citizen of European Union Act.  
[RT I 2006, 26, 191 - entry into force 01.08.2006]

(8) A crew member of a ship entered in the Estonian ship register may, pursuant to the procedure provided for in § 40 of this Act, give notice of the ship and the local government of the home port of the ship being his or her residence. A copy of the document certifying being a crew member of the ship shall be appended to the notice of residence.

(9) The residential address of a person who is in an institution specified in clauses 45 (3) 1)–4) of this Act and whose residential address is not entered in the population register and whose residence prior to entering the institution cannot be determined as having been in a local government shall be the local government on the territory of which the specified institution is located.

(10) The chief processor has the right to verify the residential addresses of the persons staying in the institutions specified in clauses 45 (3) 1–4) of this Act and to inform the competent local government agencies of the persons whose residences must be entered in the population register to the accuracy of the rural municipality or city pursuant to the procedure provided for in § 43 of this Act. Such institutions are required to transfer lists of subjects of the population register staying in the institutions (personal identification code, given name and surname) to the chief processor within ten working days after receiving a corresponding request.

(11) If a notice of residence is submitted, during the period of time from the first day of advance polls in *Riigikogu* local government council elections or elections to the European Parliament or a referendum until election day or the day of the referendum, by a person who has the right to vote and whose residential address is not entered in the population register, the competent local government agency shall immediately enter the residential address in the population register. If a person who submits a notice of residence is not able to append to the notice of residence a copy of the document certifying his or her right to use the dwelling or permission from the owner of the dwelling for the data specified in the notice of residence to be entered in the population register, the residential address shall be entered in the population register at least to the accuracy of the city or rural municipality and city district or rural municipality district.

#### **§ 43. Entry of residential address in population register on initiative of local government**

(1) If the residential address of a person who continuously stays on the territory of a local government and who is a subject of the population register is not entered in the population register, or if the person uses for residence a space that is not a dwelling, a competent local government agency shall initiate entry or amendment of the residential address in the population register on the basis of data transferred by a social welfare institution, medical institution, rescue service agency or police authority or another agency or person pursuant to the procedure provided for in this section.

[RT I, 30.12.2015, 5 - entry into force 01.01.2016]

(2) Social welfare institutions, medical institutions, rescue service agencies, police authorities and other agencies shall notify local governments of persons, discovered in the course of performing their functions, who are continuously staying in the territory of the local government and whose residential address is not entered in the population register or who, according to their own statement, no longer reside at the address entered in the population register. The address of the place of stay or absence thereof shall be indicated in the notification.

[RT I, 30.12.2015, 5 - entry into force 01.01.2016]

(3) If the address of the place of stay of a person is known, the competent local government agency shall obtain, prior to entering the residential address in the population register, the written consent of the person and the owner of the space which is the place of stay to entry of the residential address in the population register. If, within thirty days as of the dispatch of the inquiry by the competent local government agency, neither the person nor the owner of the space give notice of their consent to entry of the residential address of the person in the population register to the accuracy of the space which is the place of stay, the residential address of the person shall be entered in the population register to the accuracy of the city or rural municipality and city district or rural municipality district and settlement unit if possible. The address of the place of stay is specified as contact details.

(4) If the address of the permanent place of stay of a person is not known, the address of the person shall be entered in the population register to the accuracy of the city or rural municipality and city district or rural municipality district and settlement unit if possible.

[RT I 2005, 25, 192 - entry into force 27.05.2005]

#### **§ 44. Bases for refusal to enter residential address in population register**

(1) Competent local government agencies shall refuse to enter data on residence specified in a notice of residence in the population register if:

- 1) a person is not the owner of the dwelling specified in the notice of residence and the person does not have the permission of the owner or a contract to use the dwelling;
- 2) a space is not a dwelling (except in the case provided for in subsection 42 (9) of this Act);
- 3) data provided in a notice of residence are incomplete;
- 4) a person submits false data in the notice of residence.

(2) The bases provided for in clause (1) 1) of this section shall not apply to a person whose family member has the right to have the address details of the dwelling specified in the notice of residence entered in the population register as his or her residence.

(3) If a competent local government agency refuses to enter the address indicated in the notice of residence of a person in the population register, the agency shall notify the person thereof by post or by electronic means within ten working days as of the receipt of the notice of residence of the person.

[RT I 2005, 25, 192 - entry into force 27.05.2005]

#### **§ 45. Bases for change of residential address entered in population register**

[RT I 2005, 25, 192 - entry into force 27.05.2005]

(1) A residential address entered in the population register may be changed:

1) on the basis of a notice of residence submitted pursuant to the procedure provided for in § 40 of this Act or at the initiative of a competent local government agency pursuant to the procedure provided for in § 43 of this Act;

2) at the reasoned request of the owner of a space;

3) on the basis of a judicial decision whereby a person loses the right to use a space as his or her residence;

[RT I 2009, 30, 177 - entry into force 01.07.2010]

4) if the administrative-territorial organisation which is the basis of the residential address or the names and numbers of objects which are address units are altered;

5) if a person permanently settles in a foreign state;

6) if the residence of a person is in a foreign state (based on data obtained from a competent agency of the foreign state).

[RT I 2005, 25, 192 - entry into force 27.05.2005]

(2) Upon permanent settlement in a foreign state, a person shall submit, within thirty days, to the competent local government agency or the foreign mission data provided for in clause 21 (3) 4) of this Act on the person's residence in the foreign state.

[RT I 2005, 25, 192 - entry into force 27.05.2005]

(3) The following shall not constitute the basis for changing of the residential address of a person entered in the population register:

[RT I 2005, 25, 192 - entry into force 27.05.2005]

1) entry or placement of the person in a hospital to receive in-patient treatment;

2) entry or placement of the person in a social welfare institution;

3) [repealed - RT I 2008, 59, 330 - entry into force 01.01.2009]

4) entry or placement of the person in a custodial institution;

5) entry or placement of the person in military service.

[RT I 2005, 25, 192 - entry into force 27.05.2005]

#### **§ 46. Change of residential address entered in population register at reasoned request of owner or on basis of judicial decision**

[RT I 2009, 30, 177 - entry into force 01.07.2010]

(1) The owner of a space has the right to apply to a competent local government agency for changing of the residential address of a person entered in the population register if:

1) the space belonging to the owner is indicated as the residence of the person, and

2) the person has no right to use the space as his or her residence, and

3) the person does not use the space as his or her residence.

(2) Upon application for changing of the data on the residence of the person, the owner of the space shall confirm the circumstances provided for in clauses (1) 2) and 3) of this section by his or her signature.

(3) The competent local government agency shall notify the person of the application of the owner of the space within ten working days after receipt thereof by post at the residential address indicated in the population register and publish the notice in the official publication *Ametlikud Teadaanded*. The reason for publishing the notice, and the given name and surname and date of birth of the person shall be published in *Ametlikud Teadaanded*.

(4) A competent local government agency shall deny the application of the owner of a space if:

1) the person provides documentary evidence of his or her right to use the space as his or her residence within one month as of the date of delivery of the application or publication of the notice in *Ametlikud Teadaanded*;

2) a legal dispute between the owner and the person concerning the right of use of the space is pending.

(5) A dispute between the owner and the person concerning the right of use shall be settled pursuant to civil procedure or pursuant to the procedure provided for in the Lease Disputes Resolution Act. The decision of a committee settling a lease dispute or a judicial decision regarding the existence or absence of the right of use which has entered into force constitutes the basis for changing of the address entered in the population register by the competent local government agency.

[RT I 2009, 30, 177 - entry into force 01.07.2010]

(6) The data on the residence of a person entered in the population register shall be changed on the basis of a judicial decision which has entered into force whereby the person loses or is granted the right to use a space as his or her residence. If the person loses his or her right to use a space as residence, the residential address of the person is preserved among the actual data in the population register to the accuracy of the city or rural municipality and city district or rural municipality district and settlement unit if possible.

[RT I 2009, 30, 177 - entry into force 01.07.2010]

#### **§ 47. Change of residential address upon change of data of place names and address units**

(1) In the case of an alteration of the administrative-territorial organisation which is the basis of a residential address or change of the names and numbers of objects which are address units, a competent local government agency shall make the corresponding changes in the residential address entered in the population register.

(2) A competent local government agency organises the notification of persons of the changed addresses.  
[RT I 2005, 25, 192 - entry into force 27.05.2005]

#### **§ 47<sup>1</sup>. Change of residential address based on data in other state registers**

(1) The chief processor has the right to obtain residential addresses and contact details contained in other state registers of persons whose residential addresses are not entered in the population register or have been entered in the population register to the accuracy of the city or rural municipality and city district or rural municipality district.

(2) The chief processor shall submit, based on the data specified in subsection (1) of this section, to a competent agency of the local government data on persons who, based on the data of other state registers, reside in the territory of that local government. If the competent agency of the local government establishes that the person resides at an address specified in another state register, the agency shall initiate, based on such information, entry of the residential address of the person in the population register or issue a precept to the person for submission of a notice of residence pursuant to the procedure provided for in § 40 of this Act. Upon failure to comply with a precept, the competent agency of the local government may impose a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 320 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) If the contact details of the person specified in subsection (1) of this section are contained in another state register, the authorised processor shall enter such data in the population register as contact details, and make a reference to such register.

[RT I 2005, 25, 192 - entry into force 27.05.2005]

#### **§ 47<sup>2</sup>. Rights and obligations of owner of space**

(1) The owner of a space or his or her authorised representative has the right to obtain information from a competent local government agency or the authorised processor concerning a person whose residential address entered in the population register is the address of the space belonging to the owner. The owner shall be communicated the given name and surname, year of birth and residential address of such person.

(2) The owner of a space is required to submit to the competent local government agency, within ten days after receipt of a corresponding inquiry, the following details concerning the persons residing in the space based on a contract or with the owner's permission:

- 1) given name and surname;
- 2) personal identification code or data on date of birth.

[RT I 2005, 25, 192 - entry into force 27.05.2005]

#### **§ 48. Effect of residential address entered in population register**

(1) A residential address entered in the population register does not grant a person the right to use the space at that address as his or her residence if the person has no right to use the space on the bases provided by law.

(2) A residential address has legal effect:

- 1) at *Riigikogu*, European Parliament and local government council elections, referendums and opinion polls;
- 2) upon payment of taxes into the budget of the local government on the bases provided by tax law;
- 3) upon performance of public duties if the performance of such duties is related to residence.

(2<sup>1</sup>) A residential address has legal effect as of the date of receipt of the notice of residence by a competent local government agency if the competent local government agency does not refuse to enter the data on the residence in the population register on the basis of § 44 of this Act.

[RT I, 14.03.2011, 1 - entry into force 01.01.2012]

(3) The absence of the residential address of a person from the population register shall not hinder the performance of lawful acts by courts and agencies which conduct preliminary investigation or exercise state supervision or apply enforcement powers of the state.

[RT I 2005, 25, 192 - entry into force 27.05.2005]

## **Chapter 9**

# PERSONAL IDENTIFICATION CODE

## § 49. Personal identification code

Personal identification code is a number formed on the basis of the sex and date of birth of a person which allows the specific identification of the person.

## § 50. Formation of personal identification code

(1) Personal identification codes are formed by the authorised processor based on the data transferred for such purpose by the persons submitting data.

(2) Personal identification codes are formed for new-born children, foundlings, applicants for residence permits and right of residence, citizens of the of the European Union, Member States of the European Economic Area and the Swiss Confederation upon first registration of their residence in Estonia, Estonian citizens with no personal identification code and persons concerning whom a vital statistics entry is prepared.  
[RT I 2009, 30, 177 - entry into force 01.07.2010]

(3) A personal identification code may be formed to a person whose data are entered in the population register from documents prepared before the establishment of the population register and which are preserved in the Republic of Estonia if this is necessary for prevention of errors upon processing of data in the population register.

(4) A personal identification code may be formed to a person whose data are entered in a state database and the use of whose personal identification code is prescribed by an Act which constitutes the basis for establishment of the database or by the statutes of the database.

(5) Upon the formation of personal identification codes, the authorised processor shall preclude the formation of the same personal identification code for several persons and the formation of several personal identification codes for one person.

(6) The procedure for formation and grant of personal identification codes shall be established by a regulation of the minister responsible for the area.  
[RT I 2006, 26, 191 - entry into force 01.08.2006]

## § 51. Grant of personal identification codes and entry thereof in documents

(1) A personal identification code is deemed to be granted upon the entry of the personal identification code in the population register.

(2) A personal identification code is entered in a document containing personal data if so prescribed by law or pursuant to law.  
[RT I 2005, 25, 192 - entry into force 27.05.2005]

## § 52. Formation of new personal identification code

(1) The authorised processor shall form and grant a person a new personal identification code:  
1) upon changing of the data on the filiation of a child on the basis of an application of a parent or guardian;  
2) upon changing of the data on the sex of a person on the basis of an application of the person and the decision of a medical assessment committee;  
[RT I, 22.11.2013, 1 - entry into force 01.01.2014]  
3) upon correction or changing of the personal data provided for in clauses 21 (1) 3) and 4) of this Act entered in the population register.

(2) The authorised processor shall notify data recipients who receive data from the population register for databases maintained by them or to be entered in documents issued by them of the grant of a new personal identification code.

(3) Upon the grant of a new personal identification code, a vital statistics office shall organise the delivery of an extract indicating the new personal identification code and an agency which issues identity documents shall organise the issue of a new identity document.  
[RT I 2009, 30, 177 - entry into force 01.07.2010]

§ 53. [Repealed - RT I 2005, 25, 192 - entry into force 27.05.2005]

## Chapter 10

## ENSURANCE OF ACCURACY OF DATA

### § 54. Ensurance of accuracy of data entered in population register

(1) Using the population register software ensures the discovery of errors upon the entry of contradictory and clearly inaccurate data in the population register.

(2) Upon entry of new data in the population register and changing of data, all data provided for in clauses 21 (1) 1)–9) of this Act entered in the population register are compared, using the population register software, with the data transferred by a person submitting data.

(3) The authorised processor is required to submit an inquiry concerning the accuracy of data to a person submitting data if:

- 1) a person disputes the accuracy of data on him or her entered in the population register;
- 2) several forms of data are submitted for the same data;
- 3) the data submitted are not logically related to other data;
- 4) data are clearly inaccurate.

(4) Persons submitting data are required to ensure that the transferred data to be entered in the population register are identical to the data entered in the source documents of entry of data in the population register and, upon discovery of errors, notify the authorised processor immediately thereof.

(5) If the data entered in the population register do not correspond to the data of a source document of the population register, the data entered in the source document are deemed to be correct with regard to data the entry of which in the population register is based on the source document.

### § 55. Correction of inaccurate data

(1) If a person submitting data discovers inaccurate data entered in the population register, the person submitting data shall correct such data online to the extent of the right of data processing granted to the person submitting data within one working day as of the discovery of the error. If the person submitting data has no right to correct inaccurate data, the person submitting data shall notify the authorised processor immediately of the inaccurate data entered in the population register.

(2) In the cases provided for in subsection 54 (3) of this Act or if a person submitting data gives notice of inaccurate data, the authorised processor is required to verify the accuracy of data and correct inaccurate data.

(3) The person who corrects inaccurate data shall determine the circumstances of the occurrence of an error in data and, upon the correction of inaccurate data, enter information concerning the basis of the correction of inaccurate data in the population register.

(4) The authorised processor maintains records on the correction of inaccurate data using the population register software.

### § 56. Notification of correction of inaccurate data

(1) The authorised processor shall notify the following persons of the correction of inaccurate data:

- 1) the person who disputes the accuracy of data entered in the population register on him or her;
- 2) data recipients who receive data from the population register to be entered in databases maintained by them or documents issued by them;
- 3) data recipients who use data received from the population register for the performance of public duties.

(2) The authorised processor shall give notice of the correction of inaccurate data not later than within one working day as of the correction of the inaccurate data. The authorised processor shall notify the person who disputes the accuracy of data entered in the population register on him or her of the absence of errors in the disputed data.

(3) The following shall be indicated in a notice of correction of inaccurate data:

- 1) the inaccurate form;
- 2) the correct (corrected) form;
- 3) the basis for correction;
- 4) the time of correction;
- 5) the official title, given name and surname of the person who gives notice of the correction.

(4) The authorised processor reports to the chief processor on the submission of inaccurate data by persons submitting data, occurrence of inaccurate data in the population register, correction thereof and reasons for the creation thereof (who, when and why made an error) once per quarter.

# Chapter 11

## REQUIREMENTS FOR PROCESSING, PRESERVATION AND PROTECTION OF DATA

### § 57. Data processing requirements

(1) The authorised processor and contractual processors are required to process the data entered in the population register only for the purposes, pursuant to the procedure and under the conditions provided for in this Act and ensure compliance with the requirements provided for in the Personal Data Protection Act.

(2) Unauthorised processing of data in the population register shall be prevented using the population register software.

(3) Data in the population register shall be arranged using the population register software so that the processing thereof would be as fast and simple as possible.

(4) If persons submitting data and data recipients are granted the right to process data and access data online, the authorised processor shall ensure the access to data to the extent and in the amount prescribed by a data processing contract provided for in § 19 of this Act.

### § 58. Training of data processors and use of support systems for maintenance of databases

The chief processor, in co-operation with the state information systems co-ordination authority, shall organise:

- 1) training of persons who process data in the population register;
- 2) use of support systems for the maintenance of databases in the processing of data in the population register, including the use of identity documents or residence permit cards to authenticate the identity of persons who process data.

[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

### § 59. Grant of right of data processing to persons and deprivation of persons of such right

(1) The authorised processor or a contractual processor of the population register grants the right of data processing to an employee of the authorised processor or a contractual processor by preparing a corresponding legal instrument. The personal identification code, the given name and surname of the person who receives such right and the extent and procedure for data processing are indicated in the legal instrument.

(2) The means of data processing and data protection shall be given to the employee who is allowed to process data on the basis of the legal instrument provided for in subsection (1) of this section. The employee who receives the right to process data shall sign that he or she is required to adhere to the requirements of data processing and data protection. The employee shall not transfer the rights and means given to him or her to another person.

(3) At the request of the chief processor or the Data Protection Inspectorate, an employee is immediately deprived of the right to process data.

### § 60. Requirements for preservation of data

(1) Data in the population register are preserved for an unspecified term.

(2) Data in the population register are preserved such that it is possible to release the data of any moment of time and the amended forms of all data in chronological order.

(3) The data in the population register shall be preserved such that there is an opportunity to make extracts concerning who processed the data, the time of data processing and the data which were processed and to whom and when data were released and which data were released (data on access).

(4) In order to preserve the data in the population register, the authorised processor copies the data and organises the preservation of the copies according to the instructions given by the chief processor.

### § 61. Requirements for data protection

(1) The provisions of the Personal Data Protection Act and the Public Information Act apply to the protection of data in the population register unless otherwise provided by this Act.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(2) The chief processor shall establish the specific requirements for the protection of data in the population register in the contract entered into with the authorised processor or the procedure for the maintenance of the population register.

(3) Data protection requirements shall comply with updated data protection standards.

(4) The authorised processor prepares a scheme of technical and organisational data protection measures and obtains the approval of the chief processor thereto. The chief processor may give the authorised processor orders to apply supplementary data protection measures.

#### **§ 62. Duty of persons participating in processing of data in population register to maintain confidentiality of data**

Persons who participate in the processing of data in the population register are required to maintain the confidentiality of data in the population register and information on data protection measures which become known to them in the performance of their duties. The duty to maintain confidentiality applies even after the termination of employment or service relationships.

#### **§ 63. Documentation of violation of requirements for processing, preservation and protection of data**

(1) The authorised processor or a contractual processor shall prepare a legal instrument concerning unauthorised processing of data in the population register, accidental destruction or amendment of data or other violation of the requirements for processing, preservation or protection of data on the day the violation is discovered.

(2) The following shall be indicated in the legal instrument:

- 1) the requirements violated and other circumstances of the violation;
- 2) the person who committed the violation (the name of the agency, given name and surname and official title of the person);
- 3) the person who discovered the violation and circumstances of the discovery;
- 4) consequences of the violation;
- 5) the given name, surname, official title and signature of the person who prepared the legal instrument.

#### **§ 64. Notification of violation of requirements for processing, preservation and protection of data**

(1) The authorised processor or a contractual processor shall immediately submit the legal instrument prepared on a violation to the chief processor and the Data Protection Inspectorate. A contractual processor shall submit the legal instrument also to the authorised processor.

(2) Within five working days as of the preparation of a legal instrument, the authorised processor or a contractual processor shall submit to the chief processor and the Data Protection Inspectorate a letter of explanation which, among other things, includes a description of measures for the prevention of similar violations and suggestions as to holding persons guilty of the violation liable or information concerning corresponding measures applied.

(3) The chief processor and the Data Protection Inspectorate shall take measures to punish the persons at fault and improve the data protection requirements if necessary.

## **Chapter 12 ACCESS TO DATA IN POPULATION REGISTER AND USE OF DATA**

#### **§ 65. Right to access data**

The following persons have the right to access, pursuant to the procedure provided for in this Chapter, the data in the population register:

- 1) an adult has the right to access data entered in the population register on him or her and his or her minor children, persons under his or her guardianship and his or her deceased spouse;  
[RT I, 31.12.2015, 31 - entry into force 01.01.2016]
- 2) state and local government agencies and legal or natural persons for the performance of public duties;
- 3) natural and legal persons with a legitimate interest;
- 4) agencies and persons of foreign state if such right is provided for in an international agreement or ensured in the specific cases by an order of the chief processor.

#### **§ 66. Ensurance of access to data**

(1) The authorised processor is required to ensure access to all the data in the population register and a contractual processor is required to ensure access only to data which the contractual processor has the right to release according to the data processing contract or pursuant to law or legislation established on the basis thereof.

[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

(1<sup>1</sup>) County governments are required to ensure access of natural and legal persons with legitimate interest to data in the population register if the applicant applies for the release of data for the same purpose concerning up to 20 persons a month.

[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

(2) Upon ensuring access to the data in the population register, the authorised processor and a contractual processor are required, pursuant to the procedure prescribed by this Act, to:

- 1) release only such data which the applicant has the right to receive;
- 2) notify the data recipient of the restrictions on access to the data released.

#### **§ 67. Population register access services and methods of granting access to data in population register**

(1) The following are population register access services:

- 1) compilation of samples based on provided terms;
- 2) comparison of data of the person applying for access to the data in the population register, and preparation of a record of differences;
- 3) transfer of information concerning changes occurred during an agreed period of time in the data in the database concerning the person applying for access to the data in the population register.

(2) Access to the data in the population register is granted using the following methods:

- 1) online through a data communication network;
- 2) forwarding data through a data communication network.
- 3) on a digital data medium or as a printout which is personally delivered or sent by registered mail.
- 4) [repealed - RT I, 31.12.2015, 31 - entry into force 01.01.2016]

#### **§ 68. Person's right to receive information and data entered in population register on person**

(1) An adult has the right to access all actual data entered in the population register and data transferred to the archives of the population register on the person, his or her minor children and persons under his or her guardianship, and data on the processing of such data except data arising from the population register software and data codes.

(1<sup>1</sup>) An adult has the right to access all data transferred to the archives of the population register on his or her deceased spouse.

[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

(1<sup>2</sup>) Access to data provided for in clause 23 (3) 5) of this Act shall be granted as of the beginning of the calendar year preceding the submission of the application.

[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

(2) At the request of a person, the authorised processor shall notify the person of:

- 1) the data entered in the population register on him or her or the absence thereof;
- 2) the purpose and legal bases of the processing of data entered in the population register on him or her;
- 3) the composition of data in the population register, persons submitting data and source documents of data in the population register;
- 4) agencies and persons who have the right to access data in the population register;
- 5) the procedure for release of data from the population register;
- 6) the procedure for the restriction on access to data in the population register;
- 7) possibilities to use the data in the population register;
- 8) the organisational structure of the maintenance of the population register.

#### **§ 69. Procedure for providing person with access to data entered in population register on person**

(1) The authorised processor or a contractual processor shall ensure a person access to data entered in the population register on the person, his or her minor children, persons under his or her guardianship and his or her deceased spouse on the basis of an application. Upon application for access to data, a person shall state the method he or she intends to use to access data and access to which data entered in the population register the person applies for.

[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

(2) A person has the right to access the data provided for in subsection (1) of this section free of charge. Personal data shall be released pursuant to the procedure provided for in the Personal Data Protection Act.

(3) The data provided for in subsection (1) of this section are released to a person personally upon presentation of an identity document if:

- 1) access to the personal data is restricted;
- 2) the data are not the data provided for in clauses 21 (1) 1)–8) of this Act, the residential address or contact details;
- 3) the person releasing data has doubts regarding the identity of the person who applies for access to data entered in the population register through a data communication network or by post.

[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

(4) The data provided for in subsection (1) of this section are released to the person not later than on the third working day as of the receipt of the application.

(5) If data are released to a person personally, the person releasing data shall notify the person of the location and time of release of the data to the person not later than on the third working day as of the receipt of the application.

[RT I 2005, 25, 192 - entry into force 27.05.2005]

#### **§ 70. Access to data in population register for performance of public duties**

(1) State and local government agencies and legal and natural persons have the right to access data in the population register for the performance of public duties.

(2) Data recipients specified in subsection (1) of this section are prohibited from release of the data received from the population register to third persons unless it is prescribed by law.

(3) In order to access data in the population register, a data processing contract is entered into pursuant to the procedure prescribed in § 19 of this Act.

(4) If no data processing contract is entered into, the access of a data recipient specified in subsection (1) of this section to data in the population register is decided by an order of the chief processor in every individual case.

#### **§ 71. Right of legal persons and natural persons with legitimate interest to access data in population register**

(1) Natural and legal persons with legitimate interest have the right to access the following data:

- 1) data provided for in clauses 21 (1) 1)–16) of this Act, except for data on cause of death;
- 2) data provided for in subsection 22 (2) of this Act;
- 3) data on a person transferred to the archives of the population register due to death or declaration of death.

[RT I, 22.11.2013, 1 - entry into force 01.01.2014]

(1<sup>1</sup>) Natural and legal persons have the right to access the data provided for in subsection (1) of this section only if access to such data is not restricted.

[RT I, 22.11.2013, 1 - entry into force 01.01.2014]

(2) The grant of access to data not provided for in subsection (1) of this section access to which is not restricted is decided by the chief processor in every individual case.

(3) A natural person and a legal person may apply for release of data concerning up to one hundred persons a year. The release of a larger amount of data is allowed at a reasoned request with the permission of the chief processor only if this does not breach the inviolability of private life or endanger the security of the state.

(3<sup>1</sup>) If a natural or legal person receives data on more than one hundred persons per year, a data processing contract shall be entered into pursuant to the procedure provided for in § 19 of this Act. A data processing contract need not be entered into if the person exercises the right of the owner of a space provided for in § 47<sup>2</sup> of this Act.

(4) Natural and legal persons have no right to access data on the processing of data on other persons.

#### **§ 72. Procedure for providing natural and legal persons with legitimate interest with access to data in population register**

(1) In order to gain access, an applicant shall submit an application in which the following shall be indicated:

- 1) if the applicant is a legal person, the name of the legal person and the given name and surname of the person authorised to receive data;
- 2) if the applicant is a natural person, the given name and surname and personal identification code;
- 3) the justified purpose, time and manner of using the data;
- 4) the composition and amount of data applied for;
- 5) the method of access applied for;
- 6) a signature certifying that the data received shall only be used for the purpose, during the time and in the manner applied for, and in compliance with other conditions determined upon the release of the data.

(2) Prior to the release of data, the identity document of the applicant shall be verified, in the case of a legal person, also the legality or legal basis of the activities of the legal person and the authorisation document issued to the authorised person by the competent body of the legal person to receive the data.

[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

(3) Release of data shall be refused if the legitimate interest of the applicant is not sufficiently justified or the release of data may damage the interests of the person the release of whose data is being applied for.  
[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

(4) In the case provided for in subsection (3) of this section, the consent of the person the release of whose data is being applied for may be asked at the request of the applicant for the release of his or her data or the data on the applicant may be communicated to the person. If consent is granted, the data applied for shall be released to the applicant.  
[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

#### **§ 72<sup>1</sup>. State fee**

In the case specified in subsection 66 (1<sup>1</sup>) of this Act, a state fee shall be paid at the county government for the release of data from the population register to a person according to the rate provided for in the State Fees Act.  
[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

#### **§ 73. [Repealed - RT I 2005, 25, 192 - entry into force 27.05.2005]**

#### **§ 74. Access to data in population register for public use**

(1) For the purposes of this Act, public use of data in the population register is the disclosure of data in printed publications, electronic media or through a public data communication network.

(2) The data of a subject of the population register may be released for public use only with the consent of the person or to state and local government agencies or legal or natural persons for the performance of public duties.

#### **§ 75. Access to data in population register for scientific or statistical purposes**

(1) Access to data in the population register for scientific or statistical purposes is permitted:

- 1) to a data recipient for the performance of public duties, or
- 2) with the permission of the chief processor only if this does not breach the inviolability of private life or endanger the security of the state.

(2) Data recipient shall form the data such that the unequivocal identification of the person who is the subject of the population register is not possible. After the purpose of use is achieved, data allowing the unequivocal identification of a subject of the population register shall be transferred to the archives or destroyed.  
[RT I 2005, 25, 192 - entry into force 27.05.2005]

#### **§ 76. Access to residential address**

(1) Access to the residential address of a subject of the population register is permitted:

- 1) for the performance of public duties;
- 2) in other cases if access to the residential address is not restricted.

(2) A residential address is released:

- 1) as a list of residential addresses of persons entered in a sample prepared on the basis of prescribed traits without releasing other data entered in the population register;
- 2) as the residential address of a person concerning whom an applicant submits data sufficient for the specific identification of the person, including data provided for in clauses 21 (1) 1)–3) of this Act.

(3) Upon application for access to data specified in clause (2) 2) of this section by a natural or legal person, if access is not requested for the performance of public duties, the conditions provided for in §§ 71 and 72 of this Act apply.

[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

#### **§ 77. Restrictions on access to actual data in population register**

(1) A person has the right to restrict access to his or her personal data and data related thereto by submitting an application to the authorised processor directly or through a contractual processor. The person shall indicate in the application the term during which and the purpose of use of data for which he or she restricts access to the data.

(2) A competent body conducting an investigation may restrict access to personal data entered in the population register and data on documents issued to a person for up to three months in order to ascertain the truth in a criminal proceeding. The term may be extended once for another three months.

(3) Data access to which is restricted by a person or a competent body conducting an investigation may be released only for the performance of public duties.

(4) In the cases provided for in subsections (1) and (2) of this section, the authorised processor is required to close access to data in the population register and notify of the restriction on access the data recipients to whom

data in the population register are released after the restriction is established or databases maintained by whom are in cross-usage with the population register.  
[RT I 2002, 61, 375 - entry into force 01.08.2002]

#### **§ 78. Restrictions on access to inaccurate or incomplete data**

(1) In the cases provided for in subsection 54 (3) of this Act, the authorised processor is required to close access to incomplete or inaccurate data of a subject of the population register or to data concerning which there is a suspicion of inaccuracy (hereinafter *suspicious data*).

(2) Data of a subject of the population register are considered incomplete if a part of the data provided for in clauses 21 (1) 1)–8) of this Act and the address details of residence of the subject are not entered in the population register.

(3) If data of a subject of the population register are incomplete or the data provided for in clauses 21 (1) 1)–8) of this Act are inaccurate or suspicious, the authorised processor shall close the access to all data on the subject until correct data are entered in the population register or the accuracy of suspicious data is ascertained.

(4) The following persons have the right to access data closed pursuant to subsections (1) and (3) of this section:

- 1) the authorised processor and the person submitting data for the purpose of verifying, correcting or modifying the data;
- 2) data recipients for the performance of public duties and, upon the release of data, the authorised processor is required to inform the data recipient that the data are incomplete, inaccurate or suspicious.

#### **§ 79. [Repealed - RT I 2005, 25, 192 - entry into force 27.05.2005]**

#### **§ 80. Rights and obligations of data recipients**

(1) If a data recipient receives incomplete, inaccurate or suspicious data from the population register, the data recipient has the right to receive from the authorised processor information concerning the results of verification of the data or the correction of data. At the request of the data recipient, the authorised processor shall forward the information to the data recipient within five working days after the data recipient notifies the authorised processor of the incomplete, inaccurate or suspicious data.

(2) Data recipients who use data for the maintenance of a database entered in the state register of databases or for the performance of other public duties are required to notify the authorised processor immediately of any inaccurate, suspicious or incomplete data discovered.

(3) Data recipients are required to use data only for the purpose applied for and comply with the conditions provided for in this Act and the Personal Data Protection Act and the conditions arising from restrictions on the use of data established upon transfer of data to a data recipient, and ensure that data shall not be accessible to persons who have no right to process data.

#### **§ 81. [Repealed - RT I 2005, 25, 192 - entry into force 27.05.2005]**

## **Chapter 13 ADMINISTRATIVE SUPERVISION OVER MAINTENANCE OF POPULATION REGISTER**

#### **§ 82. Persons exercising administrative supervision over maintenance of population register and processing of data**

Administrative supervision is exercised by:

- 1) an authorised official of the Data Protection Inspectorate over compliance with this Act, the Public Information Act and the Personal Data Protection Act;
- 2) an authorised supervisory official of the Ministry of Economic Affairs and Communications or a state agency under the authority thereof over compliance with the Public Information Act;
- 3) an authorised official of the chief processor over compliance with this Act, the procedure or contract for the maintenance of the population register and data processing contracts and orders of the chief processor.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

#### **§ 83. Rights of administrative supervisory officials**

Officials exercising administrative supervision have the right to:

- 1) access source documents of data in the population register, data entered in the population register and means and documents of maintenance of the population register;
- 2) access documents containing data protection requirements except codes and passwords which grant the right of online processing;
- 3) access rooms where data are processed or where data processing equipment is located;
- 4) obtain information concerning the transfer of data to be entered in the population register, entry of data in the population register, release of data from the population register and the use thereof.

#### **§ 84. Administrative supervision exercised by Data Protection Inspectorate**

(1) The Data Protection Inspectorate exercises administrative supervision, pursuant to the Personal Data Protection Act and the Public Information Act, over the processing of data in the population register by the authorised processor and by a contractual processor.  
[RT I 2007, 12, 66 - entry into force 01.01.2008]

(2) [Repealed - RT I 2005, 25, 192 - entry into force 27.05.2005]

(3) [Repealed - RT I 2005, 25, 192 - entry into force 27.05.2005]

(4) The Data Protection Inspectorate shall notify the chief processor and the authorised processor of every violation of the requirements of processing data in the population register and data protection discovered by the Data Protection Inspectorate.

(5) The Data Protection Inspectorate may demand, as the result of administrative supervision, from the chief processor the termination of a contract for the maintenance of the population register and from the authorised processor the termination of a data processing contract or the right of online processing.

(6) [Repealed - RT I 2005, 25, 192 - entry into force 27.05.2005]

#### **§ 85. Administrative supervision by chief processor**

(1) An authorised official of the chief processor monitors compliance of the authorised processor and persons submitting data and data recipients, upon the maintenance of the population register and data processing, with the law and the procedure or contract for the maintenance of the population register and data processing contracts and the instructions and orders of the chief processor and the budget for the maintenance of the population register approved by the chief processor.

(2) Upon the exercise of administrative supervision, the chief processor:

- 1) issues precepts to the authorised processor and persons submitting data and data recipients in order to bring their acts performed in the maintenance of the population register and data processing into compliance with the law and contracts;
- 2) suspends legal instruments and acts of the authorised processor or persons submitting data and data recipients which are not in compliance with this Act or contracts;
- 3) may demand that the authorised processor terminate data processing contracts or the right of online processing;
- 4) may initiate termination of the contract for the maintenance of the population register due to violations which have become evident in the course of administrative supervision;
- 5) makes proposals to competent agencies or officials to determine the persons guilty of the violations discovered and hold them liable.

(3) By way of administrative supervision, the chief processor is required to adjudicate challenges concerning the maintenance of the population register and data processing and use of data. The person who files a challenge shall be notified of the results of administrative supervision within one month as of receipt of the challenge.  
[RT I 2005, 25, 192 - entry into force 27.05.2005]

#### **§ 86. Legal instrument concerning exercise of administrative supervision**

(1) Upon the exercise of administrative supervision, a legal instrument concerning the exercise of administrative supervision (hereinafter *legal instrument*) shall be prepared by the chief processor.

(2) The following shall be indicated in the legal instrument:

- 1) the time and place of preparation of the legal instrument;
- 2) the name of the agency which exercises administrative supervision and the official title, given name and surname of the authorised official;
- 3) the official title(s), given name(s) and surname(s) of the employee or employees of the authorised processor in whose presence the legal instrument is prepared;
- 4) a description of the deficiencies or violations upon the maintenance of the population register, data processing and data protection;
- 5) explanations of the responsible official of the agency or person under supervision concerning the deficiencies or violations.
- 6) [repealed - RT I 2002, 61, 375 - entry into force 01.08.2002]

(3) The official authorised to exercise administrative supervision and the responsible employee or employees of the agency or person under supervision who was (were) present at the administrative supervision shall sign the legal instrument.

(4) A legal instrument is prepared in four copies one of which remains with the agency or person under administrative supervision, the chief processor keeps the second copy and the agencies specified in clauses 82 1) and 2) of this Act keep the third and fourth copies. If administrative supervision is exercised over a person submitting data or a data recipient, the chief processor forwards a copy of the legal instrument to the authorised processor within three working days as of the preparation of the legal instrument.  
[RT I 2007, 12, 66 - entry into force 01.01.2008]

#### **§ 87. Notification of taking results of administrative supervision into account**

(1) An agency or person under supervision shall notify the chief processor and the agencies specified in clauses 82 1) and 2) of this Act of compliance with a precept issued as the result of administrative supervision during the term prescribed in the precept or, if such term is not set, within one month as of the notification of the precept.  
[RT I 2007, 12, 66 - entry into force 01.01.2008]

(2) If administrative supervision was exercised over a person submitting data or a data recipient, the authorised processor shall also be notified that the results of administrative supervision have been taken into account.

## **Chapter 14 FINANCING OF MAINTENANCE OF POPULATION REGISTER**

#### **§ 88. Sources of financing of population register**

The maintenance of the population register is financed from the state budget out of separate funds allocated to the budget of the Ministry of the Interior and income received from the provision of services of access to data in the population register provided for in this Act by the authorised processor of the population register.

#### **§ 89. Coverage of expenses of persons submitting data**

Expenses incurred by a person submitting data upon the submission of data to the population register shall be covered from the funds allocated from the state budget to the person submitting data for the performance of this duty except if the coverage of such expenses from the funds allocated to the Ministry of the Interior for the maintenance of the population register is prescribed by a data processing contract.  
[RT I 2005, 25, 192 - entry into force 27.05.2005]

#### **§ 90. Payment for services provided by authorised processor**

(1) Costs related to the release of data by the authorised processor for the performance of public duties shall be compensated to the Ministry of the Interior from the funds prescribed for maintenance of the population register.

(2) Fees payable to the authorised processor for release of data to natural and legal persons with legitimate interest shall be established by a regulation of the minister responsible for the area.  
[RT I, 14.03.2011, 1 - entry into force 01.01.2012]

(3) Fees charged for release of data to natural and legal persons with legitimate interest shall be based on the efficiency of the provision of the service and calculated on the basis of reasoned costs, and shall be in a reasonable ratio with the value of the service.  
[RT I, 14.03.2011, 1 - entry into force 01.01.2012]

#### **§ 91. Approval of budget for maintenance of population register**

The minister responsible for the area approves the budget of revenue and expenditure for the maintenance of the population register by the authorised processor and monitors implementation of the budget.  
[RT I 2004, 22, 148 - entry into force 08.04.2004]

#### **§ 92. Report on implementation of budget**

The authorised processor submits a report on the implementation of the budget of the population register to the chief processor at least once a year unless the contract for the maintenance of the population register entered into with the chief processor prescribes more frequent reporting.

# Chapter 15 IMPLEMENTING PROVISIONS

## Division 1 Establishment and Introduction of Population Register

### § 93. Establishment of population register

(1) The population register is established, pursuant to the procedure prescribed in this Act, on the basis of the data entered in previously maintained population registration database, the Estonian national electoral register of citizens and the Estonian national electoral register of aliens.

(2) Upon the establishment of the population register, data from the population registration database, the Estonian national electoral register of citizens and the Estonian national electoral register of aliens shall be transferred to the archives of the population register.

(3) Data on persons on whom at least the following data exists shall be transferred from the archives of the population register among the actual data in the population register:

- 1) surname or surnames;
- 2) given name or given names;
- 3) date of birth;
- 4) place of birth;
- 5) sex;
- 6) personal identification code;
- 7) residential address at least to the accuracy of the local government;
- 8) whether the person has Estonian citizenship or holds a valid residence permit.

### § 94. Supplementation of actual data in population register upon establishment of population register

(1) If data provided for in subsection 93 (3) of this Act on persons are partially missing, the authorised processor shall submit an inquiry to the corresponding persons submitting data in order to obtain the missing data not later than nine months prior to the introduction of the population register.

(2) Persons submitting data are required to determine and submit the correct data together with data of the source document of data in the population register provided for in subsection 26 (1) of this Act within three months as of receipt of the inquiry pursuant to the procedure for the transfer of data provided for in this Act. If a person submitting data has no data on a person, the person submitting data shall give notice of the absence of data.

(3) Persons have the right to verify whether the data entered in the population register exists in the population register and submit the missing data and request the entry of such data in the population register. The authorised processor submits the received data to the corresponding person submitting data for verification and enters the data in the population register in the form submitted by the person submitting data or notifies the person of the grounds for not entering the data in the population register within one month as of receipt of an application from the person.

### § 95. Maintenance of population registration database, Estonian national electoral register of citizens and Estonian national electoral register of aliens and termination thereof

(1) The population registration database, the Estonian national electoral register of citizens and the Estonian national electoral register of aliens are concurrently maintained upon the establishment of the population register.

(2) The maintenance of the population registration database, the Estonian national electoral register of citizens and the Estonian national electoral register of aliens shall be terminated by the Government of the Republic upon the introduction of the population register.

(3) Upon entry into force of §§ 40–48 of this Act, data on residence in the population registration database shall apply as data on residence entered in the population register until the introduction of the population register.

### § 96. Time of introduction of population register

The population register is introduced on 1 January 2002.

### § 97. Organisation of establishment and introduction of population register

(1) For the establishment and introduction of the population register, the chief processor shall organise:

- 1) the preparation of the budget of the population register;

- 2) the drafting of legislation and the development of formats of documents and technical instructions ensuring the maintenance of the population register;
- 3) the training necessary for persons submitting data and data recipients;
- 4) the development of the population register software.

(2) The chief processor shall submit a proposal for the appointment of the authorised processor to the Government of the Republic not later than on 1 October 2000.

#### **§ 98. Development of population register software**

(1) Upon the development and introduction of the population register software, the chief processor approves the technological structure of processing the data in the population register, the algorithm of the population register, the description of the software and name of the software and grants permission for the introduction of the software upon the establishment of the population register.

(2) Interoperability of the population register software with software of the population registration database shall be ensured upon the development of the population register software. The authorised processor updates the software of the population registration database to the extent which allows distinguishing between data entered in the population register and data entered in the population registration database.

(3) If necessary, the authorised processor updates the population register software at the order of the chief processor. If software is updated, the number of the version and the date of introduction are added to the name of the software.

#### **§ 98<sup>1</sup>. Vital statistics data not entered in population register**

(1) If data of a subject of the population register are used upon performance of public duties but the data of a vital statistics act prepared concerning the person have not been entered in the population register, the agency or person performing public duties may use the data entered in the vital statistics certificate or request, through the authorised processor, that data of vital statistics act be entered in the population register by a vital statistics office.

(2) If the document specified in subsection (1) of this section is a document of a foreign state, the agency or person performing public duties may use the data entered in the document of the foreign state by being the person submitting data with regard to the data which are subject to entry in the population register pursuant to subsection 28 (1) of this Act.

[RT I 2009, 30, 177 - entry into force 01.07.2010]

#### **§ 98<sup>2</sup>. Entry of data on cause of death in population register**

The data on cause of death specified in clause 21 (1) 14) of this Act shall be entered in the population register on the basis of death registrations prepared before 1 January 2008.

[RT I 2009, 30, 177 - entry into force 01.07.2010]

#### **§ 98<sup>3</sup>. Entry of data of vital statistics documents in population register**

(1) The data on documents specified in clauses 22 (2) 10)–12) and 14) of this Act shall be entered in the population register with respect to documents issued prior to entry into force of the Vital Statistics Registration Act.

(2) The vital statistics acts specified in clauses 26 (1) 2)–4) and 7) of this Act are the source documents for entering data in the population register if the acts have been prepared prior to entry into force of the Vital Statistics Registration Act.

[RT I 2009, 30, 177 - entry into force 01.07.2010]

#### **§ 98<sup>4</sup>. Source documents for amendment, correction and invalidation of entries concerning vital statistics acts**

A decision on correction and amendment of an entry concerning a vital statistics act specified in clause 26 (1) 8) of this Act or a judicial decision specified in clause 26 (2) 8) of this Act is a source document for entry of data in the population register if the entry concerning a vital statistics act prepared prior to entry into force of the Vital Statistics Registration Act is amended, corrected or declared invalid by such decision.

[RT I 2009, 30, 177 - entry into force 01.07.2010]

## **§ 98<sup>5</sup>. Change of data on residence or contact details through agency or person performing public duties**

(1) Until 1 January 2013, persons and agencies specified in subsection 41<sup>1</sup>(4) of this Act and agencies specified in legislation established on the basis of subsection 41<sup>1</sup>(5) of this Act may forward a notice of residence submitted to them to a competent agency of the local government in the territory of which the residential address indicated in the notice of residence is located by post or by electronic means. The notice of residence shall be forwarded by post or by electronic means to a competent agency of the local government not later than during the working day following the submission of the notice of residence. The competent agency of the local government shall enter the residential address of the person in the population register on the basis of the notice of residence or refuse to enter the residential address in the population register pursuant to the procedure provided for in § 41 of this Act.

(2) If only contact details are submitted, a person or agency specified in subsection 41<sup>1</sup>(4) of this Act and an agency specified in legislation established on the basis of subsection 41<sup>1</sup>(5) of this Act may forward the contact details to the authorised processor by post or by electronic means until 1 January 2013.  
[RT I, 14.03.2011, 1 - entry into force 01.01.2012]

## **§ 98<sup>6</sup>. Entry of data on existence and validity of e-residency in population register**

If an e-resident's digital identity card has been issued before entry into force of this section, the issuer thereof is required to transfer the data on the existence and validity of each valid e-residency to the authorised processor for entry in the population register.  
[RT I, 31.12.2015, 31 - entry into force 01.01.2016]

# **Division 2 Amendment of Acts**

§ 99.–§ 101.[Omitted from this text.]

# **Chapter 16 FINAL PROVISIONS**

## **§ 102. Alteration of composition of data and re-organisation of maintenance of population register**

The alteration of the composition of data or re-organisation of the maintenance of the population register is decided by an Act.

## **§ 103. Suspension of use of population register**

(1) If there is any danger that, in the case of a state of emergency or state of war, the population register becomes a threat to the security of persons or national security, the use of the population register shall be suspended by an order of the Government of the Republic or by the chief processor.

(2) During a state of emergency or state of war, the chief processor is required to take measures to preserve and protect or destroy the data in the population register.

## **§ 104. Entry into force of Act**

(1) This Act enters into force on 1 August 2000.

(2) §§ 40–48 enter into force on 1 January 2001.