

Issuer:	Riigikogu
Type:	act
In force from:	14.03.2023
In force until:	30.09.2023
Translation published:	14.03.2023

# Population Register Act

Passed 25.10.2017

RT I, 17.11.2017, 1

Entry into force 01.01.2019, in part 01.01.2020

Amended by the following acts

Passed	Published	Entry into force
13.06.2018	RT I, 09.07.2018, 1	01.01.2021
06.12.2018	RT I, 22.12.2018, 3	01.01.2019
16.01.2019	RT I, 01.02.2019, 1	16.02.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
03.12.2019	RT I, 18.12.2019, 3	28.12.2019
21.02.2019	RT I, 19.03.2019, 9	01.02.2020
22.11.2021	RT I, 10.12.2021, 1	01.09.2022
23.02.2022	RT I, 12.03.2022, 1	22.03.2022, in part 01.01.2023
19.07.2022	RT I, 04.08.2022, 4	14.08.2022
25.01.2023	RT I, 10.02.2023, 2	20.02.2023
22.02.2023	RT I, 04.03.2023, 1	14.03.2023 – enters into force simultaneously with entry into force of the Act on the Ratification of the Agreement between the Government of the Republic of Estonia and the Government of the Republic of Finland on Population Registration [RT II, 04.03.2023, 1]

## Chapter 1 General Provisions

### § 1. Scope of regulation of Act

This Act provides for the composition of data in the population register and the procedure for the maintenance of the population register, entry of data on residence in the population register, provision of personal identification code, processing of data, ensuring access to data and exercise of supervision over such activities.

### § 2. Application of this Act and other Acts

(1) The purposes, procedure and conditions provided for in this Act shall be the basis for and Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1–88) and the Public Information Act shall apply to the maintenance of the population register and data processing, taking account of the specifications provided for in this Act.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(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.

(2<sup>1</sup>) If it is indispensable for conducting of the administrative proceedings provided for in this Act, an administrative authority may, with the approval of the Ministry of the Interior, do the following differently than provided for in this Act during an emergency situation, a state of emergency or a state of war:

- 1) replace the requirement to appear in person by any other suitable requirement which ensures the identification of the person and the ascertainment of the will of the person for conducting of administrative proceedings;
- 2) assess the reliability of a non-compliant document submitted to the administrative authority and to use it upon conducting of proceedings if the person is unable to submit a document which complies with the formal requirements.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(3) This Act applies to entry of vital statistics data and amendments under names law in the population register, unless otherwise provided for in the Vital Statistics Registration Act or the Names Act.

(4) The Law Enforcement Act applies to the exercise of state supervision, taking account of the specifications provided for in this Act.

### **§ 3. Maintenance of population register**

- (1) The Population register is a database belonging to the state information system.
- (2) The Ministry of the Interior is the controller of the database.
- (3) A state agency or legal person in private law in state ownership shall be appointed as a processor of the population register pursuant to the procedure provided for in this Act.
- (4) The Government of the Republic shall establish by a regulation the security class of the population register.
- (5) The Government of the Republic may establish by a regulation more specific requirements and conditions for the maintenance of the population register and processing of data.

### **§ 4. Purpose of maintenance of population register**

In the cases provided for in this Act, the purpose of maintenance of the population register is the collection of reliable information and grant of access to personal data:

- 1) to state and local government agencies and other natural and legal persons for the performance of public law functions imposed on such agencies or persons by law or on the basis thereof (hereinafter *public duties*);
- 2) for the maintenance of records on the registration of the population of Estonia;
- 3) to legal persons and natural persons with legitimate interest for re-use of information in the population register;
- 4) for the performance of agreements entered into under the Foreign Relations Act.

### **§ 5. Data subject of population register**

The data subject of the population register (hereinafter *subject of the population register*) is:

- 1) an Estonian citizen;
- 2) a citizen of another Member State of the European Union, Member State of the European Economic Area or the Swiss Confederation who has entered his or her residence in Estonia in the population register;
- 3) an alien who has been granted a residence permit or right of residence in Estonia;
- 4) a person who is staying in Estonia on the basis of § 130 of the Aliens Act;
- 5) a family member of a citizen of the European Union who has applied for extension of temporary right of residence;
- 6) a child who is under one year of age and descends from an alien who resides in Estonia on the basis of a residence permit or right of residence until the child reaches one year of age or if an application for a residence permit, right of residence or Estonian citizenship is submitted before the child reaches one year of age, until the end of proceedings on such an application;
- 7) a person who has lost Estonian citizenship or erroneously received an identity document of an Estonian citizen for the duration of six months after loss of Estonian citizenship or after his or her identity document of the Estonian citizen has been declared invalid.

### **§ 6. Legal effect of data in population register**

- (1) Data entered in the population register is presumed correct.
- (2) The performance of public duties is based on the basic data entered in the population register.
- (3) The provisions of subsections 1 and 2 of this section shall not apply to the data specified in clause 8 of subsection 1 of § 21 of this Act and the data specified in clause 10 of subsection 1 of § 21 of this Act, unless data of the vital statistics documents which were the basis for entry of such data in the population register have been entered in the population register.

## **§ 7. Document management of population register**

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

## **§ 8. Preservation of data in population register**

(1) Data entered in the population register are preserved permanently, except data on access to data specified in clause 3 of § 25 of this Act which are preserved for five years.

(2) Data entered in the population register are preserved pursuant to the procedure provided for in the Archives Act.

# **Chapter 2 Controller and Processor of Population Register**

## **§ 9. Rights and obligations of controller of population register**

(1) The controller shall ensure the maintenance of the population register and processing of data contained therein in compliance with laws and legislation established on the basis thereof.

(2) The controller shall:

- 1) organise development work necessary for the maintenance of the population register;
- 2) organise and co-ordinate the maintenance of the population register;
- 3) organise the verification of the accuracy of data in 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 a processor of the population register;
- 6) decide on grant of access to data in the population register;
- 7) exercise supervision over compliance with the requirements provided for in this Act, including the maintenance of the population register and the processing of data;
- 8) resolve disputes between the processor and other data processors with regard to the maintenance of the population register and the processing of data in the population register;
- 9) adjudicate challenges related to the maintenance of the population register and the processing of data in the population register;
- 10) organise international cooperation related to the population register and enter into agreements related to the population register under the Foreign Relations Act;
- 11) give instructions of advisory nature for application of this Act;
- 12) perform other functions placed within the competence of the controller by this Act or other Acts.

(3) In order to perform the obligations provided for in this Act, the controller has the right to obtain:

- 1) data and documents from persons submitting data which the latter forward to the population register;
- 2) data on a subject of the population register which have been entered in other databases.

(4) In addition to the rights and obligations prescribed in subsection 2 of this section, the rights and obligations prescribed in Regulation (EU) 2016/679 of the European Parliament and of the Council and the Public Information Act extend to the controller unless otherwise provided by this Act.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(5) The minister in charge of the policy sector shall, by a directive, appoint an official to perform the single obligations of the controller specified in subsection 2 of this section, as appropriate.

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

(1) The Government of the Republic shall appoint, by an order, at the proposal of the minister in charge of the policy sector, a state agency or legal person in private law in state ownership which complies with the requirements provided for in this section as a processor of the population register (hereinafter *processor*). A legal person in private law in state ownership is appointed pursuant to the procedure provided for in the Administrative Co-operation Act.

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

(3) In order to enter into the contract or establish the procedure specified in § 12 of this Act and during the period of performing the duties of a processor, the processor shall:

- 1) own the information technology equipment necessary for maintenance of the population register or such equipment shall be available to the processor;
- 2) ensure the availability, integrity and confidentiality of data in the population register with organisational and technical measures according to the security class requirements;
- 3) have experience in maintenance of databases;
- 4) be able to organise training necessary for the processing of data in the population register;
- 5) have the knowledge and means necessary for organising the protection of data in the population register;
- 6) have the opportunity to employ persons familiar with high-level information technology and legislation regulating the protection of personal data and the maintenance of databases.

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

(5) The controller may specify the conditions listed in subsection 3 of this section prior to entry into the contract or establishment of the procedure specified in § 12 of this Act and shall notify the candidate for processor of the specified conditions one month prior to verifying the compliance of the candidate with the requirements.

### **§ 11. Rights and obligations of processor of population register**

(1) A processor is required to maintain the population register in compliance with laws and legislation established 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 controller within the competence of the controller.

(2) A processor shall:

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

(3) If a processor finds that an order of the controller is in conflict with law, the processor shall not comply with the order and shall immediately notify the controller, the state information systems development co-ordination agency and the Data Protection Inspectorate in writing thereof. If the controller repeats its order in writing, the processor is required to comply therewith and notify the state information systems development co-ordination agency and the Data Protection Inspectorate thereof.

(4) A processor has the right to request written orders from the controller.

(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 Regulation (EU) 2016/679 of the European Parliament and of the Council extend to a processor unless otherwise provided by this Act.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

## **Chapter 3 Maintenance of Population Register**

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

(1) For the maintenance of the population register, the minister in charge of the policy sector shall establish the procedure for the maintenance of the population register in the case of a processor who is a state agency or enter into an administrative contract for the maintenance of the population register (hereinafter *contract*) with a processor who is a legal person in private law in state ownership.

(2) The contract shall be approved by the state information systems development co-ordination agency and the Data Protection Inspectorate prior to entry into the contract.

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

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

### **§ 13. Procedure for maintaining population register and terms and conditions 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 maintenance of the population register;
- 2) the procedure and requirements for data processing;
- 3) the procedure and requirements for data protection;
- 4) the procedure and time limits for maintenance and financing the development of the population register;
- 5) the procedure and time limits for the submission of reports on work performed by a processor upon maintenance of the population register;
- 6) the procedure for developments;
- 7) the procedure for transferring the maintenance of the population register to a new processor and other measures 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 a processor of obligations which may damage the performance of obligations of the processor prescribed in this Act and the contract;
- 2) the conditions and extent of and procedure for covering the expenses of the processor related to the maintenance of the population register arising from the termination of the contract initiated by the controller.

(3) Additional terms and conditions may be provided for in the contract by agreement between the parties to the contract. The terms and conditions of contract may be amended by agreement of the parties or unilaterally due to changes in legislation. Upon unilateral amendments to the contract, the other party to the contract shall be notified at least six months in advance.

(4) The rights and obligations imposed on the controller and processor by law in the maintenance of the population register and data processing shall not be extended or restricted by the contract.

### **§ 14. Bases for termination of contract**

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

- 1) repeated or a single violation of Regulation (EU) 2016/679 of the European Parliament and of the Council, the Public Information Act or this Act, if a processor ignores the requirements for data protection or causes data to be accessible to persons who have no right to obtain such data or allows cross-usage of data that is not prescribed by an Act or legislation established on the basis thereof;  
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]
- 2) offences relating to computers or data processing committed by employees of the processor;
- 3) failure to perform or inadequate performance of the obligations of the processor provided for in legislation or failure to comply or inadequate compliance with the terms and conditions of the contract after a precept from the controller;
- 4) failure on part of the processor to carry out the developments necessary for the indispensable functioning of the population register or failure to comply with the time limits for delivery;
- 5) disagreement with a proposal to amend the contract made by the controller to increase the quality of data protection or data processing;
- 6) financial obligations assumed by the processor which endanger the maintenance of the population register;
- 7) a reasoned proposal to terminate the contract made by the state information systems development co-ordination agency or the Data Protection Inspectorate upon failure to comply or inadequate compliance by the processor with the requirement of data protection if this 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;
- 8) failure to reach an agreement, within one month after the state budget is passed, with the processor on the coverage of the costs of maintenance of the population register during the following budgetary year;
- 9) disagreement with amendments to the contract specified in subsection 3 of § 13 of this Act;
- 10) a decision not to extend the contract for the following time limit.

(2) The following constitute the basis for termination of contract by a 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 controller to organise the performance and acceptance of developments necessary for the indispensable functioning of the population register or failure to comply with the time limits for acceptance;
- 3) termination of the financing prescribed by the contract or repeated failure to comply with the time limits for financing;
- 4) disagreement with amendments to the contract specified in subsection 3 of § 13 of this Act;
- 5) a decision not to extend the contract for the following time limit.

(3) A contract may be terminated prematurely and unilaterally on the bases prescribed in clauses 1, 3 and 6–9 of subsection 1 and clauses 2–4 of subsection 2 of this section. Upon termination of the contract on the bases provided for in clauses 1, 3 and 6–9 of subsection 1 of this section, processors are not compensated for contractual expenses.

#### **§ 15. 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 time limit for 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 1 or 2 of § 14 of this Act.

#### **§ 16. 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 providing the following:

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

(2) Authorised representatives of the controller, processor, state information systems development co-ordination agency and Data Protection Inspectorate shall sign the legal instrument.

#### **§ 17. Financing of population register**

The maintenance of the population register is financed from the state budget and income received from the provision of services of access to data in the population register provided for in this Act by a processor of the population register.

#### **§ 18. Auditing of maintenance of population register**

The controller has the right to request from a processor the annual performance of a financial audit with regard to the maintenance of the population register.

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

(1) The use of the population register may be partially or completely suspended by an order of the Government of the Republic or by a decision of the controller due to a threat to the security of the population register, the functioning thereof or data in the population register during an emergency, an emergency situation, a state of emergency or a state of war.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(2) In the case provided for in subsection 1 of this section, the controller is required to take measures to preserve and protect or destroy the data in the population register.

(3) [Repealed – RT I, 12.03.2022, 1 – entry into force 22.03.2022]

## **Chapter 4 Composition of Data in Population Register**

#### **§ 20. Data to be entered in population register**

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

- 1) personal data;
- 2) data of documents related to personal data;
- 3) voter registration data;
- 4) data on proceedings;
- 5) data which are of assistance upon the maintenance of the population register;
- 6) non-actual data in the population register.

(2) Data provided for in clauses 1–5 of subsection 1 of this section entered in the population register are actual (hereinafter *actual data*) provided that such data are in the latest documented status entered in the population register.

(3) The Government of the Republic shall establish by a regulation the precise data composition of the population register.

#### **§ 21. Personal data**

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

- 1) personal name in the meaning of the Names Act;
- 2) sex;
- 3) birth data, including date and place of birth;
- 4) personal identification code;
- 5) data on citizenship;
- 6) data on residence;
- 7) additional addresses;
- 8) contact details;
- 9) address of place of stay;
- 10) data on marital status: single, married, widow/widower, divorced;
- 11) data on legal custody;
- 12) data on guardianship;
- 13) data on restriction of active legal capacity;
- 14) data on death, including time and place of death;
- 15) data on the parents, spouse and child of the person;
- 16) highest attained level of education;
- 17) testimony-based data on ethnic nationality, mother tongue and the highest level of education attained.

(2) Persons are required to submit the data specified in clause 17 of subsection 1 of this section if such data are missing from the population register or if the level of education has changed and such a change has not been entered in the population register on the basis of clause 16 of subsection 1 of this section.

#### **§ 22. Data of documents related to personal data**

(1) Data on the following documents are entered in the population register which may be the basis for entry in the population register of data specified in § 21 of this Act:

- 1) identity document;
- 2) vital statistics document;
- 3) document on the amendment of data that are specified in clauses 6–9, 16 and 17 of subsection 1 of § 21 of this Act;
- 4) judicial decision;
- 5) document which amends Estonian citizenship;
- 6) document proving the legal basis for the stay in the territory, except for the document specified in clause 5 of this subsection;
- 7) document proving provision of personal identification code;
- 8) person's notice on his or her data;
- 9) notices from issuers of e-residents' digital identity cards concerning e-residency;
- 10) other document not specified above.

[RT I, 10.12.2021, 1 – entry into force 01.09.2022]

(2) Documents specified in clauses 1–4 of subsection 1 of this section may also be issued by agencies of foreign states provided that such documents are recognised in Estonia.

(3) Estonian documents specified in clause 2 of subsection 1 of this section are prepared as of 1 July 1926.

#### **§ 23. Voter registration data**

Voter registration data are data that are entered in the population register for the formation of voter lists.  
[RT I, 09.07.2018, 1 – entry into force 01.01.2021]

#### **§ 24. Data on proceedings**

Data on proceedings are data on procedural acts and data of documents used or prepared in the course of proceedings, including scanned documents, provided for in the Vital Statistics Registration Act, the Names Act and this Act.

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

Data which are of assistance upon the maintenance of the population register are:

- 1) data on submission of data to the population register;
- 2) data of documents which are the basis for making an entry in the population register;
- 3) data on access to data;
- 4) data on restrictions on access to data;
- 5) codes related to software and classifications;
- 6) lists and scanned documents which are of assistance upon conducting proceedings.

## **§ 26. Non-actual data in population register**

(1) Data entered among the non-actual data in the population register:

- 1) personal data and data on proceedings which are no longer actual;
- 2) data on invalid documents;
- 3) data on voter registration on held elections;
- 4) data with a specified time limit after the expiry of the time limit;
- 5) data on residence in Estonia of a person without the status of a subject of the population register;
- 6) data used upon establishment of population register (data on persons entered in the population registration database, the Estonian national electoral register of citizens, the Estonian national electoral register of aliens) if such data are not related to the subject of the population register;
- 7) inaccurate data and documents.

(2) The data provided for in subsection 1 of this section are non-actual together with related data which are of assistance upon the maintenance of the population register.

(3) The actuality of data is restored if the basis for entry among non-actual data is unlawful, invalid, void or erroneous.

# **Chapter 5**

## **Submission of Data to Population Register**

## **§ 27. Basis and methods of submission of data to population register**

(1) Data are submitted to the population register on the basis of an application of a person, documents submitted by persons submitting data or on other basis provided for in law by entering such data digitally in the population register.

(2) As an exception, persons submitting data may, upon agreement with the controller, submit the data to be entered in the population register in digital form or on paper to a processor or an agency determined by the controller.

(3) The conditions of and procedure for submission of data to the population register shall be agreed upon in the administrative act specified in subsection 1 of § 50 of this Act with regard to the processing of data.

## **§ 28. Data to be submitted to population register**

Person submitting data are required to submit to the population register data on the issue, entry into force, amendment and revocation of documents listed in § 22 of this Act and data to be processed upon the use of documents issued in a foreign state for the performance of public duties if such data create, amend or specify data in the population register.

## **§ 29. Persons submitting data**

(1) Persons submitting data to the population register are agencies and persons who issue or prepare documents listed in subsection 1 of § 22 of this Act, submit the data of such documents to the population register or whose actions result in changes to the personal data provided for in subsection 1 of § 21 of this Act.

(2) If the data of a document issued in a foreign state are to be submitted to the population register and such a document is used for the performance of public duties, the person or agency using the document for the performance of public duties shall be the person submitting data which are to be entered in such documents and which are subject to submission to the population register.

(3) The Government of the Republic shall establish by a regulation the lists of data to be transferred by each person submitting data.

## **§ 30. Time limit for submission of data**

(1) Persons submitting data shall submit data to the population register immediately after the creation, amendment, entry into force of data or issue of documents.



(2) In the cases provided for in subsection 2 of § 27 of this Act, the person submitting data shall submit the data at the earliest opportunity after the creation, amendment, entry into force of data or issue of documents.

(3) A documents issued in a foreign state as specified in subsection 2 of § 29 of this Act shall be forwarded to a processor within three working days as of the use of the document.

(4) [Repealed – RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(5) Upon justified need and in agreement with the controller, the person submitting data may also submit data within another time limit.

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

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

- 1) request technical instructions for the submission of data from a processor;
- 2) consult the controller for the resolution of disputes with the processor which arise upon the submission of data.

(2) A person submitting data is required to:

- 1) ensure that the data submitted to the population register is in compliance with the data entered in the document specified in subsection 1 of § 22 of this Act;
- 2) notify a processor of the population register immediately of a mistake discovered in the submitted data and submit the accurate data;
- 3) respond to inquiries from the controller or processor which are related to submitting data to the population register within three working days as of receipt of the inquiry;
- 4) notify the processor immediately of any hindrance to the submission of data;
- 5) comply with requirements for the protection of personal data.

### **§ 32. Ensurance of accuracy of data**

(1) The person submitting data shall ensure that the data submitted for entry in the population register are in compliance with the documents specified in subsection 1 of § 22 of this Act which were the basis for entry of data in the population register.

(2) Upon discovery of mistakes in the data forwarded to the population register, the person submitting data shall immediately enter correct data in the population register or in the event that there is no option to do so, notify a processor of any errors.

(3) A 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 obviously inaccurate.

### **§ 33. Correction of inaccurate data**

(1) In the cases provided for in subsection 3 of § 32 of this Act or if a person submitting data or a data recipient gives notice of inaccurate data, a processor is required to verify the accuracy of data and correct inaccurate data.

(2) If any data provided for in § 35 of this Act are missing on a person who is a subject of the population register, a processor shall take measures to obtain the missing data and submit an inquiry to the person who submitted the corresponding data.

(3) A processor may refuse to correct the data with the permission of the controller.

## **Chapter 6 Status of Subject of Population Register**

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

A person is registered in the population register as a subject if the person complies with the requirements for the receipt of the status of a subject of the population register provided for in § 5 of this Act and data provided for in § 35 of this Act are entered in the population register concerning the person.

### **§ 35. Data for registration of persons as subjects of population register**

(1) In order to be registered as a subject of the population register, at least data specified in clauses 1–5 and 17 of subsection 1 of § 21 of this Act must be entered in the population register on the person. Data specified in clause 17 of subsection 1 of § 21 may, for good reason, not be submitted upon registration as a subject of the population register.

(2) In addition to the data specified in subsection 1 of this section, the data specified in clauses 1 and 6 of subsection 1 of § 22 of this Act shall also be entered in the population register on aliens who have been granted a residence permit or right of residence in Estonia.

(3) In addition to the data specified in subsection 1 of this section, the data specified in clause 6 of subsection 1 of § 21 and clause 1 of subsection 1 of § 22 of this Act shall also be entered in the population register on citizens of the European Union, Member States of the European Economic Area and the Swiss Confederation.

(4) Upon registration of a minor as a subject of the population register, the data of his or her birth document shall be entered in the population register. Submission of a document certifying the birth of a minor shall not be required if the representative of the child proves that such a document is impossible to obtain or the obtaining thereof is unreasonably difficult.

### **§ 36. Entry in population register of data concerning persons for preparing status of subject of population register**

If data concerning a person are missing from the population register, the following data and documents on the person are entered in the population register to prepare the person's status as a subject of the population register:

- 1) data specified in clauses 2 and 3 of subsection 1 of § 21 of this Act, data on the person's mother specified in clause 15 and data of a medical birth certificate for new-born children;
- 2) data specified in clauses 1–5 and 17 of subsection 1 of § 21 of this Act for citizens of the European Union, Member States of the European Economic Area and the Swiss Confederation upon grant of right of residence of the citizen of the European Union and for aliens applying for a residence permit or right of residence in Estonia.

### **§ 37. Entry in population register of data concerning persons not receiving status of subject of population register**

Data concerning persons not receiving the status of a subject of the population register shall be entered in the population register:

- 1) upon entry in the population register of data of a vital statistics event document that was prepared prior to the establishment of the population register;
- 2) upon registration of a vital statistics event in Estonia;
- 3) upon issue of an identity document;
- 4) upon provision of personal identification code for the purpose of entering the person in a state database;
- 5) if the basis for registration as a subject of the population register of a person with the preparatory status provided for in § 36 of this Act ceases to exist.

### **§ 38. Termination of status of subject of population register**

(1) The status of a subject of the population register terminates:

- 1) upon the death of the subject of the population register;
- 2) upon loss of Estonian citizenship;
- 3) upon expiry of the time limit for a document which determines the status of a subject of the population register or if such a document is revoked or declared invalid;
- 4) upon termination of right of residence for citizens of the European Union, Member States of the European Economic Area and the Swiss Confederation;
- 5) upon establishment of erroneous registration as a subject of the population register;
- 6) if the subject of the population register is at least 100 years of age and the data of his or her valid identity document have not been entered in the population register;
- 7) if an Estonian citizen attains 21 years of age and his or her data are entered in the population register; he or she became the subject of the population register on the basis of a birth document of a foreign state and at least one of his or her parents was an Estonian citizen at the time of his or her birth; he or she has not been issued the Estonian identity document provided for in clause 1 or 2 of subsection 2 of § 2 of the Identity Documents Act and the place of stay specified in clause 4 of subsection 1 of § 96 of this Act is not entered in the population register as the place of stay of the person;
- 8) if the Estonian identity document provided for in clause 1 or 2 of subsection 2 of § 2 of the Identity Documents Act has not been issued to an Estonian citizen the whose data are entered in the population register on the basis of the list of voters.

(2) Upon expiry of the time limit for a document which determines the status of a subject of the population register specified in clause 3 of subsection 1 of this section, the status of an alien as a subject of the population register shall terminate on the date of expiry provided for in subsection 4 or 5 of § 43 of the Aliens Act if the alien has not applied for the extension of a residence permit, a new temporary residence permit or a long-term resident's residence permit.

## **Chapter 7**

### **Personal Identification Code**

#### **§ 39. Personal identification code**

(1) A personal identification code is a number formed on the basis of the sex and date of birth of a person which complies with the standard of the Republic of Estonia and allows the specific identification of a person.

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

#### **§ 40. Formation of personal identification code**

(1) Personal identification codes are formed with population register software on the basis of data transferred to the population register.

(2) Personal identification codes are formed for persons:

- 1) who are registered as subjects of the population register according to the provisions of § 34 of this Act;
- 2) whose data are entered in the population register for preparing their status as subjects of the population register according to the provisions of § 36 of this Act;
- 3) whose data are entered in the population register according to the provisions of § 37 of this Act, but who do not acquire the status of subjects of the population register.

(3) Upon first entry of a person's data in the population register the following persons submitting data provide the formed identity code:

- 1) health care providers for new-born children;
- 2) vital statistics offices upon registration of a vital statistics event in Estonia or upon making a data acquisition entry;
- 3) the Police and Border Guard Board upon issue of an identity document, residence permit or in the course of proceedings conducted on an application for a residence permit or other proceedings provided for by law;
- 4) county town local authorities or processors on the basis of an application approved with the signature of a consular officer for entry into a state database of the personal identification code on the basis of law or the statutes of the database;
- 5) local authorities upon entry of residence of citizens of the European Union, Member States of the European Economic Area and the Swiss Confederation in the population register;
- 6) other agencies or persons performing public duties in performing their duty of entering the personal identification code in a state database on the basis of law or the statutes of the database.

[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

(4) A processor shall preclude the formation of the same personal identification code for several persons, the formation of several personal identification codes for one person and the formation of a previously used personal identification code for a different person.

(5) If a personal identification code is provided in cases provided for in clauses 4 and 5 of subsection 3 of this section, persons shall appear in person and submit a written application for receiving the personal identification code.

(6) The minister in charge of the policy sector shall establish by a regulation the procedure for the formation and provision of personal identification codes.

(7) The cost of provision of a personal identification code by a local authority according to clauses 4 and 5 of subsection 3 of this section as cost of state functions is compensated to the local authority from the state budget on the basis of the number of acts performed during the year preceding the budgetary year and the average calculated cost of one act provided for in the state budget for the corresponding year.

[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

#### **§ 41. Data to be submitted in application for personal identification code**

(1) Persons applying for a personal identification code for themselves, their minor children or persons under their guardianship in cases provided for in clauses 4 and 5 of subsection 3 of § 40 of this Act shall indicate on the application the following data on the person receiving the personal identification code:

- 1) personal name;
- 2) sex;
- 3) birth data, including date and place of birth;
- 4) personal identification code of a foreign state upon existence thereof;
- 5) data on citizenship;

- 6) data on residence;
- 7) contact details;
- 8) testimony-based data on ethnic nationality, mother tongue and level of education;
- 9) reasons for applying for a personal identification code;
- 10) data of an identity and citizenship document.

(2) If the applicant for a personal identification code is not applying for the personal identification code for himself or herself, he or she shall indicate the following additional data on himself or herself:

- 1) personal name;
- 2) personal identification code, in the absence thereof, date of birth;
- 3) contact details;
- 4) testimony-based data on ethnic nationality, mother tongue and level of education.

#### **§ 42. Refusal to form personal identification code**

In cases provided for in clauses 4 and 5 of subsection 3 of § 40 of this Act, the person providing a personal identification code shall refuse to form a personal identification code on the basis of an application submitted by a person if:

- 1) data provided in an application for a personal identification code are incomplete;
- 2) false data have been submitted upon application for a personal identification code;
- 3) personal identification code has already been formed for the person;
- 4) entry of data on residence of a citizen of the European Union in the population register is refused on the bases provided for in subsection 1 of § 84 of this Act.

#### **§ 43. Replacement of personal identification code**

A new personal identification code is formed to a person and the previous identification code is entered among non-actual data if:

- 1) the data on the person's sex or date of birth entered in the population register are corrected or amended;
- 2) the person is adopted – on the basis of an application of a parent or guardian;
- 3) the date of birth which was amended upon adoption is restored on the basis of an application of the person.

## **Chapter 8 Access to Data in Population Register**

### **Subchapter 1 Bases for Access**

#### **§ 44. Right to access data in population register**

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;
- 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 a foreign state if such a right is provided for in an agreement entered into under the Foreign Relations Act or ensured at the decision of the controller if there is legitimate interest.
- 5) [repealed – RT I, 12.03.2022, 1 – entry into force 22.03.2022]

#### **§ 45. Right of person to obtain data on him or her entered in population register and information on processing data**

(1) An adult has the right to access all data specified in subsection 1 of § 20 of this Act on him or her and his or her minor children, persons under his or her guardianship and his or her deceased spouse, except data specified in clauses 5 and 6 of § 25 of this Act.

(2) A person has the right to obtain information from a processor about:

- 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;
- 3) state and local government agencies and other natural and legal persons who have the right to access data in the population register.

(3) The access right specified in subsections 1 and 2 of this section may be restricted if this may:

- 1) prevent or impair prevention, detection or proceedings of offences or execution of punishments;
- 2) damage the rights and freedoms of other persons;
- 3) endanger the national security;
- 4) endanger protection of public order.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(4) A parent does not have the right to access data on his or her minor child provided for in subsection 1 of this section if a court has restricted the parent's right to access data or suspended or completely deprived the parent's legal custody.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

#### **§ 46. Data released to natural and legal persons from population register if there is legitimate interest**

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

- 1) data specified in subsection 1 of § 21 and clause 1 of subsection 1 of § 22 of this Act;
- 2) data on a person who is no longer the subject of the population register due to death.

(2) There is legitimate interest in cases where release of data is applied for:

- 1) the protection of the life, health, rights and freedoms of the applicant or another person;
- 2) the performance of a contract entered into with the applicant or for ensuring performance of the contract;
- 3) scientific purposes pursuant to conditions provided for in Regulation (EU) 2016/679 of the European Parliament and of the Council.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

#### **§ 47. Access to data that do not allow direct or indirect identification**

(1) The release of data from the population register that do not allow the direct or indirect identification of a persons is permitted:

- 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 statistical consolidations.

(2) The sex, age, data on residence, mother tongue, level of education, marital status of a person may serve as the basis for the traits specified in clause 1 of subsection 1 of this section. The grant of access to data on residence on the basis of traits not specified in this section is decided by the controller in every individual case pursuant to the general principles and purposes of data processing.

(3) Upon release of data in the format specified in clause 1 of subsection 1 of this section, the basis provided for in clauses 2–4 of § 44 of this Act must exist in order to access data.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

## **Subchapter 2 Procedure for Grant of Access**

#### **§ 48. Access to data in population register**

(1) Access to data in the population register is granted with the following methods according to the technical possibilities of the person ensuring access to data and data recipients alike:

- 1) through the data exchange layer of information systems;
- 2) through the population register proceedings software;
- 3) through a secure online environment;
- 4) by forwarding data through a secure data communication network;
- 5) in encrypted form on a digital medium, by electronic mail, by post or on paper or a digital medium which is personally delivered.

[RT I, 10.02.2023, 2 – entry into force 20.02.2023]

(2) The methods provided for in clauses 4 and 5 of subsection 1 of this section are used for the release of the following data:

- 1) single entries released non-automatically;
- 2) samples compiled based on provided terms and conditions;
- 3) records of differences prepared by comparison of data on the person applying for access to the data in the population register;
- 4) amendments which 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.

(3) A data processor with permanent access in the meaning of this Act is a data processor of the population register provided for in the administrative act specified in subsection 1 of § 50 of this Act with access to data in the population register in the manner specified in clauses 1, 2 or 3 of subsection 1 of this section.

(4) The minister in charge of the policy sector may establish by a regulation the specific procedure for granting access to data.

#### **§ 49. Applying for access to data in population register**

In order to gain access, an applicant shall submit an application in the population register information system for conducting proceedings on access to data in the population register, indicating in the application:

[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

- 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 of the person;
- 3) the justified purpose, manner and time of using the data;
- 4) the composition of data applied for;
- 5) the method of access to data provided for in subsection 1 of § 48 of this Act and the amount of data applied for, if necessary;
- 6) confirmation that the data received shall only be used for the purpose, during the time and in the manner applied for.

#### **§ 50. Deciding on access to data in population register**

(1) Grant of access to data is decided with an administrative act that provides for the following conditions depending on the method of access provided for in § 48 of this Act and the data released:

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

- 1) the purpose of use of the received data, including the right to enter data in another database and forward data to third persons;
- 2) composition of data to be processed;
- 3) time limits for data processing;
- 4) procedure for and the methods and manners of processing data;
- 5) procedure for providing technical support;
- 6) rights and obligations upon data processing;
- 7) general technical and organisational measures to protect data which are being processed and the procedure for the implementation thereof;
- 8) payment for the release of data according to the provisions of Subchapter 4 of this Chapter;
- 9) conditions for the termination of access.

(2) Access to data in the population register is decided by the controller, unless the administrative act specified in subsection 1 of this section provides otherwise.

(2<sup>1</sup>) Access of data in the population register shall be granted to officials of local authorities for the provision of personal identification codes on the basis of clause 4 or 5 of subsection 3 of § 40 of this Act and for the amendment of data in the population register in the course of administrative proceedings conducted by local authorities specified in Chapters 9–14 of this Act. Access shall be granted after the controller has verified that the official has necessary knowledge and skills for conducting proceedings and using the population register. Access may be granted without verification of knowledge and skills with good reason.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(3) The administrative act specified in subsection 1 of this section is communicated in the information system for conducting proceedings on access to data in the population register.

(4) If applying for access in the information system for conducting proceedings on access to data in the population register is excessively difficult for an applicant who is a natural person with legitimate interest, the application may be submitted, in a format which can be reproduced in writing, to a processor or a data processor with permanent access, whose obligation to release data is provided for in the administrative act specified in subsection 1 of this section.

#### **§ 51. Deciding on access to data if there is legitimate interest**

(1) The legitimate interest of the person applying for access to data shall be assessed upon deciding on grant of access to data in the population register in cases provided for in clauses 3 and 4 of § 44 of this Act, unless it is access to data arising from an agreement entered into under the Foreign Relations Act.

(2) If the data recipient provided for in clause 3 of § 44 of this Act is a natural or legal person who is ensured access to data concerning up to 100 persons a year, his or her access to the data is decided by a processor or, in the case provided for in subsection 1 of § 54 of this Act, a data processor with permanent access.

(3) Access to data is allowed only if this does not breach the inviolability of private life or endanger national security.

(4) If there is legitimate interest, access is allowed to data to which no access restrictions have been established.

(5) With the exception of performance of an agreement entered into under the Foreign Relations Act, release of data is refused if:

- 1) the applicant specified in clauses 3 and 4 of § 44 of this Act does not have legitimate interest;

2) allowing access to data may cause damage to the person whose data are subject to the application for access, or

3) access to data provided for in clauses 7 and 8 of subsection 1 of § 21 of this Act is sought for advertising purposes;

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

4) access to data provided for in clauses 7 and 8 of subsection 1 of § 21 of this Act is sought for research purposes and provision of services to a person performing public duties is not the basis for legitimate interest.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

## **§ 52. Ensurance of access to data in population register**

(1) Access to data is ensured by a processor in manners specified in subsection 1 of § 48 of this Act.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(2) A data processor with permanent access is required to ensure access only to such data in the population register the obligation to ensure access to which arises from law or legislation established on the basis thereof or the right to ensure access to which is provided in the administrative act specified in subsection 1 of § 50 of this Act.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(3) A processor and a data processor with permanent access are required to release only such data which the applicant has the right to receive.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(4) Before receiving access to data in the population register, data recipients confirm that the data received is used only according to the conditions determined in the administrative act specified in subsection 1 of § 50 of this Act.

## **§ 53. Granting person access to data entered in population register on person**

(1) A person's access to data specified in subsection 1 of § 45 of this Act entered in the population register is ensured by:

1) a processor through a secure online environment;

2) a county town local authority;

3) any other agency or person who is required or has the right to ensure access to data based on subsection 2 of § 52 of this Act.

[RT I, 12.03.2022, 1 – entry into force 01.01.2023]

(1<sup>1</sup>) Access to data provided in clause 6 of subsection 1 of § 21 of this Act is ensured by the local authority of the residence of the person.

[RT I, 12.03.2022, 1 – entry into force 01.01.2023]

(1<sup>2</sup>) A processor ensures access to data provided in clause 3 of § 25 of this Act also in a manner other than through online environment.

[RT I, 12.03.2022, 1 – entry into force 01.01.2023]

(1<sup>3</sup>) The specific procedure for ensuring access to data specified in subsection 1 of § 45 of this Act entered in the population register on a person, their minor children, persons under their guardianship and their deceased spouse is established by a regulation of the minister in charge of the policy sector.

[RT I, 12.03.2022, 1 – entry into force 01.01.2023]

(2) Access to data specified in subsection 1 of § 45 of this Act shall be ensured not later than on the fifth working day as of the receipt of an application in the manner specified in clause 3 or 5 of subsection 1 of § 48 of this Act.

(3) [Repealed – RT I, 10.02.2023, 2 – entry into force 20.02.2023]

(4) A multilingual standard form with an extract from the population register to be added to the former is issued to a person on the basis of Regulation (EU) 2016/1191 of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (OJ L 200, 26.07.2016, pp. 1–136).

[RT I, 01.02.2019, 1 – entry into force 16.02.2019]

(5) The multilingual standard form and the extract from the population register to be added to the former as specified in subsection 4 of this section, are issued to a person by the county town local authorities provided for in subsection 3<sup>2</sup> of § 3 of the Vital Statistics Registration Act.

[RT I, 01.02.2019, 1 – entry into force 16.02.2019]

(6) Expenses related to the issue of, as specified in subsection 4 of this section, a multilingual standard form and an extract from the population register to be added to the former as the expenses of state functions performed by county town local authorities are compensated to county town local authorities from the state budget on the basis of the number of acts performed in the year preceding the budgetary year and the average calculated expenses of one act provided for in the state budget for the corresponding year.

[RT I, 01.02.2019, 1 – entry into force 16.02.2019]

#### **§ 54. Release of data from population register**

(1) If in the case provided for in clause 3 of § 44 of this Act, the release of data for the same purpose on up to 20 persons a month is applied for, data shall be released in the manner specified in clause 5 of subsection 1 of § 48 of this Act by a county town local authority.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(2) If data specified in § 46 of this Act are released in a form that is personally delivered, the person releasing data is required to establish the identity of the applicant and in the case of a legal person, also the legality, including the legal basis of the activities of the legal person and the authorisation document issued to the authorised person to receive the data.

(3) Data shall always be encrypted upon release of data on more than 100 persons on a digital medium which is personally delivered as specified in clause 5 of subsection 1 of § 48 of this Act.

(4) If grounds for refusal provided for in subsection 5 of § 51 of this Act exist, the person ensuring access to data may, at the request of an applicant, ask for the consent of the person the release of whose data are being applied for to the release of his or her data or communicate the data on the applicant to the person before making the decision to refuse to release data. If consent is granted, the data shall be released to the applicant.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

#### **§ 55. Grant of right of data processing to employees of processor**

A data processor with permanent access of the population register grants the right to process data to employees of the processor or a data processor with permanent access according to the provisions of the administrative act specified in subsection 1 of § 50 of this Act.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

#### **§ 56. Obligations of data recipients**

(1) Data recipients are required to use data only for the purpose applied for and comply with the conditions provided for in this Act and Regulation (EU) 2016/679 of the European Parliament and of the Council and the conditions arising from restrictions on the use of data established upon transfer of data to data recipients, and ensure that data shall not be accessible to persons who have no right to process data.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) Data recipients are required to notify processors immediately of any inaccurate data discovered.

(3) In the case provided for in subsection 2 of this section, a processor is required to provide information concerning the results of verification of data or the correction of data to the data recipient at the earliest opportunity.

(4) Data recipients are prohibited from releasing the data received from the population register to third persons, unless it is prescribed by legislation or provided for in the administrative act specified in subsection 1 of § 50 of this Act.

(5) If data in the population register are used for scientific purposes, the data recipient shall, after the purpose of use of the data is met, form the data such that the unequivocal identification of the subject of the population register is not possible and transfer to the archives or destroy any data that allow the unequivocal identification of the subject of the population register.

## **Subchapter 3 Restriction of Access**

#### **§ 57. Setting 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 with regard to the processing of data for research or advertising purposes, by submitting an application to a processor directly or through a data processor with permanent access. In the application the person may determine the time limit during which access to data is restricted and which data specified in clauses 6 and 9 of subsection 1 of § 21 of this Act he or she wished to restrict access to.



(2) An investigative body or a Prosecutor's Office may restrict access to personal data entered in the population register and data of documents issued to a person for up to three months in order to ascertain the truth in a criminal proceeding. The time limit may be extended for another three months.

(3) Data, access to which is restricted by a person or a competent investigative body or a Prosecutor's Office, may be released only in the case provided for in subsection 1 of § 45 or subsection 1 of § 51 of this Act or for the performance of public duties. If there is legitimate interest, access shall be allowed to data access to which is not restricted on the basis provided for in subsection 1 of this section.

(4) In the cases provided for in subsections 1 and 2 of this section, a processor is required to enter in the population register the data on the restriction on access and restrict access to data in the population register, taking into account the provisions of subsection 3 of this section.

(5) In ensuring access to data in the population register, a processor and a data processor with permanent access are required to notify the data recipient of the restrictions on access to the data released.

#### **§ 58. Restrictions on access to actual data**

(1) Access to data on the place of stay specified in clause 4 of subsection 1 of § 96 of this Act shall be restricted after the validity of the data on the place of stay expires.  
[RT I, 17.11.2017, 1 – entry into force on prison 01.01.2020]

(2) Access to data provided for in clause 3 of § 25 of this Act shall be granted in cases provided for in subsection 1 of § 45 of this Act as of the beginning of the calendar year preceding the submission of the application.

(3) There is no right to access data provided for in clause 3 of § 25 of this Act and contact details provided for in subsection 1 of § 100 of this Act if there is legitimate interest, unless:

- 1) the contact details have been submitted to the local authority in the course of other proceedings;
- 2) the provision of services to a person performing public duties is the basis for legitimate interest to access the contact details.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

#### **§ 59. Restrictions on access to inaccurate data**

(1) In cases provided for in subsection 3 of § 32 of this Act, a processor is required to restrict access to inaccurate non-actual data entered in the population register.

(2) The following persons have the right to access data which are restricted on the basis of subsection 1 of this section:

- 1) a processor and a person submitting data for the purpose of verifying, correcting or modifying the data;
- 2) a data processor of the population register with access in the manner provided for in clause 2 of subsection 1 of § 48 of this Act;
- 3) data recipients for the performance of public duties, whereas, upon the release of data, the processor is required to notify the data recipient if the data are inaccurate.

#### **§ 60. Suspension and termination of right of data processing**

If, during supervision or due to a violation of the requirements for the implementation of the system of security measures for information systems at the proposal of a state information systems development co-ordination agency, the controller or the Data Protection Inspectorate decide to restrict access to data in the population register by an employee of a processor or a data processor with permanent access, the processor or the data processor with permanent access is notified thereof and the latter will immediately suspend or terminate the person's right to process data in the population register.

## **Subchapter 4 Payment for Release of Data**

#### **§ 61. Examination by person of data entered in population register on person**

(1) A person has the right to examine the data specified in subsection 1 of § 45 of this Act on the person themselves, their minor children and persons under their guardianship free of charge in the cases provided in clause 1 of subsection 1 and subsections 1<sup>1</sup> and 1<sup>2</sup> of § 53 of this Act, except in the case specified in subsection 1<sup>1</sup> of § 61 of this Act.

[RT I, 12.03.2022, 1 – entry into force 01.01.2023]

(1<sup>1</sup>) Where data specified in subsection 1 of § 45 of this Act on the person themselves, their minor children and persons under their guardianship certified with a digital seal or digital signature are released to the person in the manner specified in clause 1 of subsection 1 of § 53 of this Act, a state fee must be paid according to the rate provided in the State Fees Act for ensuring access to data in the population register.  
[RT I, 12.03.2022, 1 – entry into force 01.01.2023]

(1<sup>2</sup>) In the cases specified in clauses 2 and 3 of subsection 1 of § 53 of this Act, a state fee must be paid according to the rate provided in the State Fees Act for ensuring access to data in the population register.  
[RT I, 12.03.2022, 1 – entry into force 01.01.2023]

(1<sup>3</sup>) Expenses of ensuring access to data in the population register in the case specified in clause 2 of subsection 1 of § 53 of this Act as the expenses of state functions performed by county town local authorities are compensated to county town local authorities from the state budget on the basis of the number of acts performed in the year preceding the budgetary year and the average calculated expenses of one act provided in the state budget for the corresponding year.  
[RT I, 12.03.2022, 1 – entry into force 01.01.2023]

(2) According to subsection 1 of § 63 of this Act, the person releasing data may charge a reasonable fee for release of data to cover administrative expenses where requests from the person are unreasoned or excessive.  
[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

#### **§ 61<sup>1</sup>. Payment of state fee for issue of extract from population register according to Regulation (EU) 2016/1191 of European Parliament and of Council**

A state fee shall be paid according to the rate provided for in the State Fees Act for the issue of a multilingual standard form and an extract from the population register to be added to the former according to Regulation (EU) 2016/1191 of the European Parliament and of the Council.  
[RT I, 01.02.2019, 1 – entry into force 16.02.2019]

#### **§ 62. Payment for release of data upon performance of public duties**

(1) Data are released free of charge to data recipients for the performance of public duties.

(2) Expenses related to the release of data by a processor for the performance of public duties of data recipients by implementing existing technical solutions are compensated from the funds prescribed for maintenance of the population register in the state budget. Data recipients shall pay for any additional development that the processor is required to do due to release of data.

(3) Calculation of the fee provided for in subsection 2 of this section shall be based on the fees provided for in the regulation established by the minister in charge of the policy sector specified in subsection 1 of § 63 of this Act.

#### **§ 63. Payment for release of data to processor with legitimate interest**

(1) If there is legitimate interest, data in the population register is released for a fee. The minister in charge of the policy sector shall establish by a regulation the fees to be paid to a processor for the release of data in the population register if there is legitimate interest.

(2) Fees charged for release of data if there is legitimate interest shall be based on the efficiency of the provision of the service and calculated on the basis of reasoned expenses, and shall be in a reasonable ratio with the value of the service.

#### **§ 63<sup>1</sup>. Compensation to local authority of expenses for release of data if there is legitimate interest**

(7) The expenses of release of data in the population register to natural and legal persons with legitimate interest by a local authority as expenses of state functions are compensated to the local authority from the state budget on the basis of the number of acts performed in the year preceding the budgetary year and the average calculated expenses of one act provided for in the state budget for the corresponding year.  
[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

#### **§ 64. Payment of state fee to data processor with permanent access for release of data if there is legitimate interest**

A state fee shall be paid according to the rate provided for in the State Fees Act for the release of data in the population register by a data processor with permanent access in the case specified in subsection 1 of § 54 of this Act.

## **Chapter 9**

# Residential Address

## § 65. Residential address

(1) Persons shall submit the residential address where they permanently or primarily reside for entry in the population register.

(2) If a person uses several residences as his or her permanent or primary residence, he or she shall submit the addresses of all such residences for entry in the population register and select one of them as the residential address with legal effect (hereinafter *residential address*). Other residences shall be entered in the population register as additional addresses.

(3) Residential addresses entered in the population register do 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.

## § 66. Effect of residential address entered in population register

(1) If the performance of public duties is related to residence, the performance of public duties shall be based on the residential address in the population register.

(2) An address entered in the population register has legal effect as of the date of start of validity of the residential address in the population register. The date of start of validity of a residential address is:

1) the date of receipt in a local authority of a notice of residence in cases provided for in clauses 1 and 6 of subsection 1 of § 70 of this Act or the date of receipt in a foreign mission of Estonia of a person's notice pursuant to the procedure provided for in the Consular Act;

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

2) the date of making of entry in cases provided for in clauses 2 and 3 of subsection 1 of § 70 of this Act;

3) the date of entry into force of a decision in the case provided for in clause 4 of subsection 1 of § 70 of this Act;

4) the date provided by agencies of foreign states in the case provided for in clause 7 of subsection 1 of § 70 of this Act;

5) the date of start of validity of the residential address of the mother of an adopted child or the date of birth of the child if the date of start of validity of the residential address of the mother is before the date of birth of the child in the case provided for in clause 8 of subsection 1 of § 70 of this Act.

(3) Upon change of address in the case provided for in clause 5 of subsection 1 of § 70 of this Act, the date of start of validity of the residential address remains the same.

(4) Upon performance of public duties, documents are sent to the residential address, unless the address of the place of stay is available in which case documents are sent to the address of the place of stay.

(5) Documents sent to the address specified in subsection 4 of this section shall be deemed to have been delivered.

## § 67. Expiry of validity of data entered on residence in population register

The validity of the residential address entered in the population register shall expire:

1) upon submission of a new residential address as of the date preceding the date of start of validity of the new address;

2) upon termination of the status of a subject of the population register if the last valid residential address is in Estonia, or

3) on another basis provided by this Act.

## § 68. Obligation of person to ensure correctness of residential address

A person who is a subject of the population register shall ensure the existence and 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 according to the provisions of this Act.

## § 69. Time limit for submission of new residential address

(1) Upon permanently settling in another residence, a person shall submit their new residential address for entry in the population register within 14 days after permanently settling in the new residence.

(2) [Repealed – RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(3) A person may submit the date of birth of a child as the start of validity of data on residence of the child within three months of the birth of the child if the birth of the child is registered in a foreign state and there are no data on residence of the child in the population register or such data have been previously entered in the population register on the basis of clause 7 of subsection 1 of § 70 of this Act.

(4) Upon settling in a foreign state, except a foreign state specified in subsection 4 of § 71 of this Act, a person submits to the local authority of their last residence in Estonia or the Estonian foreign mission data provided in clause 6 of subsection 1 of § 21 of this Act on their residence in the foreign state.  
[RT I, 04.03.2023, 1 – entry into force 14.03.2023 – simultaneously with the Act on the Ratification of the Agreement between the Government of the Republic of Estonia and the Government of the Republic of Finland on Population Registration [RT II, 04.03.2023, 1]]

(5) [Repealed – RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(6) Aliens shall submit data on their residence in Estonia within one month after arriving in Estonia on the basis of a residence permit or right of residence.

(7) Citizens of the European Union, Member States of the European Economic Area and the Swiss Confederation shall submit data on their residence not later than three months after their date of entry into Estonia.

(8) Upon taking up residence in Estonia, citizens of the European Union, Member States of the European Economic Area and the Swiss Confederation may, when submitting data on residence, provide an advance notification regarding the date of leaving Estonia and their precise residential address in the foreign state or, in the absence thereof, at least the name of such a foreign state.

#### **§ 70. Bases for amendment of residential address entered in population register**

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

- 1) on the basis of a notice of residence;
- 2) on the initiative of a local authority;
- 3) at the request of the owner of a space;
- 4) on the basis of a judicial decision or a decision of a lease dispute committee whereby a person loses the right to use a space as his or her residence;
- 5) upon change of address in the address data system;
- 6) pursuant to the procedure provided for in the Consular Act on the basis of the person's notice upon permanent or primary residence in a foreign state;
- 7) on the basis of data received from foreign agencies;
- 8) on the basis of a judicial decision deciding on adoption.

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

- 1) entry or placement of the person to receive in-patient treatment;
- 2) entry or placement of the person in a social welfare institution that provides 24-hour social service;  
[RT I, 22.12.2018, 3 – entry into force 01.01.2019]
- 3) entry or placement of the person to a foster family;  
[RT I, 22.12.2018, 3 – entry into force 01.01.2019]
- 4) [omitted – RT I, 22.12.2018, 3 – entry into force 01.01.2019]
- 5) entry or placement of the person in a custodial institution;
- 6) entry or placement of the person in military service.

(3) A decision to amend data on residence is made in the form of an entry in the population register. Only decisions to refuse to amend data on residence shall be prepared in writing if proceedings have been initiated on the basis provided for in clause 1–3 of subsection 1 of this section.

(4) Local authorities have the right to make inquiries to other databases to determine circumstances related to the bases for amendment of residential address provided for in this section.

(5) The minister in charge of the policy sector shall establish by a regulation the procedure and forms and instructions for completion thereof for entry of data on residence in the population register.

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

(1) Upon registration of birth of a child in Estonia, the residential address of the mother of the new-born child entered in the population register at the time of birth of the child is entered in the population register as the residential address of the new-born child. If the mother has amended her data on residence in the population register in the period from the birth of the child to the registration of birth, such an amendment to data on residence of the mother is also entered in data on the residence of the child.

(2) If a residential address of a child is not present in the population register upon entry in the population register of a birth document of a foreign state, the name of the country of birth of the child is entered as his or her residential address.

(3) If a person's data are entered in the population register for the first time upon issue of an identity document certifying Estonian citizenship, the name of the foreign state is entered as his or her data on residence in the register on the basis of data submitted as contact details on the application for issue of the identity document.

(4) If an agreement on the exchange of data between population registers has been entered into with a foreign state on the basis of the Foreign Relations Act, which allows to enter in the population register on the basis of clause 7 of subsection 1 of § 70 of this Act only the data delivered by the foreign state on the basis of such agreement as a residential address in the foreign state, but the foreign state fails to deliver the data within the term provided in the agreement, the residential address in the foreign state is entered in the population register as the residential address of the person also on bases other than clause 7 of subsection 1 of § 70 of this Act if the person submits their residential address together with a document issued by a competent authority certifying the existence of the residential address in the population register of the foreign state.

[RT I, 04.03.2023, 1 – entry into force 14.03.2023 – simultaneously with the Act on the Ratification of the Agreement between the Government of the Republic of Estonia and the Government of the Republic of Finland on Population Registration [RT II, 04.03.2023, 1]]

## **§ 72. Notification of owner of dwelling**

(1) If data on the residence of a person are entered in the population register under the address of a space belonging to the owner or if data on residence entered under the address of a space belonging to the owner are entered under another address, the owner of the space shall automatically be notified of any amendments to data on residence under the address of the space through a secure online environment.

(2) Upon a request submitted by the owner of a space, the given name, surname and personal identification code of the person whose residential address in the population register is the address of the space belonging to the owner are released to the owner by:

- 1) a processor in a secure online environment;
- 2) the local government of the location of the space;
- 3) a county town local authority.

[RT I, 12.03.2022, 1 – entry into force 01.01.2023]

(3) Where in the case specified in clause 3 of subsection 2 of this section the county town local authority is not the local government of the location of the space, a state fee must be paid according to the rate provided in the State Fees Act for the release of data.

[RT I, 12.03.2022, 1 – entry into force 01.01.2023]

(4) Where in the case specified in clause 3 of subsection 2 of this section the county town local authority is not the local government of the location of the space, expenses related to the release of data as the expenses of state functions performed by a county town local authority are compensated to the county town local authority from the state budget on the basis of the number of acts performed in the year preceding the budgetary year and the average calculated expenses of one act provided for in the state budget for the corresponding year.

[RT I, 12.03.2022, 1 – entry into force 01.01.2023]

## **§ 73. Absent space data in address data system**

If the residential address to be entered in the population register has not been entered in the information system of the address data system, a processor shall create temporary address data in the population register at the request of a local authority until entry of the address in the information system of the address data system.

# **Chapter 10 Notice of Residence**

## **§ 74. Submission of notice of residence**

(1) A person shall submit a notice of residence to the local authority of the residential address submitted in the notice of residence for the residential address to be entered in the population register.

(2) A notice of residence is submitted in person, in writing by post or in electronic form certified with a digital signature. If a notice of residence is submitted by post, a copy of the page containing personal data of the identity document of the person who signed the notice of residence shall be appended to the notice of residence upon submitting data on residence.

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

## **§ 75. Notice of residence**

(1) The following data shall be indicated in a notice of residence regarding the person submitting the notice of residence and persons whose data on residence is submitted in the notice of residence:

- 1) personal name;
- 2) personal identification code;
- 3) contact details;
- 4) personal identification code of a foreign state upon existence thereof;
- 5) state of previous residence and time of leaving Estonia for foreign state upon arrival from a foreign state;
- 6) data provided for in clauses 16 and 17 of subsection 1 of § 21 of this Act, taking account of the provisions of subsection 2 of § 21 of this Act.

(2) A notice of residence shall indicate the following about a new residence:

- 1) residential address;
- 2) basis for use of space;
- 3) written consent of the owner of the space if the person submitting the notice of residence is not the owner of the space or if no document certifying the right to use the space is appended to the notice of residence;
- 4) [repealed – RT I, 04.08.2022, 4 – entry into force 14.08.2022]

(3) In addition, a notice of residence shall indicate the following:

- 1) additional addresses upon existence thereof;
- 2) consent of the other parent with legal custody if it is necessary to enter data in the population register on the residence of a minor child.

(4) The following shall be appended to a notice of residence:

- 1) a document certifying the right of use of a space if the person submitting the notice of residence is not the owner of the space or if the consent provided for in clause 3 of subsection 2 of this section is not appended to the notice of residence;
- 2) a copy of the document certifying being a crew member of a ship in the case provided for in clause 3 of § 77 of this Act;
- 3) other documents that prove important facts.

## **§ 76. Preservation of notice of residence**

(1) Agencies that enter data on residence in the population register preserve notices of residence submitted on paper for ten years.

(2) In the cases provided for in subsection 1 of § 82 of this Act, the agency or person receiving a notice of residence shall preserve notices of residence submitted on paper.

[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

## **§ 77. Data on space**

The space the person uses as residence and 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 if the person:

- 1) applies for entry in the population register of the address of a building under construction or the address of another space as the residential address of the person;
- 2) proves the use of a space which is not a dwelling, as residence;
- 3) applies for entry of a ship and the local authority of the registered office of the home port of the ship as his or her residential address as a crew member of a ship entered in the Estonian ship register.

## **§ 78. Consent of owner of space**

(1) If a person is not the owner of the dwelling indicated in a 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 dwelling or a written consent of the owner of the dwelling to enter the data specified in the notice of residence in the population register.

(2) If the owner of a space does not consent to the address of the dwelling belonging to him or her to be entered in the population register as the residential address indicated in the notice of residence of a person, the person has the right to turn to the local authority which shall conduct proceedings provided for in Chapter 11 of this Act.

## **§ 79. Notice of residence of minor children and persons under guardianship**

(1) The residential address of a parent with legal custody or a guardian of a minor child shall be indicated in a notice of residence as the residential address of the minor child.

(2) A parent with legal custody or a guardian may apply 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.

(3) In the case provided for in subsection 2 of this section, a local authority may ask the opinion of a child protection official in the meaning of subsection 1 of § 18 of the Child Protection Act concerning entry in the population register of data on residence of a minor child or a person under guardianship who is a minor.

(4) If the residential address of an adult with restricted active legal capacity or a minor in need of guardianship has not been entered in the population register, the provisions provided for in subsection 4 of § 176 of the Family Law Act shall be the basis for entry of data on residence in the population register.

(5) The provisions of the Family Law Act and the Child Protection Act shall be complied with upon entry of residence of a minor child in the population register.

#### **§ 80. Submission of residential address in foreign state with notice of residence**

(1) A subject of the population register shall submit a notice of residence to the local authority of his or her residence in Estonia entered in the population register and a person not specified in § 95 of this Act to the processor in the absence of a residence in Estonia in the population register for entry in the population register of a residential address in the foreign state.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(2) Upon submitting an address in a foreign state with a notice of residence, there is no need to append a document certifying the right to use a dwelling or the consent of the owner of the dwelling to enter the data specified in the notice of residence in the population register.

(3) A notice of residence shall indicate the accurate residential address in a foreign state or in the absence thereof, at least the name of the state.

#### **§ 81. Entry of residential address in population register based on notice of residence**

(1) A local authority shall verify, within ten working days as of the receipt of a notice of residence, the compliance of the data submitted in the notice of residence and the notice of residence with the requirements and enter the residential address in the population register or refuse to do so on the bases provided for in subsection 1 of § 84 of this Act.

(2) If the compliance of a notice of residence submitted in a secure online environment with the requirements has been automatically verified via databases, the local authority shall make an entry in the population register without direct intervention by an official.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(3) The specific procedure and conditions for making of an entry specified in subsection 2 of this section shall be established by a regulation of the minister in charge of the policy sector.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

#### **§ 82. Submission of notice of residence to agencies and persons performing public duties**

(1) If a person who is a subject of the population register addresses, in the course of conducting proceedings, an agency or person performing public duties, the person may submit a notice of residence to the corresponding agency or person for data on residence to be entered in the population register.

(2) An agency or person performing public duties forward a notice of residence through the data communication network for entry of a residential address in the population register to the local authority in the territory of which the residential address indicated in the notice of residence is located. The local authority enters the residential address of the person in the population register or refuse to do so pursuant to the procedure provided for in § 81 of this Act.

(3) The Government of the Republic shall establish by a regulation the procedure for forwarding residential addresses by agencies and persons performing public duties.

(4) The Government of the Republic shall establish by a regulation the list of agencies specified in subsection 1 of this section.

[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

#### **§ 83. Specifications of entry of data on residence in population register upon elections**

(1) If a person who has the right to vote and whose residential address is not entered in the population register submits a notice of residence 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, the local authority shall immediately enter the residential address of the person in the population register.

(2) 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 a dwelling or the consent of the owner of the dwelling for data on residence 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 and city district or rural municipality.

(3) If no amendments are made to data on residence of a person entered in the population register within 30 days after amendment of data on residence on the basis of subsection 2 of this section, the validity of data on residence of the person is terminated.

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

(1) Local authorities refuse to enter data on residence indicated 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 consent of the owner of the dwelling to use the dwelling or a document certifying the right to use the space;
- 2) a space is not a dwelling, except in cases provided for in § 77 of this Act;
- 3) data provided in a notice of residence are incomplete;
- 4) a person submits false data in the notice of residence;
- 5) a person is applying for the address of a space which is not the residence or registered office of the person to be entered in the population register as the residential address of his or her child or a person under his or her guardianship who is a minor and the satisfaction of such an application is not in line with the interests of the child or the person under guardianship who is a minor.

(2) Provisions provided for in clause 1 of subsection 1 of this section shall not apply to the family members of the owner of a space, including his or her spouse, minor child and parent who is incapacitated for work.

## **Chapter 11**

### **Amendment of Data on Residence in Population Register on Initiative of Local Authority**

[RT I, 04.08.2022, 4 – entry into force 14.08.2022]

#### **§ 85. Agency notice of person's stay on territory of local authority of person**

Social welfare institutions, medical institutions, rescue service agencies, police authorities or other agencies shall notify local authorities of persons, discovered in the course of performing their functions, who are continuously staying in the territory of the local authority and whose residential address is not entered in the population register or who, according to their own statement, no longer used the residence the address of which is entered in the population register. The residential address or absence thereof shall be indicated in the notice.

#### **§ 86. Basis of local authority initiative**

If the residential address of a person who continuously stays on the territory of a local authority and who is a subject of the population register is not entered in the population register or if the person, by their own statement, no longer uses the residence at his or her address entered in the population register, a local authority shall initiate entry or amendment of the residential address in the population register on the basis of data submitted by the agency or person specified in § 85 of this Act pursuant to the procedure provided for in this Chapter.

#### **§ 87. Local authority proceedings**

(1) If the residence of a person is known, a local authority shall obtain, prior to entering the residential address in the population register, the written consent of the person and the owner of a space which is the residence to enter the said address in the population register as the residential address of the person.

(2) If, within 30 days as of the dispatch of the inquiry by a local authority, neither the person nor the owner of a 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 residence, the residential address of the person shall be entered in the population register to the accuracy of the city and city district or rural municipality. The person's known address shall be indicated as an additional address.

(3) If the residence of a person is not known, the residential address of the person shall be entered in the population register to the accuracy of the city and city district or rural municipality.

(4) If the owner of a space does not consent to entry of the address of a dwelling belonging to him or her in the population register as the residential address indicated in the notice of residence of a person, but to the local authority's knowledge the person who submitted the notice of residence uses the space belonging to the owner as his or her residence provided for in subsection 1 of § 65 of this Act, the local authority shall enter the dwelling address indicated in the notice of residence in the population register as the residential address of the person.



### **§ 87<sup>1</sup>. Termination of validity of data on residence on initiative of local authority**

(1) A local authority may initiate termination of the validity of data on the residence of a person if the following conditions are met:

- 1) the residential address of the person is entered in the population register to the accuracy of the city and city district or rural municipality;
- 2) the person is not staying, to the local authority's knowledge, in their territory or elsewhere in Estonia;
- 3) data on the place of stay specified in subsection 1 of § 96 of this Act have not been entered in the population register as the place of stay.

(2) Where the person has not been notified in any other manner, the local authority notifies the person of termination of the validity of data on the residence of the person 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 are published in *Ametlikud Teadaanded*.

(3) The validity of data on the residence of the person entered in the population register is terminated on the initiative of the local authority after notifying the person thereof or 30 days after the publication of the notice in *Ametlikud Teadaanded*, unless it becomes evident that the person is staying in Estonia.

[RT I, 04.08.2022, 4 – entry into force 14.08.2022]

## **Chapter 12**

### **Amendment of Data on Residence at Request of Owner of Space**

#### **§ 88. Request of owner of space to amend data on residence of persons**

(1) The owner of a space has the right to apply to a local authority for amendment of the residential address of a person entered in the population register if the following conditions are met:

- 1) the space belonging to the owner is indicated as the residence of the person;
- 2) the person has no right to use the space as his or her residence;
- 3) the person does not use the space as his or her residence.

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

(3) If, to the local authority's knowledge, a person is not using a space belonging to the owner as his or her residence, the local authority has the right to submit an inquiry to the owner of the space the address of which is entered in the population register as data on residence of the person. If the owner of the space gives notice that the person is not using the space belonging to the owner as residence, the notice of the owner is treated as the application specified in subsection 1 of this section.

(4) The owner of a space is required to submit to the local authority, within ten days after receipt of an inquiry, the given name and surname and personal identification code or date of birth of persons who use the said space as their residence to the owner's knowledge.

#### **§ 89. Notification of persons**

If the obligation to notify persons is not performed in any other manner, local authorities shall notify persons of applications made by owners of spaces within ten working days after receipt thereof by e-mail or by post at the residential address indicated in the population register, if possible, and publish a corresponding 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*.

#### **§ 90. Bases for denying owner's application**

A local authority shall deny the application of the owner of a space to amend a person's data on residence if:

- 1) the person provides documentary evidence of his or her right to use the space as his or her residence within 30 days as of the date of delivery of the application or publication of the notice in *Ametlikud Teadaanded*;
- 2) there is a pending legal dispute between the owner and the person or a pending dispute in the lease dispute committee concerning the right of use of the space.

#### **§ 91. Amendment of data on residence of persons**

(1) The validity of data on residence of a person entered in the population register is terminated upon amendment of data on residence of the person at the request of the owner. If the person is in an institution specified in subsection 1 of § 96 of this Act, the person or his or her legal representative has the right to apply

for preservation of the person's residential address among the actual data in the population register to the accuracy of the city and city district or rural municipality.

(2) Upon amendment, on the bases provided for in this section, of data on residence of citizens of the European Union, Member States of the European Economic Area and the Swiss Confederation who have entered their residence in Estonia in the population register, their residential address shall be preserved among the actual data in the population register to the accuracy of the state. If data on residence of the person entered in the population register are not amended within six months after amendment of data on residence on the basis of this section, the validity of data on residence of the person is terminated.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

#### **§ 92. Dispute concerning right of use of space**

A dispute between the owner and a person concerning the right of use of a space shall be settled pursuant to civil procedure or pursuant to the procedure provided for in the Lease Disputes Resolution Act.

## **Chapter 13 Other Bases for Amendment of Residential Address**

#### **§ 93. Decision of committee settling lease dispute and judicial decision on right of use of space**

(1) A decision which has entered into force of a committee settling a lease dispute or a judicial decision which has entered into force regarding the existence or absence of the right of use of a space constitutes basis for a local authority to amend a residential address entered in the population register.

(2) If a person loses the right to use a space as residence on the basis of a decision of a lease dispute committee or a judicial decision, the residential address of the person is preserved among the actual data in the population register to the accuracy of the city and city district or rural municipality. If data on residence of the person entered in the population register are not amended within 30 days after amendment of data on residence on the basis of this subsection, the validity of data on residence of the person is terminated.

#### **§ 94. Amendment of residential address upon change of address data**

(1) Upon changing of address data in the information system of the address data system, the residential address of the person in the population register shall be amended.

(2) If an address with no address object has been entered in the population register as the residential address of a person or if it is impossible to establish a new residential address of a person entered in the population register on the basis of amendments to the address data occurred in the information system of the address data system, the local authority shall terminate the validity of data on residence of the person in the population register.

(3) The local authority of the residence of a person organises the notification of the person of the changed residential address.

#### **§ 95. Submission of residence address to consular officer**

Estonian citizens permanently living in a foreign state and aliens provided for in the Consular Act submit an application to an Estonian foreign mission for entry in the population register of a residential address in a foreign state pursuant to the procedure provided for in the Consular Act and the Estonian foreign mission enters such data on residence in the population register.

[RT I, 18.12.2019, 3 – entry into force 28.12.2019]

## **Chapter 14 Address of Place of Stay, Contact Details and Additional Address**

#### **§ 96. Place of stay**

(1) The address of the place of stay of a person is entered in the population register upon entry, sending or placement of the person for longer than three months:

1) in a social welfare institution that provides 24-hour social service, except in cases where the person is the victim of domestic violence;

[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

2) entry or placement of the person to a foster family;

[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

3) [omitted – RT I, 22.12.2018, 3 – entry into force 01.01.2019]

4) to prison as an imprisoned person;

[RT I, 17.11.2017, 1 – entry into force on prison 01.01.2020]

- 5) in military service;
- 6) in a student hostel or a dormitory;
- 7) to an assignment abroad by the state of Estonia or an employer;
- 8) abroad for learning purposes.

(2) If data on residence of a person are missing from the population register, data on place of stay are deemed data on residence in cases provided for by law.

(3) An address which is entered in the population register as the address of the place of stay of a person cannot also be entered in the population register as data on residence or additional address of the person.  
[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

#### **§ 97. Basis for amendment of place of stay**

(1) The institution which places or sends a person to or in a place specified in subsection 1 of § 96 of this Act or other institutions are required to immediately submit a digital notice to the population register to enter the address of the place of stay of the person in the population register or to terminate the validity of the address of the place of stay of the person.

(2) If an address which has previously been entered in the register as the additional address of a person is entered in the population register as the address of the place of stay in the case provided for in subsection 1 of this section, the validity of the address as an additional address is terminated.  
[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

(3) The personal name, personal identification code, address of the place of stay, date of start of stay and in the case of settling for a specified period also the date of end of stay shall be indicated in the notification specified in subsection 1 of this section.

(4) The Government of the Republic shall establish by a regulation the list of persons submitting data about and the procedure for submission of data on the address of the place of stay of a person.  
[RT I, 17.11.2017, 1 – entry into force § 97 on 01.01.2020]

#### **§ 98. Obligation of person to ensure correctness of contact details**

A person who is a subject of the population register shall ensure the existence and correctness of the contact details of the person in the population register according to the provisions of this Act.

#### **§ 99. Bases for entry in population register of contact details and additional addresses**

(1) The contact details and additional address of a person may be entered in the population register:

- 1) with a notice of residence provided for in § 74 of this Act;
- 2) on the basis of a written application submitted to a local authority;
- 3) through a secure online environment;
- 4) on the basis of data received from foreign agencies;
- 5) pursuant to the procedure provided for in § 100 of this Act.

(2) Persons can terminate the validity of contact details and additional addresses entered in the population register in the manner provided for in clauses 1–4 of subsection 1 of this section.

(3) Data specified in clause 4 of subsection 1 of this section are entered in the population register as an additional address if the address forwarded in the notice is a temporary or secondary residence in the state which forwarded the data.

#### **§ 99<sup>1</sup>. Application of provisions concerning entry of residential address in population register**

(1) Upon submission of an additional address in the manner provided for in clauses 1–3 of subsection 1 of § 99 of this Act, the space the address of which is submitted as the additional address by the person shall comply with the requirements provided for in § 77 of this Act.

(2) A local authority shall refuse to enter an additional address in the population register in addition to the provisions of § 101 of this Act also on the grounds provided for in clauses 2–4 of subsection 1 of § 84 of this Act.

(3) The owner of a space shall be notified of entry of the address of the space belonging to the owner in the population register as an additional address based on § 72 of this Act.

(4) Upon changing of address data, the provisions of subsections 1 and 2 of § 94 of this Act shall apply to changing of the additional address.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

#### **§ 100. Submission of contact details and additional address to agency or person performing public duties**

(1) If a person who is a subject of the population register addresses, in the course of proceedings, an agency or person performing public duties and submits data on an additional address and contact details that are different from the data entered in the population register, the agency or person performing public duties shall enter such data in the population register.

(2) The Government of the Republic shall establish by a regulation the list of agencies and persons and the procedure for entry in the population register of additional addresses and contact details specified in subsection 1 of this section.

[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

#### **§ 101. Refusal to enter contact details and additional addresses in population register**

Entry of contact data and an additional address of a person in the population register is refused if the address submitted as contact details or the additional address has previously been entered in the population register as the residential address or address of the place of stay, contact details or additional address of the person.

#### **§ 101<sup>1</sup>. Termination of validity of additional address at request of owner of space**

If a person is not using the space belonging to the owner as his or her second permanent or primary residence, the owner of the space has the right to submit a request for termination of validity of the additional address entered in the population register in a format which can be reproduced in writing to a processor directly or through a data processor with permanent access.

[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

## **Chapter 15 Supervision and Settlement of Disputes**

#### **§ 102. Supervision over maintenance of population register and processing of data**

(1) The controller shall exercise state and administrative supervision over this Act and legislation established on the basis thereof, including the procedure for the maintenance of the population register and the performance of contractual requirements specified in § 12 of this Act.

(2) Administrative supervision over the activities of persons subject to supervision includes verification of the lawfulness and expediency of their activities.

#### **§ 103. Special state supervision measures**

The controller may apply the special state supervision measures provided for in §§ 30, 31, 32, 49, 50 and 51 of the Law Enforcement Act for exercising the state supervision provided for in this Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

#### **§ 104. Challenge**

(1) Persons or agencies that find that their rights have been violated or freedoms restricted in the course of the maintenance of the population register or the processing of data, may file a challenge with the controller of the population register through an administrative authority against whose activity the challenge is filed.

(2) If an administrative authority which issued an administrative act or took a measure finds that the challenge against such an act or measure is reasoned, the authority itself shall satisfy the challenge.

(3) The controller shall adjudicate challenges within 30 days of the filing thereof.

## **Chapter 16 Implementing Provisions**

#### **§ 105. Establishment of population register**

(1) The population register is established on the basis of data entered in the population registration database, the Estonian national electoral register of citizens and the Estonian national electoral register of aliens.

(2) The population register was introduced on 1 January 2002.

(3) Data on the marital status of a person are entered in the population register from the population registration database specified in subsection 1 of this section also in the case when data of vital statistics documents which were the basis for entering the said data have not been entered in the population register.

#### **§ 106. Data entered in population register prior to entry into force of this Act**

Data which are not specified in this Act or legislation established on the basis thereof are also data in the population register if such data are entered in the population register on the basis of legislation valid at the time of entry of data.

#### **§ 107. Entry of data on level of education in the population register**

If data on education which are entered in the population register prior to entry into force of this Act and collected for statistical purposes and submitted voluntarily by a person reflects a lower level of education than the data entered on the basis of clause 16 of subsection 1 of § 21 of this Act, the data collected for statistical purposes and submitted voluntarily by the person are replaced with the data to be entered on the basis of clause 16 of subsection 1 of § 21 of this Act.

#### **§ 108. Data on area of activity**

Data on area of activity entered in the population register prior to entry into force of this Act are changed to non-actual data in the population register upon entry into force of this Act.

#### **§ 109. Data on contact address**

Data on contact address entered in the population register prior to entry into force of this Act are changed to data on an additional address upon entry into force of this Act.

#### **§ 110. Termination of validity of data on residence of persons entered in population register and amended at request of owner of space prior to entry into force of Act**

A person's data on residence which have been amended at the request of the owner of a space prior to entry into force of this Act and which have been preserved among the actual data in the population register to the accuracy of the city and city district or rural municipality, becomes invalid. The residential address of a citizen of the European Union, Member States of the European Economic Area and the Swiss Confederation who has entered his or her residence in Estonia in the population register, is preserved as data on residence to the accuracy of the state. If the person is in an institution specified in subsection 2 of § 70 of this Act, the person or his or her legal representative has the right to apply for the restoration of the previous address of the person to the accuracy of the city and the city district or rural municipality as the residential address of the person.  
[RT I, 22.12.2018, 3 – entry into force 02.01.2019]

#### **§ 110<sup>1</sup>. Termination of validity of residential address data preserved to accuracy of state**

If before entry into force of this section a citizen of the European Union, Member States of the European Economic Area and the Swiss Confederation has received a residential address to the accuracy of the state on the basis of subsection 2 of § 91 and § 110 of this Act, the validity of the data on residence of the person in the population register shall be terminated six months after entry into force of this section.  
[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

#### **§ 110<sup>2</sup>. Termination of validity of data on residence to accuracy of settlement unit on initiative of local authority**

Where the data on the residence of a person have been entered in the population register to the accuracy of the settlement unit on the initiative of a local authority before entry into force of this Act, the local authority may terminate the validity of data on the residence of the person on the initiative of the local authority pursuant to the provisions of § 87<sup>1</sup> of this Act.  
[RT I, 04.08.2022, 4 – entry into force 14.08.2022]

#### **§ 111. Conducting proceedings on applications for access to data in population register and termination of data processing contracts**

[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

(1) Until the introduction of the information system for conducting proceedings on access to data in the population register provided for in § 49 of this Act, proceedings on applications for access to data are conducted pursuant to the standard operations procedure.

(2) The terms and conditions of contracts entered into prior to entry into force of this Act for processing data in the population register and the administrative acts issued on the basis of subsection 1 of § 50 of this Act shall be entered in the information system for conducting proceedings on access to data from the introduction thereof. Contracts remain valid until the terms and conditions provided for in subsection 1 of § 50 of this Act are entered in the information system for conducting proceedings on access to data in the population register whereby access is deemed to be granted according to this Act.  
[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

#### **§ 112. Restrictions set on access to actual data in population register prior to entry into force of this Act**

Restrictions on access to personal data and data related thereto established at the request of a person prior to entry into force of this Act, which do not comply with the purposes provided for in subsection 1 of § 57 of this Act, are considered established for the purposes provided for in subsection 1 of § 57 of this Act upon entry into force of this Act.

#### **§ 112<sup>1</sup>. Specifications of entry of data on residence in population register at *Riigikog* elections in 2019**

If the residential address of a person who has the right to vote is entered in the population register at least to the accuracy of the city and city district or rural municipality on the basis of subsection 2 of § 83 of this Act during the period of time from the first day of advance polls in *Riigikog* elections in 2019 until the election day of the *Riigikogu*, the validity of his or her data on residence terminates if such data are not amended within four months after entry of data in the population register.  
[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

#### **§ 112<sup>2</sup>. Application of Act to citizens of United Kingdom**

For the purposes of this Act, a citizen of the United Kingdom who is granted right of residence in Estonia before 1 April 2021 is treated as a citizen of the European Union.  
[RT I, 19.03.2019, 9 – entry into force 01.02.2020]

#### **§ 112<sup>3</sup>. Verification of knowledge and skills of official of local authority**

The knowledge and skills specified in subsection 2<sup>1</sup> of § 50 of this section shall not be verified in the case of a person who has the access specified in subsection 2<sup>1</sup> of § 50 of this Act to data in the population register.  
[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

#### **§ 112<sup>4</sup>. Implementation of subsection 1 of § 80, subsection 2 of § 81 and § 99<sup>1</sup> of this Act**

In order to implement subsection 1 of § 80, subsection 2 of § 81 and § 99<sup>1</sup> of this Act, technical readiness of the population register shall be established by 1 January 2024.  
[RT I, 12.03.2022, 1 – entry into force 22.03.2022]

## **Chapter 17 Amendment of Acts**

§ 113.–§ 127.[Omitted from this text.]

#### **§ 128. Entry into force of Act**

(1) This Act enters into force on 1 January 2019.

(1<sup>1</sup>) § 110 of this Act enters into force on 2 January 2019.  
[RT I, 22.12.2018, 3 – entry into force 01.01.2019]

(2) Clause 7 of § 115 of this Act enters into force pursuant to the general procedure.

(3) Subsection 1 of § 58, clause 4 of subsection 1 of § 96 and § 97 of this Act enter into force on 1 January 2020.