

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF ESTONIA
AND THE GOVERNMENT OF THE REPUBLIC OF FINLAND
ON POPULATION REGISTRATION**

In order to support the mobility and facilitate the registration of the population in their States, the Government of the Republic of Estonia and the Government of the Republic of Finland (hereinafter referred to as “*the Contracting Parties*”) have agreed as follows:

Article 1

Scope of the Agreement

1. Regardless of their citizenship, this Agreement shall apply to persons registered as residents in Finland or Estonia (hereinafter referred to as “*the states*”) who intend to migrate or have migrated to the other of the two states (hereinafter referred to as “*migrants*”). However, the Agreement shall not apply if the migrant’s state of departure has not received the notification referred to in Article 6 within three months of the notified migration.
2. This Agreement shall also make possible further exchanges of data on persons who are citizens of the states or residents in either state.
3. This Agreement shall apply to personal data in the states’ population registers. Any obligation to exchange data will only apply to a state to the extent that the data is available in its population register.
4. Where there is national legislation in place regarding disclosure restrictions or confidentiality of personal data, including but not limited to protected addresses, that legislation shall be applied when providing data under this agreement.

Article 2

Definitions

1. For the purposes of this Agreement

a) the term “place of residence” means:

- i) in Finland, the person’s municipality of residence and his or her abode there; and
- ii) in Estonia, the person’s residential address registered in the population register.

b) the term “temporary stay” means a stay of less than 12 months in the state of arrival. As a rule, a temporary stay shall not be considered to constitute a place of residence referred to in this Agreement;

c) the term “identification number” means:

- i) the personal identity code (henkilötunnus/personbeteckning) in Finland;
- ii) the personal identification code (isikukood) in Estonia; and
- iii) any other such identifier which by later legislation may be taken into use in parallel with or instead of the current identity or identification code mentioned above;

d) the term “state of arrival” means the state in which a person has settled after migrating from the other state;

e) the term “state of departure” means the state from which the person has migrated to the state of arrival.

2. The state of arrival and the state of departure shall be determined for each migration in accordance with the definitions above and shall remain unchanged after each migration until the person migrates again from one state to the other.

Article 3

Electronic exchange of data and purpose of data exchange

1. The notifications specified in this Agreement may be transferred electronically between the register authorities of the two states.
2. Each state shall pay its own costs incurred in sending and receiving data under this Agreement.
3. Each state may only use personal data received from the other state for the purposes of updating and correcting the data in its population register. However, after one state has made entries in its population register on the basis of personal data received from the other state, the data in the population register may be processed and provided pursuant to the state's and European Union legislation applicable to the processing and provision of data.

Article 4

Obligations of migrant

1. A person migrating from either state to the other shall notify the register authority of the state of arrival about his or her migration in compliance with the legislation or regulations of that state and within the time period specified therein.
2. In connection with this notification, the migrant shall give his or her former place of residence, including municipality, that was valid in the state of departure prior to the migration, his or her identification number in the state of departure, and any other information required by the state of arrival. The migrant shall also identify himself or herself by such official identification procedure as required by national or European Union legislation.
3. The migrant's residence in the state of arrival shall also be legal pursuant to its national or European Union legislation. This Agreement does not alter or provide for an exemption from the preconditions for residence in the state or the responsibilities associated with this laid down in the legislation of either state or in European Union legislation.

Article 5

Competence to make a decision on a person's place of residence

1. The register authority of the state of arrival shall decide whether or not the migrant shall be registered with a place of residence in the state of arrival. This decision shall be made pursuant to the state of arrival's legislation.
2. If the register authority of the state of arrival decides that the migrant shall be registered with a place of residence in the state of arrival, he or she shall be assigned an identification number as soon as possible following the same rules as those that apply to persons migrating to the state of arrival from states other than Estonia or Finland.
3. The register authority of the state of departure shall record the migration in its register only after notification of the registration of a place of residence has been received from the state of arrival.
4. If the register authority of the state of departure disputes the actual circumstances on which the registration of a place of residence is based, it may confer with its counterpart in the state of arrival on the case.

Article 6

Notification of registration of migrant

1. Once the register authority of the state of arrival has made a decision on whether or not the migrant shall be registered with a place of residence in the state of arrival, it shall notify the person in question and the register authority of the state of departure of its decision.
2. The following personal data shall be included in the notification sent to the register authority of the state of departure:
 - 1) identification number in the state of departure;
 - 2) name;

- 3) date of birth;
- 4) place of birth;
- 5) citizenships;
- 6) gender;
- 7) identification number in the state of arrival;
- 8) date on which the person migrated to the state of arrival;
- 9) place of residence, including the municipality;
- 10) local population register authority in the state of arrival.

3. The data indicated in subparagraphs 7-10 in paragraph 2 of this Article shall only be given if, under the decision, the person is registered with a place of residence in the state of arrival.

4. If the register authority of the state of arrival later cancels an earlier decision on registering a place of residence for a migrant, a notification shall be sent to the state of departure, including the data indicated in subparagraphs 1, 2, 8 and 9 in paragraph 2 of this Article.

Article 7

Submission of migrant's personal data

1. Once the register authority of the state of departure has received notification that a migrant has been registered with a place of residence in the state of arrival and has recorded this in its register, it shall submit the following personal data on the migrant to the register authority of the state of arrival:

- 1) identification number in the state of arrival and in the state of departure;
- 2) name;
- 3) date and place of birth;
- 4) gender;
- 5) citizenships;
- 6) marital status and the date on which the marital status changed;

- 7) name, date of birth and gender of the migrant's current spouse or partner in a registered partnership;
- 8) name, date and place of birth, and gender of each of the migrant's children aged under 18 years, and information on whether or not the migrant is the custodian of each child;
- 9) if the migrant is aged under 18 years, the name, date and place of birth, gender and identification number in the state of arrival of each of the migrant's parents and custodians.

2. Only currently valid data shall be included in this notification. No obsolete data shall be provided.

Article 8

Further exchange of data

1. The register authority of one state may provide data on the other state's citizens or residents to the register authority of the other state to the extent permitted by data protection regulations applicable at the time.
2. The register authorities of the states shall separately agree upon the practical arrangements for the data exchange as well as the detailed list of information to be exchanged.
3. In providing data under this Article, identification numbers shall be used as the means for identifying persons.

Article 9

Determination of place of residence after the Agreement enters into force

1. The entry into force of this Agreement shall not affect the place of residence of any person who has a place of residence only in either Finland or Estonia.

2. A person who has a place of residence in both states when this Agreement enters into force shall, under the Agreement, remain registered with a place of residence only in one of the states. The person shall remain registered with the place of residence which he or she personally considers his or her place of residence due to his or her family relations, livelihood or other similar circumstances and to which the person, due to the aforementioned circumstances, has his or her primary connections. If the person's own opinion on his or her place of residence cannot be determined, he or she shall remain registered with a place of residence in the state where the place of residence last changed.

3. The determination of which place of residence the person shall remain registered with shall be made by the register authority in the state where the person's place of residence last changed. The authority in question shall inform the register authority of the other state of its decision.

4. No changes concerning the person's place of residence shall be made in the state where he or she remains registered with a place of residence. In the other state, where the person loses his or her place of residence, this place of residence shall be registered as having ceased and the person as having migrated to the other state. The date when this register entry is made shall be entered as the date of the cessation of place of residence and the date of migration.

Article 10

Information exchange to enable the determination of a person's place of residence

1. To enable determination of the place of residence under Article 9, the register authority of each state shall submit to its counterpart in the other state certain personal data on persons who, on the basis of population register data, may be likely to have a place of residence in both states. The data shall be submitted for each person who is registered with a place of residence in the state submitting the data and who, according to the population register data in the state submitting the data, is also:

- 1) a citizen of the other state; or
- 2) a citizen of a third state, a stateless person or a person with undetermined citizenship, and

- a) has formerly been registered with a place of residence in the other state;
- b) has or has had a temporary address in the other state;
- c) was born in the other state; or
- d) is known to have an identification number issued by the other state.

2. For the persons mentioned in the previous paragraph, the following personal data shall be submitted:

- 1) identification numbers issued by both states;
- 2) name;
- 3) date and place of birth;
- 4) gender;
- 5) address;
- 6) date on which the address was registered.

3. The personal data material received from the other state as referred to in this Article may only be used for the determination of place of residence referred to in Article 9. The material shall be deleted as soon as it is no longer needed for this purpose. After determining the place of residence, the personal data included in the material may only be kept as annexes to decisions or register entries concerning the determination of the place of residence, to the extent that this is necessary under national or European Union legislation.

Article 11

Entry into force

1. This Agreement shall enter into force on the first day of the second month following the receipt of the last written notification by which the States have notified each other through diplomatic channels that the national legal requirements for the entry into force of the Agreement have been completed.

2. This Agreement may be amended by mutual written consent of the Contracting Parties. Any such amendments shall enter into force as stated in the first paragraph of this Article.

Article 12

Termination

1. Either Contracting Party may terminate this Agreement by sending a written notification to the other Contracting Party through diplomatic channels. Termination shall take effect six months after the date on which the other Contracting Party received the notification of termination.

2. If this Agreement is terminated, entries made in either state's population register based on data which has been exchanged under the provisions of this Agreement will continue to be considered reliable unless proven otherwise.

In witness whereof the undersigned being duly authorised thereto by their respective governments, have signed this Agreement.

Done in duplicate at this ... day of, in the Estonian, Finnish and English languages, all texts being equally authentic. In case of divergence in interpretation, the English text shall prevail.

For the Government of the

For the Government of the

Republic of Estonia

Republic of Finland