

AGREEMENT CONCERNING DELIVERY OF DATA FROM POPULATION REGISTER

The Ministry of Interior of the Republic of Estonia and the Digital and Population Data Services Agency of Finland,

willing to promote the development of their population registers by mutual cooperation and to arrange the exchange of personal data between the population registers;

wishing to increase the use of automatic proceedings

and in reliance to the Agreement between the Government of the Republic of Finland and the Government of the Republic of Estonia on Population Registration signed on, in particular its article 8,

have agreed as follows:

Article 1

Definitions

For the purposes of this Agreement:

- a) “Contracting Party” refers to the Ministry of Interior of the Republic of Estonia or the Digital and Population Data Services Agency of Finland. The Contracting Parties act as the central authority for the population register of their respective countries.
- b) “Other population register authorities” refers to the contractual processors of the population register in Estonia and to the State Provincial Office in the Province of Aland in Finland.
- c) “Population register” refers to the population register in Estonia and the Population Information System in Finland.
- d) “Address” refers to the address details of the place of residence recorded in the population register. With regards to Finland, it also refers to the address details of a person’s temporary residence recorded in the population register.
- e) “Third party” refers to any natural or legal person, public authority, agency or any other body other than the data subject, the Contracting Parties and the persons who, under the direct authority of a Contracting Party, are authorised to process the data.
- f) “Identification number” refers to the personal identification code (*isikukood*) in Estonia and the personal identity code (*henkilötunnus/personbeteckning*) in Finland. It shall also refer to any other such identifier which by later legislation may be taken into use in parallel with or instead of the current identification numbers.

The Contracting Party shall give notice to the other Contracting Party if its duties or the duties of other population register authorities are transferred to other institutions than those mentioned above.

Article 2

Use of data

Data delivered according to this Agreement shall be used for maintenance and review of population register data in such measures that are necessary for the authorities to perform their legal duties.

Processing the data received according to this Agreement shall be based upon the respective statutes of national legislation applicable to the Contracting Parties and legislation of the European Union relating to population registration and the protection of personal data.

Article 3

Scope

This Agreement shall apply to citizens of Estonia who are registered in Finland's population register and to citizens of Finland who are registered in Estonia's population register.

Article 4

Data to be delivered reciprocally between the Contracting Parties

The Contracting Parties shall reciprocally deliver the following data that has been recorded in the population register of Estonia or Finland regarding the persons mentioned in Article 3:

1. basic personal data
2. civil status
3. children under 18 years of age
4. parents and custodians, if the registered person is under 18 years of age
5. address

The detailed data that shall be delivered is listed in the Annex, which is an integral part of this Agreement.

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.

No obsolete data shall be delivered.

Article 5

Delivery of data

The Contracting Party shall deliver the data changes listed in Article 4 and in the Annex of this Agreement that have been recorded in the population register to the other Contracting Party at least once a week. The Contracting Parties may agree upon more frequent delivery of data.

A delivery of data under section 1 of this Article shall always include at least an identification number. If technically possible, basic personal data according to article 4 point 1 shall be included.

If it is not possible to identify which of the persons registered in the receiving Contracting Party's population register the delivered data applies to, the delivering Contracting Party shall, upon the individual request of the receiving Contracting Party and to the extent technically and legally feasible, deliver such additional data that is necessary to identify the person. Such additional data shall be used only for this purpose.

Article 6

Checking of data

The Contracting Parties mutually agree that for the purpose of the accuracy of the data, both Parties may submit individual requests for information related to persons within the scope of this Agreement. The Contracting Party delivering any such information shall determine the procedure and means for any individual deliveries.

Article 7

Security of data processing

The Contracting Parties shall commit themselves to carefully observing the laws and regulations of their national legislation and the legislation of the European Union relating to the protection of personal data and the security of data processing.

The Contracting Parties shall inform the other population register authorities of the present Agreement and the provisions therein concerning security of data processing and transferring of data by the entry into force of the present Agreement at the latest.

The data received according to this Agreement shall be processed with appropriate care and protected against unauthorised disclosure or access, accidental or unlawful destruction or

accidental loss or alteration or other unlawful processing. The persons responsible for processing the data are bound by confidentiality with regard to the data received according to this Agreement.

The right to process data received according to this Agreement is pertained to those employees of the Contracting Parties and other population register authorities who require this data in order to perform their official duties.

If a Contracting Party discovers or has reason to suspect that the confidentiality or integrity of the data received according to this Agreement has been violated, it shall inform the other Contracting Party thereof and take necessary protective action without delay.

Article 8

Delivering of data to third parties

No data received according to this Agreement may be passed on to a third party.

Notwithstanding the above, the Contracting Parties may deliver the data received according to this Agreement to their respective other population register authorities for the purposes of maintaining and reviewing population register data.

This Article shall not be applied to delivery of data received according to this Agreement which has been recorded in the official population register of the country represented by the recipient Contracting Party in accordance with the national legislation and registration procedures.

Article 9

Costs related to delivering the data

The costs related to delivering the data defined in this Agreement to the other Contracting Party shall be covered by the delivering Contracting Party.

Article 10

Procedures and technical solutions related to delivering of the data

The Contracting Parties may conclude separate agreements regarding the practical procedures and technical solutions related to the deliveries of data as provided for in the previous Articles of the present Agreement and the arrangements concerning their introduction.

Article 11

Exchange of the basic data associated with the entry into force of this Agreement

Once the Agreement has entered into force, the Contracting Parties shall submit to the other Contracting Party the information mentioned in article 4 regarding the citizens of the other state.

Article 12

Entry into force

This Agreement shall enter into force on the same day as the Agreement between the Government of the Republic of Finland and the Government of the Republic of Estonia on Population Registration signed on ... and referred to in the preamble of this Agreement.

The Agreement concerning Delivery of Data between the population registers of Estonia and Finland signed on 18 January 2005 shall expire with the entry into force of this Agreement.

The exchange of data provided for in this Agreement shall commence with death data mentioned under point I.4 in the Annex to this Agreement within one year from the date of entry into force of the Agreement. The Contracting Parties shall separately agree upon the schedule of extending the exchange of data to comprehend all the data mentioned in the Annex to this Agreement.

Article 13

Validity and termination of the Agreement

This Agreement shall remain in force until further notice. If the Agreement between the Government of the Republic of Finland and the Government of the Republic of Estonia on Population Registration signed on ... and referred to in the preamble of this Agreement is terminated as set down in article 12 in that Agreement, this Agreement shall also expire without any further actions from the Contracting Parties, as of the date of termination of the aforementioned Agreement.

Either Contracting Party may at any time terminate this Agreement by means of a written notification to the other Contracting Party. Such termination shall enter into force six months after the date of notification to the other Contracting Party.

Either Contracting Party may at any time suspend the exchange of data under this Agreement immediately, if it has grounds to suspect that the protection of personal data or the security of data processing is endangered. The Contracting Party must notify the other Contracting Party of the suspension in writing without unnecessary delay. The Contracting Parties will work

together in good faith to resolve the issue. If the issue is not resolved, the Contracting Party may terminate this Agreement by means of a written notification to the other Contracting Party starting one month after the original notification of suspension. Such termination shall enter into force immediately upon notification to the other Contracting Party.

Done in duplicate at ... day of ... in the Estonian, Finnish and English language. In case of divergence in interpretation, the English text shall prevail.

**For the Ministry of Interior of the
Republic of Estonia:**

**For the Digital and Population Data
Services Agency of Finland:**

**ANNEX TO THE AGREEMENT BETWEEN THE MINISTRY OF INTERIOR OF
THE REPUBLIC OF ESTONIA AND THE DIGITAL AND POPULATION DATA
SERVICES AGENCY OF FINLAND CONCERNING DELIVERY OF DATA FROM
POPULATION REGISTER**

According to article 4 of the agreement between the ministry of the interior of the republic of Estonia and the Digital and Population Data Services Agency of Finland concerning delivery of data from population register, the competent authorities of the population registers shall exchange the following data regarding:

I. The registered person's basic personal data

1. Identification numbers in both countries
2. Full name
3. Date and place of birth
4. Date of death

II. Data on the registered person's civil status

1. Civil status
2. Date of change in civil status
3. Full name and date of birth of the registered person's spouse or registered partner (where applicable)

III. Data on the registered person's children under the age of 18

1. Full name and date of birth of each child
2. Data on custody of the child
 - a. Data on whether the registered person is the child's custodian or not
 - b. Date of change in the custody relations
3. The child's gender and place of birth, but only when one of the following vital statistics events takes place:
 - a. a child is born to the registered person,
 - b. the registered person adopts a child,
 - c. the registered person is legally confirmed as the parent of a child, or
 - d. any other case when a child is registered to the registered person for the first time.

IV. Data on the parents and custodians, when the registered person is under the age of 18

1. Full name and date of birth of each parent and custodian
2. Date of change in the custody relations

V. Data on the registered person's address

1. Address of a permanent place of residence
2. Address of a temporary place of residence
3. Start and end dates of the aforementioned addresses