

LAW OF THE REPUBLIC OF MOLDOVA
No. 1549-XV, from December 19, 2002

on the state dactyloscopic registration

Official Gazette of the Republic of Moldova No. 14-17 of 7 February 2003, article No 51

Modified:

[Law No. 304 of 26.12.12, Official Monitor 48/05.03.13 art.150; into force 05.03.13](#)
[Law No. 120 of 25.05.12, Official Monitor 103/29.05.12 art.353; into force 01.10.12](#)
[Law No. 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81](#)
[Law No. 66 of 07.04.11, Official Monitor 110-112/08.07.11 art.229](#)
[Law No. 111 of 09.06.11, Official Monitor 107-109/01.07.11 art.288](#)
[Law No. 206 of 29.05.03, Official Monitor 149/18.07.03 art.598](#)

The parliament passes this organic law.

CHAPTER I
GENERAL PROVISIONS

Article 1. Objective of the law

(1) This law sets goals, principles, types and basic requirements of state dactyloscopic registration, as well as the mode of keeping and using dactyloscopic information.

[Art.1 single paragraph becomes par. (1) by Law 111 of 09.06.11, Official Monitor 107-109/01.07.11 art.288]

(2) Action of this law does not extend on the relations arising in case of collection of dactyloscopic information during registration and issue of identification documents, containing biometric data.

[Art.1 al. (2) introduced by Law 111 from 09.06.11, Official Gazette 107-109/01.07.11 art.288]

Article 2. Main notions

For the purpose of this law the following notions are defined:

State dactyloscopic registration - activity of authorized bodies regarding gathering, recording, keeping, classifying, systematizing and providing dactyloscopic information, establishing and confirming identities;

dactyloscopic information - about the characteristics of the structure of the papillary design of human fingers and about establishing the person's identity;

material aid - dactyloscopic file, film or diskette on which magnetic or other kind of registration of dactyloscopic information is saved;

[Art.2 notion in accordance with Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

Information store - systematized totality of dactyloscopic information accumulated on material aids.

[Art.2 notion in accordance with Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

Article 3. Principles of state dactyloscopic registration

(1) State dactyloscopic registration (hereinafter referred to as "dactyloscopic registration") is carried out in accordance with the principles of legality, humanism and

confidentiality, with the observance of human rights and freedoms laid down by the Constitution of the Republic of Moldova and other laws, as well as by the international treaties to which the Republic of Moldova is a party.

(2) Dactyloscopic registration should not jeopardize peoples' lives or infringe upon their honour and dignity.

(3) Neither direct nor indirect limitation of human rights and freedoms for reasons of race, nationality, ethnic origin, language, religion, sex, opinion, political membership, property, social origin, education, occupation, domicile or other reasons is allowed.

Article 4. Purposes of dactyloscopic registration

Dactyloscopic registration shall be carried out to identify persons for the purpose of defending legitimate rights and interests of natural and juridical persons in order to protect social and state interests.

[Art.4 modified by Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

Article 5. Legal framework of dactyloscopic registration

(1) Bodies that carry out dactyloscopic registration issue, within their competence and in line with this law, normative acts that regulate activity of organizing dactyloscopic registration, applying methods and modes of gathering, recording, keeping, classifying, systematizing and providing dactyloscopic information.

(2) In the event of any discrepancies between the provisions of the relevant international treaties to which the Republic of Moldova is a party and the provisions contained in this law, the international provisions are supreme to the national ones.

Article 6. Categories of the persons liable to dactyloscopic registration

Dactyloscopic registration may be carried out in respect of the following categories of people:

a) citizens of the Republic of Moldova;

b) foreign citizens residing on the territory of the Republic of Moldova and the ones seeking asylum on condition that they have submitted an application for political or other asylum or for refugee status (hereinafter referred to as "aliens");

[Art.6 letter b) modified by Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

[Art.6 letter c) repealed by Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

Article 7. Usage purposes of dactyloscopic information

Dactyloscopic information obtained as a result of dactyloscopic registration is used:

a) to search for and identify citizens of the Republic of Moldova and aliens who went missing;

b) to establish identities of unknown corpses;

c) to establish and/or confirm the identity of citizens of the Republic of Moldova and foreigners, if this is not possible by other means;

d) preventing and combating crime.

[Art.7 redaction of Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

Article 8. Types of dactyloscopic registration

(1) Dactyloscopic registration can be voluntary or compulsory.

(2) No one can be subjected to compulsory dactyloscopic registration with the

exception of the categories of persons enumerated in art. 10, Article 8. Types of dactyloscopic registration

Article 9. Voluntary dactyloscopic registration

Nationals of the Republic of Moldova and foreigners have a right to voluntary dactyloscopic registration carried out in accordance with art.11.

[Art.9 modified by Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

Article 10. Compulsory dactyloscopic registration

(1) The following categories of persons are subjected to compulsory dactyloscopic registration:

1) citizens of the Republic of Moldova who work at:

- a) bodies of Ministry of Internal Affairs;
- b) bodies of Ministry of Defence;
- c) bodies of Information and Security Service;
- d) bodies of Protection and State Security;

[Art.10 para. (1), point 1) letter e) repealed by Law 304 of 26.12.12, Official Monitor 48/05.03.13 art.150; into force as of 05.03.13]

- f) bodies of the Department of Exceptional Situations;
- g) bodies of the General Prosecutor's Office;
- h) bodies of National Anticorruption Centre;

[Art.10 par.(1), point 1) letter h) redaction of Law 120 of 25.05.12, Official Monitor 103/29.05.12 art.353; into force as of 01.10.12]

- i) bodies of Customs Service;
- j) bodies of the State Tax Service;

[Art.10 para.(1), point 1) redaction of Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

2) crew members of state and private airships from the Republic of Moldova;

3) drivers of auto means of transportation;

4) citizens of the Republic of Moldova who leave to work abroad;

5) citizens of the Republic of Moldova and foreigners who for reasons of health or old age are incapable of providing data regarding their identities, if such data cannot be otherwise obtained;

[Art.10 para. (1), point 5) modified by Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

6) citizens of the Republic of Moldova and foreigners against whom legal proceedings have been taken, or who have been accused or sentenced for their offences or subjected to administrative arrest;

[Art.10 para. (1), point 6) modified by Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

7) foreigners who arrived in the Republic of Moldova seeking asylum who have submitted applications for political or other asylum or for granting refugee status.

[Art.10 para. (1) point 7) modified by Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

(2) All unidentified corpses are subjected to compulsory dactyloscopic registration.

CHAPTER II CARRYING OUT OF DACTYLOSCOPIC REGISTRATION

Article 11. Carrying out of voluntary dactyloscopic registration

(1) Voluntary dactyloscopic registration is carried out upon request submitted to the specialized subdivision of the Ministry of Internal Affairs (district MoI subdivision) located in the area of the domicile. *[Art.11 para. (1) modified by Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]*

(2) Dactyloscopic registration of the persons recognised by a court to be incapable or with limited capability, as well as registration of minors is carried out upon written request in the presence of legal representatives.

(3) Voluntary dactyloscopic registration is carried out by a specialized subdivision of the Ministry of Internal Affairs.

[Art.11 para. (3) modified by Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

Article 12. Carrying out of compulsory dactyloscopic registration

(1) Compulsory dactyloscopic registration:

a) of the persons indicated in art. 10 para (1) points 1) and 2) is carried out by respective ministries and institutions;

b) of the persons indicated in art. 10, para (1), points 3) - 5) and 7) and para (2) is carried out by specialized subdivision of the Ministry of Internal Affairs;

c) of the persons against whom criminal proceedings have been taken or those subjected to administrative arrest is carried out by organs of criminal investigation or bodies that deal with contravention cases;

d) of convicted and detainees is carried out by Department of Penitentiary Institutions of the Ministry of Justice.

[Art.12 para. (1) redaction of Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

(2) The persons enumerated in art. 10 para (1) points 1) – 3) are subjected to compulsory dactyloscopic registration upon being employed by the respective bodies or to respective positions or upon the receipt of a licence that permits driving means of transportation.

(3) The list of positions held by the persons indicated in art. 10 para (1) point 1) and 2) shall be established by the Government.

(4) A copy of the material aid with dactyloscopic information registered by one of the bodies enumerated in art. (1) is sent to a central specialized subdivisions of the Ministry of Internal Affairs for it to be recorded, classified and kept, with the exception of the dactyloscopic information of the persons indicated in art. 10, para (1), point 1), letter c).

[Art.12 para. (4) redaction of Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

(5) A copy of the material aid with dactyloscopic information sent to the central specialized subdivisions of the Ministry of Internal Affairs includes:

[Art.12 para.(5) redaction of Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

a) name, surname, patronymic, personal code, nationality, sex, date and place of birth, domicile or residence, data regarding previous convictions of the person subjected to compulsory dactyloscopic registration;

b) reason and date of dactyloscopic registration;

c) name of the body that registered dactyloscopic information.

(6) Dactyloscopic registration is carried out once.

Article 13. Basic requirements regarding gathering, recording, keeping, classifying, systematising and using dactyloscopic information

(1) Dactyloscopic information is kept and used in conditions that exclude a possibility of its loss, deterioration, misrepresentation, or unauthorised access to it.

(2) Keeping, systematisation and usage of dactyloscopic information from the material carriers are done by specialized subdivision of Ministry of Internal Affairs in accordance with the procedure established by the Government.

[Art.13 para.(2) modified by Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

(3) The bodies indicated in art. 10, para (1), point 1), letter c) gather, record, keep, classify, systematise and use independently dactyloscopic information, form information stores under this law.

(4) The bodies and persons indicated in art. 10, para (1) and (2) and in art. 14, para. (1) ensure state secret keeping of dactyloscopic information, and, heads of those bodies, as well as the indicated persons, bear administrative and criminal liability for violating rules of keeping and illegal usage of such information.

[Art.13 para.(4) modified by Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

Article 14. Right to obtain and use dactyloscopic information

(1) Prosecutors, investigators, persons who carry out criminal investigations and the ones who carry out activity for the purposes provided in art. 7 have a right to obtain and use dactyloscopic information.

[Art.14 para. (1) modified by Law 206 of 29.05.03, Official Monitor 149/18.07.03 art.598]

(2) Use of dactyloscopic information about the persons indicated in art. 10 para (1), point 1) letter c) is carried out in conformity with Law no. 245-XVI of 27 November 2008 on State Secret.

[Art.14 al.(2) modified through LP66 din 07.04.11, MO110-112/08.07.11 art.229]

(3) Dactyloscopic information may be also provided to the states with which the Republic of Moldova has signed relevant treaties for the purposes provided in art. 7.

(4) Obtain and use of dactyloscopic information by natural and juridical persons is carried out in compliance with Law on Access to Information and Law on Personal Data Protection

[Art.14 para.(4) introduced by Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

Article 15. Terms of keeping and ways of destroying dactyloscopic information

(1) Specialized subdivisions of Ministry of Internal Affairs keep material aids with dactyloscopic information:

- a) of persons on which this Law extends – until confirmation of their death;
- b) of unidentified corpses - until their identity is established.

(2) Dactyloscopic information accumulated as a result of voluntary dactyloscopic registration is destroyed upon expiry of the terms provided in para. (1).

[Art.15 redaction of Law 260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

Article 16. Financing of dactyloscopic information

(1) Financing of the measures related to organising and carrying out dactyloscopic registration, as well as to recording, keeping and systematizing dactyloscopic information is made from the budgets of ministries and institutions that carry out compulsory dactyloscopic registration.

[Art.16 para. (1) modified by LP260 of 19.12.11, Official Monitor 25-28/03.02.12 art.81]

(2) Compulsory dactyloscopic registration of the persons provided in art. 10, point 3) and 4) is charged.

(3) Voluntary dactyloscopic registration is charged.

CHAPTER III CONTROL AND SUPERVISION OF IMPLEMENTATION OF THIS LAW

Article 17. Duty control

(1) Control over dactyloscopic registration is carried out by heads of bodies indicated in art. 12.

(2) Actions of the persons mentioned in para (1) may be contested under the law.

Article 18. Prosecutor's supervision

Supervision of the execution of this law by the bodies authorised to carry out dactyloscopic registration or to use dactyloscopic information is carried out by the subordinate prosecutor.

Article 19. Dispute

Decisions and other actions of bodies and responsible persons that carry out dactyloscopic registration may be disputed under the law.

CHAPTER IV FINAL PROVISIONS

Article 20

The Government within 3 months:

- a) shall present proposals regarding adjusting the legislation in force to this law.
- b) shall bring its normative acts in line with this law;
- c) shall approve normative acts regarding organising and carrying out dactyloscopic registration, recording, keeping and systemising dactyloscopic information.

**SPEAKER OF
THE PARLIAMENT**

Eugenia OSTAPCIUC

Chisinau, 19 December 2002.

No. 1549-XV.