

The establishment of the National Register of Residence and Work Permits and the procedure for the maintenance of the National Register of Residence and Work Permits

Government of the Republic Regulation No. 394 of November 30, 2000

This Regulation is established on the basis of subsection 1 of section 32 of the Databases Act (RT I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155; 2000, 50, 317; 57, 373) and in compliance with section 19 of the Aliens Act (RT I 1993, 44, 637; 1999, 50, 548; 54, 582; 71, 686; 88, 808; 101, 900; 2000, 25, 148; 33, 197; 40, 254).

Chapter I

ESTABLISHMENT OF THE REGISTER

§ 1. The name of the Register of Residence and Work Permits

By this Regulation a national register with the official name the "National Register of Residence and Work Permits" (hereafter called the Register) is established.

§ 2. The chief processor of the Register and the authorised processor of the Register

The Ministry of Internal Affairs is the chief processor of the Register and the Citizenship and Migration Board and representations of the Republic of Estonia are the authorised processors of the Register .

§ 3. The aim of the maintenance of the Register

The aim of the establishment and maintenance of the Register is to keep records on residence and work permits and on applications for their extension, invitations to settle in Estonia, applications for revocation of residence and work permits, applications for the transfer of data of residence and work permits to new travel documents and applications for the registration of the stay outside of Estonia and decisions made on them in order to ensure the performance of tasks given to government agencies and other state authorities by the Aliens Act and by the legislation to implement it.

Chapter II

STATUTES FOR THE MAINTENANCE OF THE NATIONAL REGISTER OF RESIDENCE AND WORK PERMITS

Part 1

Composition of the Register and its Legal Significance

§ 4. Composition of the Register

The Register consists of the following:

1. Registration journal of applications (hereafter called *the Registration Journal*);
2. procedure files on paper carriers (hereafter called *a procedure file*);
3. digital registry cards (hereafter called *a registry card*);
4. answers to applications referred to in section 22 of this Regulation. An answer contains data on the date, composition and the receiver of issued data. Answers are digitally recorded according to the rules of procedure of the authorised processor.

§ 5. Composition of the Registration Journal

Aliens who have submitted an application for a residence and work permit or their extension, or an application for the transfer of data of their residence or work permit to a new travel document the data listed in clauses 1,2 and 5 of subsection 1 of section 7 of the Aliens Act are entered into the Registration Journal and concerning the submission of an application for a residence and work permit or their extension, or an application for the transfer of data of a residence or work permit to a new travel document the data listed in clauses 1-4 of subsection 10 of the same section are entered into the Registration Journal.

§ 6. Composition of a procedure file

A procedure file contains basic documents referred to in section 8 and other documents that prove the rightness of corrections made to the data entered into the Register.

§ 7. Composition of data of the Register concerning aliens, sponsors, applications, invitations and residence and work permits

(1) The following data concerning an alien who is the subject of an application for a temporary residence permit and the extension of a residence permit is entered into the Register:

1. first name(s)
2. surname;
3. former surname(s);
4. sex;
5. date of birth (day, month, year);
6. place of birth (country, administrative region);
7. Estonian personal identification code;
8. date of the arrival in Estonia;
9. citizenship;
10. former or second citizenship;
11. marital status (single, married, divorced, widowed);
12. education (primary, basic, secondary, higher, other);
13. profession;
14. data of an identity document (type, number, issuing office, date of issue, date of expiry);

15. data of a travel document where an applicant wishes his/her residence permit to be entered (type, number, issuing office, date of issue, date of expiry);
16. place of residence in another country (if it exists);
17. place of residence in Estonia (if it exists);
18. telephone number where the applicant can be contacted (e-mail address, fax number);
19. term for which an applicant wishes to obtain or extend the residence permit;
20. data concerning the possession of a residence permit in Estonia (yes/no);
21. number and date of expiry of a valid residence permit (if the applicant has a permit);
22. basis for the application for a temporary residence permit (employment or study, settlement in Estonia with a close relative (parent, child, grandchild, guardian) or a spouse; on the basis of an international agreement, or if the person's legal income ensures his/her subsistence in Estonia)
23. basis for the issue of a valid residence permit (employment or study, settlement in Estonia with a close relative (parent, child, grandchild, guardian) or a spouse; on the basis of an international agreement, or if the person's legal income ensures his/her subsistence in Estonia);
24. nationality if the applicant is Estonian;
25. does the applicant wish that the annual immigration quota is not applied to him/her on the basis of section 21 of the Aliens Act;
26. if the applicant has been punished for a criminal offence: year of conviction, length of conviction, date of the beginning and end of serving the punishment, data concerning the expiration or expungement of his/her criminal record, or the data concerning the record of punishment being deleted from the punishment;
27. data concerning repeated punishments according to the criminal procedure for deliberate crimes (yes/no);
28. data concerning active service in the armed forces of a foreign state (yes/no);
29. data concerning the service as a professional member of the armed forces of a foreign state (yes/no) or an assignment to the reserve forces thereof or the retirement therefrom (yes/no);
30. data concerning the employment by an intelligence or security service of a foreign state (yes/no);
31. data concerning the service in an intelligence or security forces of a foreign state (yes/no);
32. data concerning the receipt of special training in landing operations, or in diversion or sabotage activities, or other special training (yes/no);
33. data concerning the participation in punitive operations against civil population (yes/no);
34. data on whether the spouse, child or parent of an applicant is in the active service of the armed forces of a foreign state (yes/no); served as a professional member of the armed forces of a foreign state (yes/no) or served in an intelligence or security service of a foreign state (yes/no); or been in the service of the intelligence or security forces of a foreign state (yes/no); or received special training in landing operations, or in diversion or sabotage activities (yes/no); or participated in punitive operations against civil populations (yes/no);
35. data on family members and close relatives (first name, surname, degree of kinship, date of birth, citizenship and place of residence);

36. data on whether family members and close relatives have been granted a residence permit in Estonia (yes/no) and whether they are applying for a residence permit in Estonia (yes/no).

(2) In addition to data referred to in subsection 1 of this section the following data concerning an alien who applies for a temporary residence permit for study in Estonia are entered in the Register:

1. data on whether an applicant arrives in Estonia together with his/her family members (yes/no);
2. prospective or existing place of residence in Estonia (address);
3. data on the educational institution where the applicant is going to study (full name; address);
4. the name of the speciality or the course and the duration of the nominal study period (date of commencement and completion);
5. data on the source(s) and amount of legal income during the period of study in Estonia;

(3) In addition to data referred to in subsection 1 of this section the following data concerning an alien who applies for a temporary residence permit in order to settle with a close relative or a spouse residing in Estonia, are entered in the Register:

1. address of the current place of residence;
2. data concerning the current place of residence (size of the living space, number of rooms, name of the owner or proprietor of the living space, data concerning the persons living in that space (name, date of birth, degree of kinship or a relationship with the applicant);
3. dependants (name, date of birth, degree of kinship or a relationship with the applicant);
4. data concerning the place of study, work or service (organisation, address, position, since when has the applicant been working in that organisation);
5. data on the sources and amount of legal income;
6. data on knowledge of the Estonian language (yes/no);
7. data concerning the residence in Estonia (since when has the applicant been residing in Estonia);
8. if an applicant wishes to settle with a spouse, data concerning the date and place of marriage, the mutual children of an applicant and a sponsor (name, date of birth), the dependants of an applicant (name, date of birth, degree of kinship or a relationship with the applicant), economic relations between an applicant and a sponsor, the date of earlier visits of an applicant and a sponsor to each other, former marriages of an applicant and a sponsor (yes/no, how many times);
9. data concerning the other parent (name, citizenship, place of residence) if a minor under 15 years of age wishes to settle with his/her parent;
10. if an applicant wishes to settle with a child or a grandchild, data concerning the need for care (since when he/she has been under care and what sort of care he/she needs, who takes currently care of an applicant, why cannot an applicant receive necessary care in his/her habitual country of residence; has the sponsor taken care of an applicant before);

11. data concerning the person (sponsor) who invites an applicant to Estonia (first name and surname, former names, date of birth, Estonian personal identification code, place of birth, citizenship, place of residence);
12. data concerning the covering of costs related to living in Estonia (costs are covered from the income of a sponsor or the income of an applicant, or from the income of a sponsor and an applicant; amount, regularity and sources of the income);

(4) In addition to data referred to in subsection 1 of this section the following data are entered in the Register concerning an alien who applies for a temporary residence permit on the basis of a legal income that ensures his/her subsistence:

1. data on whether an applicant arrives in Estonia together with his/her family members (yes/no);
2. short description of motives for the settlement in Estonia;
3. data concerning the source(s), amount and regularity of legal income;

(5) In addition to data referred to in subsection 1 of this section the following data concerning an alien who applies for a temporary residence permit on the basis of an international agreement, are entered in the Register:

1. reference to the international agreement;
2. description of circumstances why an alien applies for a temporary residence permit on the basis of an international agreement.

(6) In addition to data referred to in subsection 1 of this section the following data are entered in the Register concerning an alien who applies for a work permit:

1. data on whether an applicant will arrive in Estonia together with his/her family members (yes/no);
2. prospective place of residence in Estonia (address);
3. existing place of residence in Estonia (address);
4. data concerning the graduation from a educational institution (name of the educational institution, year of graduation, speciality);
5. previous career (name of the employer, position, period of employment);
6. for which period an applicant wishes to obtain a work permit (date of beginning and ending of work);
7. data concerning a valid work permit (yes/no); if the work permit exists, its number and date of expiry;
8. name, address, telephone number, registration number and areas of activity of an employer;
9. address and telephone number of the working place;
10. type of the contract to be concluded (employment contract, contract for service, other contracts) or working as a sole proprietor;
11. date of starting work and of conclusion of work contract;
12. position;
13. main duties of an employee;
14. weekly working hours;
15. length of holidays;
16. approximate wages (guaranteed minimum wage);

17. data on whether a regional office of the Labour Market Board has given its consent to employ the alien or refused to give such consent.

(7) In addition to data referred to in subsection 1 of this section the following data are entered in the Register concerning aliens who are employed or have been employed by an intelligence or security service of a foreign state; or who are in the active service of the armed forces of a foreign state; or have served as professional members of the armed forces of a foreign state; or who have been included into the list referred to in clause 3 of Article 2 of the Agreement between the Republic of Estonia and the Russian Federation on Social Guarantees for Pensioners of the Armed Forces of the Russian Federation in the territory of the Republic of Estonia (RT II 1995, 46, 203) which has been specified and accepted by the Republic of Estonia, or whose spouse, child or parent is in the active service of the armed forces of a foreign state; or served as a professional member of the armed forces of a foreign state or has been assigned to the reserve forces thereof or is in retirement therefrom; or been in the service of an intelligence or security forces of a foreign state; or received special training in landing operations, or in diversion or sabotage activities; or participated in punitive operations against civil population;

1. father's name;
2. data on military rank or special rank (date of granting the rank, granter of the rank and the basis of granting such rank), unit;
3. pseudonym and the period when it was used;
4. data on studies in special military schools and courses (name of the school or course, address of the school, period of studies and speciality);
5. data on special training in landing operations, or in diversion or sabotage activities;
6. data on the participation in military operations in the territory of other countries (country, date of the beginning and the end of the participation, position(s), assignments);
7. date of assignment to the reserve forces (day, month, year);
8. date of retirement (day, month, year);
9. data on military service and career (names and of organisations and numbers of military units, addresses thereof; positions, dates of the beginning and ending of military service or employment and tasks and activities carried out).

(8) The following data are entered into the Register concerning an alien who applies for a permanent residence permit:

1. first name(s);
2. surname;
3. former surname(s);
4. sex;
5. date of birth (day, month, year);
6. citizenship;
7. Estonian personal identification code;
8. marital status (single, married, divorced, widowed);
9. number of a valid residence permit;
10. expiry data of the residence permit (day, month, year);

11. address of the residence (county, town/municipality, village/street, postal index);
12. data of an identity document (type, number, issuing office, date of issue, date of expiry);
13. source(s) and amount of legal income;
14. data on family members and close relatives (first names and surnames; degrees of kinship; dates of birth, places of residence, citizenship).

(9) In addition to the data listed in subsection (8) of this section the following data will be entered into the Register if a permanent residence permit is applied for a minor child of an Estonian citizen or an alien who lives in Estonia on the basis of a permanent residence permit, unless the child lives in a foreign country and wishes to settle in Estonia:

1. data on the possession of a residence permit (yes/no);
2. telephone, fax, e-mail);
3. data on the birth certificate;
4. data on parents and family members (first name and surname, date of birth, citizenship, place of residence, degree of kinship or relationship with an applicant).

(10) The following data concerning applications for the issue or extension of residence and work permits are entered into the Register:

1. place of the submission of an application;
2. date of the registration and the start of processing of an application;
3. number of registration of an application;
4. name, position and signature of the official who registered the application and started its processing;
5. data on whether the annual immigration quota is applied to an applicant or not (yes/no). If it is not applied to the applicant, the reason why not;
6. data concerning the termination of the processing of an application (basis for the termination of the processing of an application, number of the decision, date of the decision, name, position and signature of the official who made the decision);
7. basis for granting and extending a residence and work permit or for the refusal to grant or extend them;
8. data on the granting and extending a residence and work permit or for the refusal to grant or extend them (a decision of the Citizenship and Migration Board or a directive of the Minister of Internal Affairs, or an order the Government of the Republic; date and number of the decision; if the decision has been made by an official of the Citizenship and Migration Board, the name, position and signature of the official).

(11) The following data concerning an issued residence permit (hereafter called a *residence permit sticker*) are entered into the Register:

1. number;
2. date of expiry of a residence permit;
3. date of expiry of a sticker if it is a permanent residence permit;

4. first name, surname, date of birth and personal identification code of the applicant to whom the sticker has been issued;
5. number of the travel document where a sticker has been entered;
6. number of the application for a residence permit;
7. basis for granting a residence permit;
8. number of the decision of granting a residence permit/number of a residence permit;
9. connection of a work permit with the basis for granting a residence permit (not allowed to work in Estonia; needs a work permit for employment in Estonia; does not need a work permit for employment in Estonia);
10. name, position and identification feature of the person who made the decision to grant a residence permit;
11. date of the issue of a residence permit sticker and the name, signature and identification feature of the official who issued the residence permit;

(12) The following data concerning an issued work permit (hereafter called a *work permit sticker*) are entered into the Register:

1. number;
2. date of expiry of a work permit;
3. first name, surname, date of birth and personal identification code of the applicant to whom the work permit sticker has been issued;
4. number of the application for a work permit;
5. number of the decision to grant a work permit/number of a work permit;
6. name and position of an employer (if the residence permit has been applied for on the basis of clause 1 subsection 1 of section 12 of the Aliens Act);
7. number of registration of an employer (if the residence permit has been applied for on the basis of clause 1 subsection 1 of section 12 of the Aliens Act);
8. name, position and identification feature of the official who made the decision to grant the work permit.

13. In addition to the data referred to in clauses 1-3, 5, 7, 8 and 11 of subsection (1) of this section the following data given by a sponsor in the invitation to settle in Estonia are entered into the Register:

1. data on the place of residence in Estonia (address, size of living space, number of rooms, name of the owner or proprietor of the living space, data on persons who live in that living space (name, date of birth, degree of kinship or other relationship with a sponsor));
2. dependants (name, date of birth, degree of kinship or relationship with the applicant);
3. data concerning the place of study, work or service (organisation, address, position, since when has the applicant been working in that organisation);
4. data on the source(s) and amount of legal income;
5. data concerning the residence in Estonia (since when the applicant has been residing in Estonia);
6. data concerning the date and place of marriage, the mutual children of an applicant and a sponsor (name, date of birth), the dependants of an applicant (name, date of birth, degree of kinship or relationship with the applicant),

economic relations between an applicant and a sponsor, visits of an applicant and a sponsor to each other, former marriages of an applicant and a sponsor (yes/no, how many times) if a sponsor invites his/her spouse to settle in Estonia;

7. data concerning the other parent (name, citizenship, place of residence) if a sponsor invites a minor under 15 years of age to settle with him/her in Estonia;
 8. data concerning the need for care (since when he/she has been under care and what sort of care he/she needs, who currently takes care of the parent or grandparent, why cannot he/she receive the necessary care in his/her habitual country of residence; has the sponsor taken care of an applicant before) if a sponsor invites his/her parent or grandparent to settle with him/her in Estonia;
 9. data concerning an alien who is invited to settle in Estonia with a sponsor (first name and surname, former names, date of birth, the Estonian personal identification code (if the person has one), place of birth, citizenship, address of the place of residence);
 10. data concerning the covering of costs related to the living of an alien who has been invited by a sponsor in Estonia (costs are covered from the income of a sponsor or the income of an applicant, or from the income of a sponsor and an applicant; amount, regularity and sources of the income).
13. In addition to the data referred to in clauses 1-4, 7, 9 and 18 of subsection (1) of this section the following data of an application for the transfer of a residence and work permit to a new travel document are entered into the Register:
1. data of a new travel document (type, number, date of issue, date of expiry, issuing office) if a person has applied for the transfer of data to a travel document issued by a foreign country abroad;
 2. reason for the transfer of data of a residence and work permit (the travel document has become unusable, has been destroyed, lost or stolen, other reasons);
 3. an explanatory letter if the transfer of data of a residence and work permit is applied for because the travel document has become unusable, has been destroyed, lost or stolen;
 4. contact address;
 5. location of regional department or representation of Estonia an applicant wishes the transferred residence and work permits to be handed over to him/her;
 6. first name and surname of a parent if an application has been submitted by a parent of a minor under 15 years of age;
 7. first name and surname of a guardian if an application has been submitted by a guardian;
 8. first name and surname of the head of a guardianship institution if an application has been submitted by a representative of a guardianship institution;
 9. first name and surname of a head of a welfare authority if an application has been submitted by a representative of a welfare authority;
 10. first name, surname, personal identification code and address of a representative if an application has been submitted by a representative.

13. In addition to the data referred to in clauses 1,2,5 and 17 of subsection (1) of this section the following data of an application for the registration of staying out of Estonia are entered into the Register:

1. date of the submission of an application for the registration of the stay out of Estonia;
2. number and date of expiry of a residence permit;
3. the period of, and the reason for, staying out of Estonia;
4. place of residence in a foreign country where an applicant will settle or, if it does not exist, an address where he/she can be contacted;
5. basis for the stay in a foreign country.

13. In addition to the data referred to in clauses 1 and 2 of subsection (1) of this section the following data of an application for the revocation of a residence and work permit are entered into the Register:

1. date of the submission of an application for a residence and work permit;
2. number of a residence permit (if the revocation a residence permit has been applied for);
3. number of a work permit (if the revocation a work permit has been applied for);
4. the date when an applicant wishes his/her residence or work permit to be revoked;
5. date of the revocation of a residence or work permit;
6. reason for the revocation of a residence or work permit.

13. The following data concerning the invitation to settle in Estonia are entered into the Register:

1. number and date of registration;
2. notice of whether a sponsor is an Estonian citizen or an alien;
3. if a sponsor is an Estonian citizen, the number of his/her travel document;
4. if a sponsor is an alien, the number and date of expiry of his/her residence permit and the number of his/her travel document;
5. the basis and reason for the refusal to confirm an invitation;
6. name, position and signature of the official who made the decision to refuse to confirm the invitation.

13. The following data concerning an application for the transfer of data of a residence and work permit to a new travel document are entered into the Register:

1. number and date of registration;
2. number of a residence and work permit to be transferred; its date of expiry;
3. number of the previous sticker;
4. date of the decision to transfer, or refuse to transfer, data of a residence and work permit, and the date of the decision to terminate the processing of an application for the transfer of data of a residence and work permit; the number of the decision, the name, position and signature of the official who made the decision.

13. In cases mentioned in clauses 1 and 3 of subsection 2 of section 14 of the Aliens Act the following data concerning the revocation of a residence and work permit are entered into the Register:

1. the date of, and the basis for the revocation of a residence and work permit;
2. the name, position and signature of the official who made the decision to revoke the residence and work permit.

§ 8. Basic documents for data

Basic documents from where data is entered into the Register (hereafter called a *basic document*) are the following:

1. invitations to settle in Estonia; applications for the issue, extension and revocation of residence and work permits; applications for the transfer of data of residence and work permits to new travel documents; applications for the registration of staying out of Estonia, and documents added to them which are required according to legislation regulating the respective area;
2. notice of a vital statistics office or a local government concerning the death of a person;
3. judgement which has entered into force concerning a criminal conviction;
4. administrative act on the confirmation of an invitation to settle in Estonia, or the refusal to confirm an invitation; or on the issue or extension of a residence and work permit, or the refusal to issue or extend a residence and work permit; on the revocation of a residence and work permit; on the registration of the stay out of Estonia; or the transfer of data of a residence and work permit to a new travel document or the refusal to do so.

§ 9. Legal significance of data

Data entered into the Registration Journal and data on registry cards have information significance and basic documents in processing files have legal significance.

§ 10. Structure and maintenance of the Register

The Register is a single-level database which is maintained in the form of an electronic database and processing files.

Part 2

Procedure for the submission of data and the maintenance of the Register

§ 11. Submitters of data

The following submit data:

1. an official of an authorised processor on the basis of an application which has been submitted by an alien or an Estonian citizen who has applied for the confirmation of an invitation to settle in Estonia, or an alien who has applied for the issue, extension or revocation of a residence or work permit, or for the

transfer of data of a residence and work permit to be transferred to a new travel document, or for the registration of their stay out of Estonia according to legislation regulating this area;

2. subjects specified in subsections (1) and (2) of section 15 of the Aliens Act on circumstances specified in subsections (1) and (2) of section 15 of the same Act according to the Procedure for Informing about the Circumstances Specified in Subsections (1) and (2) of Section 15 of the Aliens Act (RT I 1999, 99, 878) which was affirmed by the Government Regulation No. 404 of 21 December, 1999;
3. structural units of representations of the Republic of Estonia and the Citizenship and Migration Board.

§ 12. Communication of basic documents by representations of the Republic of Estonia

Representations of the Republic of Estonia transfer the basic documents related to proceedings listed in section 3 of this Regulation to the Citizenship and Migration Board as soon as possible.

§ 13. Registration of data and entering it into the Register

Data are entered on registry cards as follows:

1. a regional department of the Citizenship and Migration Board registers the submitted data in the Registration Journal on the day of submission of an application and enters data listed in section 7, except data referred to in clauses 19, 27, 33 and 36 of section 1, clauses 1, 4 and 5 of subsection 2, clauses 2-5, 8, 10-12 of subsection 3, in section 4, in clause 2 of subsection 5, in clauses 1, 4-6, 9-11 and 13-15 of section 6, in clause 13 of subsection 8, in clause 2 of subsection 9, clauses 1-10 of subsection 13, clauses 3-10 of subsection 14, clauses 1,2, 4 and 5 of subsection 15, clauses 1,4 and 6 of subsection 16 and in subsection 17 of the same section, on a registry card within five working days from receiving the data;
2. the central Unit of the Citizenship and Migration Board shall enter data received from a representation of the Republic of Estonia on a registry card, except the data referred to subsection 1 of this section which shall be not entered on a registry card.

§ 14. Cross-usage of data with the Population Registration Database

Data referred to in clauses 1, 2, 4-11, 16, 17, 20 and 21 of subsection 1 of section 7, and in clauses 1, 2 and 4-11 of subsection 8 are received through cross-usage from the Population Registration Database.

§ 15. Cross-usage of data with the Estonian Population Register

Data referred to in clauses 1, 2, 4-11, 16, 17, 20 and 21 of subsection 1 of section 7, clauses 3 and 7 of subsection 6, clauses 1, 2 and 4-12 of subsection 8, clause 1 of subsection 9, clauses 2 - 5, 8 and 10 of subsection 11, clauses 2, 3, 5 and 8 of subsection 12, clause 5 of subsection 16, clause 2 of subsection 18 and clauses 1 and 2

of subsection 19 are received through cross-usage from the Population Register, except if an application for the invitation to settle in Estonia or for a residence permit has been submitted for the first time, or if an application for a work permit has been submitted for the first time on the basis referred to in clause 1 of subsection 1 of section 12 of the Aliens Act.

§ 16. Cross-usage of data with the Punishment Register

Data referred to in clauses 26 and 27 of subsection 1 of section 7 are received through cross-usage from the Punishment Register.

§ 17. Keeping a record on data

An authorised processor keeps a record in digital form, as well as on paper carries, on the date of submission of data, its composition and the submitter of data according to the rules of procedure of an authorised processor.

§ 18. Compiling processing files

A regional department of the Citizenship and Migration Board established a processing file on the day of receiving basic documents referred to in clause 1 of section 8. A regional department sends a processing file as soon as possible to the central department of the Citizenship and Migration Board if it is not within its competence to make a decision on the respective application.

§ 19. Ensuring the correctness of data entered into the Register

At the moment of submitting the data a submitter of data is responsible for the correctness of data submitted by him/her and of data given in basic documents referred to in clause 1 of section 8. The relevant structural unit of the Citizenship and Migration Board is responsible for the compliance of data entered by it on a registry card with the data given by a submitter of the data.

§ 20. Correcting data entered into the Register

1. If an authorised processor discovers incorrect data in the Register, or if a submitter of data informs it about incorrect data in the Register, the authorised processor must correct the mistake within 5 working days from the date of learning about incorrect data.
2. If a representation of the Republic of Estonia discovers or learns about incorrect data in the Register, and if these data are entered on a registry card, the representation of the Republic of Estonia informs the Citizenship and Migration Board about it as soon as possible and the respective structural unit shall correct data entered on a registry card.
3. A submitter of data forwards copies of documents certifying the incorrectness of data entered into the Register to an authorised processor. The copies of documents on which corrections are based shall be added to the respective processing file.

Part 3

Procedure for the provision of data from the Register

§ 21. Persons who are provided with data

1. Access to data entered into the Register is restricted. The following are provided with data included in the Register:
 1. employees of an authorised processor or chief processors who are entitled to it on the basis of their job descriptions which determine which data listed in section 7 they are entitled to access and the scope of access;
 2. government agencies if it is necessary for carrying out their tasks provided for by legislation;
 3. third parties if it does not contradict the law;
 4. aliens whose data is being processed in the Register, and their legal representatives.

1. With the permission of an authorised processor personal data may be provided for use for statistical or scientific purposes by persons who have the respective right proceeding from law or secondary legislation based on it For this purpose data is provided in the form that makes the identification of persons impossible.

§ 22. The procedure for, and manner of, the provision of data

1. Data of the Register is provided, except in cases stipulated in clause 1 of subsection 1 of section 21 and on the basis of a written application submitted to an authorised processor where the following must be stated:
 1. which data in section 7 of this Regulation is requested;
 2. the first name, surname and place of residence of the applicant; or if the applicant is a legal entity its name, address and registration code. A representative of a legal entity, natural person or a government agency must provide a document that certifies his/her right of representation;
 3. purpose for which the use of data the access to which is requested;
 4. first name, surname and date of birth or personal identification code or any other data known about the person whose data is requested;
 5. date of lodging the request.

1. An authorised processor makes the decision to provide, or to refuse to provide, the requested data within five working days from the date of receiving the respective application.
2. If necessary, a data protection contract between the chief processor of the Register and a receiver of data is concluded which provides for a list of the data provided, its content and the procedure for its provision.
3. On the basis of a written application from a person an authorised processor informs him/her about his/her personal data included in the Register and the state of its processing in accordance with the Personal Data Protection Act (RT I 1996, 48, 944; 1998, 59, 941; 111, 1833; 2000, 50, 317).

4. An authorised processor of the Register keeps a digital record of the time of the provision of data from the Register, the composition of the data and the receivers of the data according to the rules of procedure of the authorised processor.
5. Data is provided from the Register on paper carriers. Where a contract mentioned in subsection 3 of this section has been concluded for the provision of data, this may be provided through data communication networks. In cases provided for in clause 1 of subsection 1 of section 21 the data which exclude the identification of persons may be transferred by e-mail or telephone.
6. The provision of data from the Register is free of charge.

Part 4

Preservation of the Register and access to data

§ 23. Data processing

1. An authorised processor ensures the compliance with established requirements in the processing of data by implementing the necessary technical and organisational measures, and carries out measures to ensure preservation of data according to the Databases Act, the Personal Data Protection Act and other relevant legislation.

§ 24. Access to data

1. Access to data referred to in section 7, or to part of it; is ensured according to job descriptions of employees of the chief processor and authorised processor.
2. The chief processor and authorised processor carry out necessary measures to ensure that persons entitled to it according to their job descriptions have access to processing files referred to in section 6 of the Regulation.

§ 25. Security measures for the maintenance of the Register

1. The equipment necessary for processing the Register must be kept in locked rooms where only persons so entitled according to their job descriptions can enter.
2. The procedure for the stay of employees and guests in premises, which excludes the access of third parties to the rooms where data or equipment for its processing is kept, is provided for by the rules of the house of an authorised processor.

Part 5

Procedure for the preservation of basic documents

§ 26. Preservation of procedure files and basic documents

An authorised processor preserves procedure files and basic documents up to their transfer to the public archives according to the Archives Act (RT I 1998, 36/37, 552; 1999, 16, 271) and the archives regulations established by an authorised processor.

Part 6

Procedure for the supervision of the maintenance of the Register

§ 27. Implementation of supervision

The Data Protection Inspectorate carries out the supervision of the legitimacy of the maintenance of the Register and the supervision of the maintenance of the Register by an authorised processor is carried out by the chief processor of the Register according to the procedure for supervisory control.

§ 28. Rights of persons carrying out the supervision

The person entitled to carry out the supervision of the Register has the right to get acquainted with the data entered in the Register and their basic documents; enter the rooms where data is processed or where the equipment used for processing the data is kept, and to receive information from an authorised processor on the issue and use of the data entered into the Register.

§ 29. Liquidation of deficiencies

In case deficiencies emerge in the maintenance of the Register, an authorised processor is requested to liquidate the deficiencies referred to in the precept issued by the person carrying out the supervision by a due date.

Part 7

Procedure for the financing of the Register

§ 30. Financing

The design, introduction, service and development, as well as annual maintenance of the Register, is funded from the state budget through allocations to the chief processor.

Part 8

Procedure for the liquidation of the Register

§ 31. Making the decision on the liquidation of the Register

Where the Register is to be liquidated, the Government of the Republic will make the decision on whether to transfer its data to some other Register or to the National Archives, or to terminate it, in which case a decision on the manner and date of termination will be made by the Government.

§ 32. Implementation of the liquidation

The transfer of data is carried out by an authorised processor in charge of the chief processor and in the presence of an authorised official of the national data protection

supervision authority and an authorised official of an authority co-ordinating the development of the state information systems. Where the data is transferred or deleted the respective record must be drawn up on it.

Chapter 3

IMPLEMENTATION PROVISIONS

§ 33. Transfer of data entered into the Register

The Citizenship and Migration Board must within a period of four months from the entry into force of this Act transfer data referred to in the Statutes for the national Register for Residence and Work Permits from the Database of Aliens to the National Register of Residence and Work Permits.

§ 34. Introduction of the Register

The design of the new software platform of the National Register of Residence and Work Permits must be completed by June 2002 and the Register must be introduced by December 2002.

§ 35. Differences in the application of sections 14 and 15 of this Regulation

1. Section 14 of the Regulation is valid up to December 31, 2001.
2. Section 15 of the Regulation will enter into force in January 1, 2002.

Prime Minister Mart LAAR

Minister of Internal Affairs Tarmo Loodus

State Secretary Aino Lepik von Wiren