

## **Establishment of State Register of Prohibitions on Entry**

Government of the Republic Regulation No. 237 of 9 August 1999

(RT<sup>1</sup> I 1999, 64, 644),

entered into force 16 August 1999,

amended by the following Regulations:

14.03.2003 entered into force 17.03.2003 - RT I 2003, 28, 170;

29.10.2002 entered into force 08.11.2002 - RT I 2002, 91, 524;

20.11.2001 entered into force 30.11.2001 - RT I 2001, 92, 559;

14.03.2000 entered into force 20.03.2000 - RT I 2000, 21, 122.

On the basis of subsection 33 (1) of the Obligation to Leave and Prohibition on Entry Act (RT I 1998, 98/99, 1575; 2001, 68, 407; 2002, 53, 336; 61, 375 ; 84, 492; 102, 599; 2003, 4, 21; 13, 65) and subsection 32 (1) of the Databases Act (RT I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155; 2000, 50, 317; 57, 373; 92, 597; 2001, 7, 17; 17, 77; 24, 133; 2002, 61, 375; 63, 387; 2003, 18, 107; 26, 158), the Government of the Republic resolves:

1. To establish a state register with the official name “State Register of Prohibitions on Entry”.
2. To appoint the Ministry of Internal Affairs as the chief processor and the Citizenship and Migration Board as the authorised processor of the “State Register of Prohibitions on Entry”.
3. To approve the “Statutes for Maintenance of “State Register of Prohibitions on Entry”” (annexed).
4. In order to comply with § 34 of the Obligation to Leave and Prohibition on Entry Act, to transfer data contained in the list compiled according to Government of the Republic Regulation No. 357 of 29 December 1992 “Concerning Entry of Persons Undesirable to the Republic of Estonia in “List of Persons whose Entry into the Republic of Estonia is Prevented”” (RT 1993, 2, 29; RT I 1994, 73, 1293; 1995, 9, 73) to the “State Register of Prohibitions on Entry” by 15 August 1999 and to implement a secure electronic data interchange by 1 December 1999.
5. To design the register by 18 May 2000 and commence use of new software for the register by 19 September 2000.
6. To finance the introduction of the “State Register of Prohibitions on Entry” in 1999 in the amount of 300 000 kroons from funds allocated for such purpose to the Ministry of Internal Affairs.

7. To repeal clause 1 of Government of the Republic Regulation No. 284 of 30 September 1992 “Concerning Procedure for Prevention of Entry into the Republic of Estonia of Persons Undesirable to the Republic of Estonia” and Government of the Republic Regulation No. 357 of the of 29 December 1992 “Concerning Entry of Persons Undesirable to the Republic of Estonia in “List of Persons whose Entry into the Republic of Estonia is Prevented”” (RT I 1993, 2, 29; 1994, 73, 1293; 1995, 9, 73).

Approved by Government of the Republic Regulation No. 237 of 9 August 1999

Statutes for Maintenance of “State Register of Prohibitions on Entry”

## **I. General Provisions**

1. The purpose of establishing and introducing the “State Register of Prohibitions on Entry” (hereinafter register) is to maintain systematic records and an integral database concerning aliens in respect of whom prohibition on entry is applied, in order to ensure the performance of duties provided for in legislation.

2. The official name of the register is the “State Register of Prohibitions on Entry”.

3. The register shall have a single level.

4. The register shall be composed of:

1) digital registry cards (hereinafter registry card);

2) registry files on paper (hereinafter registry file);

3) registry archives.

5. A registry file shall contain the source documents for entry of data in the register and the written requests submitted for release of data.

6. Registry cards and registry files shall be preserved in the registry archives concerning aliens in respect of whom the application of a prohibition on entry is terminated.

7. Data entered in the register are informative and have legal effect only in the cases provided by law.

8. The chief processor and authorised processor of the register are required to ensure that data entered in the register are processed pursuant to the Databases Act, the Personal Data Protection Act and these Statutes.

9. In order to ensure performance of the duties of the chief processor and authorised processor of the register which are provided by law and the Statutes, the Minister of Internal Affairs or the Director General of the Citizenship and Migration Board shall

designate the persons to perform the specified duties in the statutes of structural units and the job descriptions of officials.

## **II. Data Entered in Register, Submission thereof and Entry thereof in Register**

10. The source documents for entry of data in the register are the order to apply prohibition on entry in respect of an alien, the order to revoke the prohibition on entry, or the order to amend the period of validity of the prohibition on entry (hereinafter order) and a form in the standard format annexed to the present Statutes (hereinafter form).

(29.10.2002 entered into force 08.11.2002 - RT I 2002, 91, 524)

11. The following data (or notations concerning the absence of data) shall be entered in the register concerning an alien in respect of whom a prohibition on entry is applied:

1) surname (surnames);

2) given name (given names);

2<sup>1</sup>) other names;

(29.10.2002 entered into force 08.11.2002 - RT I 2002, 91, 524)

3) sex;

4) date of birth;

5) country of birth;

6) place of birth;

7) citizenship;

8) personal identification code;

8<sup>1</sup>) additional information concerning the person;

(29.10.2002 entered into force 08.11.2002 - RT I 2002, 91, 524)

9) type of identity document;

10) document number;

11) state which issued the document;

12) date of issue and validity of the document;

13) additional information concerning the document.

(29.10.2002 entered into force 08.11.2002 - RT I 2002, 91, 524)

12. In addition to the data listed in clause 11 of these Statutes, the following shall also be entered in the register:

- 1) the number of the order to apply the prohibition on entry and the date on which the order to apply the prohibition on entry is made;
- 2) the term of the prohibition on entry;
- 3) the reasons for application of the prohibition on entry together with reference to the legal grounds for application of the prohibition on entry;
- 4) the date of entry of the order to apply the prohibition on entry;
- 5) the new period of validity determined upon amendment of the period of validity of the prohibition on entry;
- 6) the date of revocation of the prohibition on entry;
- 7) the code of the body which submitted the data to the register;
- 8) the number, given name and surname of the person entering the data.

(29.10.2002 entered into force 08.11.2002 - RT I 2002, 91, 524)

12<sup>1</sup>. Cross-usage of data shall be carried out with the Visa Register as regards the data specified in subclauses 11 1), 2), 4) and 10) of the present Statutes.

(29.10.2002 entered into force 08.11.2002 - RT I 2002, 91, 524)

13. The Ministry of Internal Affairs (hereinafter submitter of data) is the submitter of data entered in the register.

(14.03.2000 entered into force 20.03.2000)

14. The submitter of data is required to transmit documents specified in clause 10 of these Statutes by hand-delivery or registered mail to the authorised processor of the register within three working days as of the date on which the order is issued.

15. The authorised processor of the register shall register the date of receipt of documents and the submitter thereof pursuant to the records management procedure of the authorised processor of the register.

(14.03.2000 entered into force 20.03.2000)

16. The authorised processor of the register shall enter the transmitted data on digital registry cards within three working days after receipt of the data and shall confirm the data digitally. Upon digital confirmation of data, a unique registration number is automatically assigned to the data.

17. The submitter of data is responsible for the correctness of data submitted to the authorised processor of the register. The authorised processor of the register is responsible for the correspondence of data entered on digital registry cards to data presented in documents.

18. Upon processing of data, the authorised processor of the register shall adhere to the requirements of the Personal Data Protection Act.

### **III. Correction and Amendment of Data Entered in Register**

19. If the submitter of data or the advisory committee specified in subsection 31 (1) of the Obligation to Leave and Prohibition on Entry Act, which is formed by the Minister of Internal Affairs, discovers inaccurate data, the submitter or the committee is required to submit accurate data to the authorised processor of the register within three working days as of the date on which the submitter or the committee becomes aware of the inaccurate data and, if necessary, annex a certified copy of the document certifying the accurate data.

(14.03.2000 entered into force 20.03.2000)

20. The authorised processor of the register shall register the time of receipt of a notice and the submitter thereof pursuant to the records management procedure of the authorised processor of the register and shall amend the inaccurate data entered in the register within three working days as of the date on which the accurate data become known.

(14.03.2000 entered into force 20.03.2000)

21. If the authorised processor of the register discovers inaccurate data in the register, the authorised processor shall notify the submitter of data thereof within three working days after the date on which the inaccurate data are discovered. The submitter of data is required to submit accurate data pursuant to the procedure and within the term established in clause 19 of these Statutes.

22. Upon a change to a term of a prohibition on entry, the submitter of data shall transmit the corresponding order to the authorised processor of the register pursuant to the procedure established in clause 14 of these Statutes. The authorised processor of the register shall enter the new term of the prohibition on entry in the register within three working days as of the date on which the order is received.

### **IV. Closure of Data**

23. The closure of data is the transfer of data from the register to the registry archives which takes place upon:

- 1) expiry of the term of a prohibition on entry;
- 2) revocation of a prohibition on entry.

(29.10.2002 entered into force 08.11.2002 - RT I 2002, 91, 524)

24. The authorised processor of the register shall close data in the case specified in subclause 23 2) of these Statutes within one working day as of receipt of the corresponding order unless otherwise provided for in the order.

## **V. Release of Data from Register**

25. The following persons and agencies shall have access to data entered in the register in accordance with the Personal Data Protection Act (RT I 1996, 48, 944; 1998, 59, 941; 111, 1833; 2000, 50, 317; 92, 597; 104, 685; 2001, 50, 283; 2002, 61, 375; 63, 387) and the Public Information Act (RT I 2000, 92, 597; 2002, 61, 375; 63, 387; 2003, 25, 153; 26, 158):

1) employees of the authorised processor and the chief processor who have been granted the corresponding right pursuant to their job descriptions;

2) administrative authorities if the data are necessary for the administrative authorities to perform the functions imposed thereon by legislation;

(14.03.2003 entered into force 17.03.2003 - RT I 2003, 28, 170)

3) persons whose data are processed in the register, or legal representatives of such persons;

4) third persons unless this is contrary to the Personal Data Protection Act.

Data entered in the register may be released, for statistical purposes or scientific research and with the permission of the chief processor, to persons who have been granted the corresponding right by law or legislation established on the basis thereof. If data are released for such purposes, it must be in a form which prevents the identification of persons.

(20.11.2001 entered into force 30.11.2001 - RT I 2001, 92, 559)

26. (Repealed - 20.11.2001 entered into force 30.11.2001 - RT I 2001, 92, 559)

27. The chief processor of the register shall decide on the grant of access to data through a data communication link to a person receiving data from the register for the performance of functions imposed on the person by legislation. The corresponding decision shall set out the list of data to be released and the requirements for ensuring the protection of the data.

(14.03.2003 entered into force 17.03.2003 - RT I 2003, 28, 170)

28. (Repealed - 20.11.2001 entered into force 30.11.2001 - RT I 2001, 92, 559)

29. (Repealed - 20.11.2001 entered into force 30.11.2001 - RT I 2001, 92, 559)

30. Records shall be maintained on digital registry cards concerning the time of release of data from the register, the composition of released data, and persons receiving data from the register.

31. No fee shall be charged for the release of data from the register.

## **VI. Supervision of Maintenance of Register**

32. The data protection supervision authority shall exercise supervision over the legality of maintenance of the register pursuant to the procedure established by legislation.

33. The Ministry of Internal Affairs shall exercise supervision over the maintenance of the register by way of supervisory control.

34. The person authorised to exercise supervision over the register has the right to obtain information concerning the release of data from the register and the use thereof, access data entered in the register and the source documents therefor, and enter rooms where data are processed or where data processing equipment is located.

35. If deficiencies become evident upon maintenance of the register, the authorised processor of the register is required to eliminate the deficiencies indicated in the precept of the person who exercises supervision within the term or by the date designated by the person.

## **VII. Financing of Maintenance of Register**

36. The maintenance of the register shall be financed from the sums which are allocated for specific purposes to the chief processor of the register and which are prescribed in the state budget.

## **VIII. Expansion and Liquidation of Register**

37. The register shall be expanded and liquidated pursuant to the procedure provided for in the Databases Act.

<sup>1</sup> RT = *Riigi Teataja* = *State Gazette*

## **Annex to “Statutes for Maintenance of “National Register of Prohibitions on Entry””**

Form

1. Surname (surnames) –
2. Given name (given names) –
3. Sex –
4. Date of birth –
5. Country of birth –
6. Place of birth –

7. Citizenship –
8. Personal identification code –
9. Type of identity document –
10. Document number –
11. State which issued document –
12. Date of issue and validity of document –
13. Number of order to apply prohibition on entry and date on which order to apply prohibition on entry is made –
14. Term of prohibition on entry –
15. Reasons for application of prohibition on entry together with reference to legal grounds for application of prohibition on entry –