

Databases Act

Passed 12 March 1997

(RT¹ I 1997, 28, 423),

entered into force 19 April 1997,

amended by the following Acts:

08.04.2004 entered into force 28.04.2004 - RT I 2004, 30, 204;

30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107;

12.02.2003 entered into force 01.10.2003 - RT I 2003, 26, 158;

19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387;

19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375;

24.01.2001 entered into force 23.02.2001 - RT I 2001, 17, 77;

20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17;

15.11.2000 entered into force 01.01.2001 - RT I 2000, 92, 597;

14.06.2000 entered into force 01.01.2001 - RT I 2000, 57, 373;

30.05.2000 entered into force 01.08.2000 - RT I 2000, 50, 317;

20.01.99 entered into force 01.03.99 - RT I 1999, 10, 155;

25.03.98 entered into force 01.05.98 - RT I 1998, 36/37, 552.

Chapter 1

General Provisions

§ 1. Scope of application

(1) This Act provides for the procedure for possession, use and disposal of state and local government databases, for the general principles of maintenance of databases belonging to the state, local governments and persons in private law, and for release and use of their data.

(14.06.2000 entered into force 01.01.2001 - RT I 2000, 57, 373)

(2) An Act may provide registers other than databases within the meaning of this Act and to which this Act applies to the extent provided by such Acts.

(14.06.2000 entered into force 01.01.2001 - RT I 2000, 57, 373)

(3) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 2. Definitions

(1) For the purposes of this Act, a database is a structured body of data maintained by the state, a local government or person in public or private law by means of automatic data processing or manual operation of organised forms which allows easy access to or mechanical processing of data. This Act does not regulate databases which are maintained:

- 1) pursuant to the Accounting Act (RT I 2002, 102, 600; 2003, 88, 588);
(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)
- 2) for scientific or educational purposes or research on native places if such databases are used only for these purposes;
- 3) for the purposes of performance of the functions of organisations pursuant to legislation or as specified in their articles of association, unless data from these databases is released for other purposes;
(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)
- 4) for the purposes of conducting official statistical surveys at the Statistical Office.

(08.04.2004 entered into force 28.04.2004 - RT I 2004, 30, 204)

(2) For the purposes of this Act, data are any separable items of information.

(3) For the purposes of this Act, data processing is the collection, recording, arrangement, storage, alteration, consultation, extraction, use, transfer, combination, closure, deletion or destruction of data, or several of the aforementioned operations regardless of the manner in which they are performed or the means used.

(4) Automatic data processing is the processing of data with the aid of computers or computer systems and software intended for data processing.

(5) The maintenance of a database means data processing, the maintenance of records of data processing, data protection and the organisation of these activities.

(6) The expansion of a database means supplementation of the list of data collected in a database.

(7) Interbase cross-usage of data means the transfer of data from one database to another or joint automatic processing of data contained in several databases.

§ 3. Bases of data processing

(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

(1) Persons in private law have the right to collect any publicly available data or any data voluntarily submitted by persons in databases maintained by them. Persons in private law have the right to request from their clients only data necessary for the

performance of acts requested by the clients.

(2) Persons in public law have the right to collect only data necessary for the performance of functions specified in the Act establishing the persons in public law in databases maintained by them.

(3) The state and local governments may process data necessary for the performance of their functions imposed on them pursuant to law in the databases maintained by them if the processing of such data is prescribed by Acts or legislation issued on the basis thereof.

(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

(4) In the collection of data in databases, the owners of databases shall adhere to the restrictions provided for in this Act, the Personal Data Protection Act (RT I 1996, 48, 944; 1998, 59, 941; 111, 1833; 2000, 50, 317; 91, 597; 104, 685; 2001, 50, 283; 2002, 61, 375; 63, 387), State Secrets Act (RT I 1994, 45, 720; 1996, 42, 809), other Acts and legislation issued on the basis thereof and, in the cases prescribed by law, shall obtain permission for data collection from the data protection supervision authority.

§ 4. Owner of database

A person in private law, person in public law, the state or a local government may be an owner of a database.

§ 5. Establishment of databases

(1) In the cases provided by law, persons in private law and persons in public law shall apply for permission to establish a database from the data protection supervision authority.

(2) The state and local governments establish databases pursuant to the procedure prescribed in this Act.

§ 6. Chief processors and authorised processors

(1) The chief processor of a database is the owner of the database. The exerciser of the rights of the chief processor of a state or local government database shall be designated pursuant to the procedure provided by the corresponding Act or legislation issued on the basis thereof.

(2) An authorised processor is a person who maintains a database or processes data on the order of the chief processor.

§ 7. Duties of chief processors and authorised processors in maintenance of databases

(1) Chief processors are required to ensure the maintenance of databases and processing of data contained therein in full compliance with corresponding Acts and legislation issued on the basis thereof.

(2) Authorised processors are required to perform all duties assigned to them by chief processors in the maintenance of databases and processing of data in full compliance with corresponding Acts and legislation issued on the basis thereof and contracts entered into pursuant thereto. Authorised processors may process data stored in databases only if they receive a direct order from the chief processors of the databases or if they perform duties imposed on them by corresponding Acts, other legislation or contracts entered into with the chief processors of the databases.

(3) Authorised processors shall ensure that databases are protected against unauthorised processing, including use, destruction or alteration of databases, by means of appropriate administrative and technical measures, and measures involving software and hardware.

(4) Authorised processors shall provide measures for the protection of databases to avoid:

- 1) access by unauthorised persons to data processing equipment;
- 2) unauthorised reading, copying or deletion of records;
- 3) unauthorised recording, alteration or deletion of data;
- 4) unauthorised use of the data processing system for transmission of data by means of data communication equipment;
- 5) access by data recipients to unauthorised data (not intended for release to or use by them);
- 6) data processing for unauthorised purposes (not prescribed by official duties);
- 7) unauthorised reading, copying, alteration or deletion of data in the transmission of data by means of data communication equipment or in the transportation of records;

(5) Authorised processors of databases are required to compile and maintain a list and documentation of the means used in data processing and maintain records of data processing.

(6) Persons engaged in the processing and release of data are required to maintain the confidentiality of data which become known to them in the performance of their duties and which are not intended for public use. Such requirement continues after termination of their employment relationships.

§ 8. Liability of chief processors and authorised processors in maintenance of

databases

(1) Chief processors of databases are liable for any violations of law committed in the maintenance of databases, except if their orders issued in strict compliance with the corresponding Act or other legislation have not been executed or have been executed in bad faith, or if an authorised processor has breached a contract entered into with a chief processor and the chief processor has commenced proceedings or has filed a corresponding application with a competent authority to hold the offender liable pursuant to the procedure prescribed by law.

(2) Authorised processors are liable only for violations relating to the performance of their contractual obligations or for their own extra-contractual unlawful activities.

§ 9. Access to documents concerning establishment and introduction of databases

Access to establishment documents and other documents concerning databases shall be provided by chief processors and authorised processors of databases.

§ 10. Access to data contained in databases and receipt of copies thereof

(1) The issue of or refusal to issue permission to access data contained in a database which belongs to a person in private law and provision of copies thereof are decided by the owner of the database unless otherwise provided by law.

(2) Data maintained in state and local government databases are public and every Estonian citizen has the right to access such data and receive copies thereof pursuant to the procedure provided by law, except if access to or release of data is prohibited by law or if the data are intended for internal use only. Citizens of foreign states and stateless persons who are in Estonia have the right specified in this subsection equally with Estonian citizens unless otherwise provided by law.

(3) In the cases provided by law, fees are charged for access to and release of data and provision of copies thereof contained in state or local government databases.

§ 11. Right of persons to access data concerning themselves

Every person has the right to access data concerning themselves which are collected in databases unless this right is restricted by law.

§ 11¹. Restrictions upon recording data concerning security authorities in state databases

(1) Data concerning a security authority which are classified as a state secret or prescribed for official use shall be recorded only in databases of security authorities.

(2) Upon recording other data concerning security authorities in state databases, shadow information may be used if necessary.

(3) Shadow information shall be used on the basis of a classified directive of the head of the security authority in which the actual data concerning the security authority and the shadow information used upon recording the data in state databases shall be set out.

(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)

§ 12. Interbase cross-usage of data

(1) Interbase cross-usage of data stored in different state or local government databases is permitted only in the cases provided by corresponding Acts or legislation issued on the basis thereof and only for the performance of functions imposed on the state or local governments by law.

(2) (Repealed - 12.02.2003 entered into force 01.10.2003 - RT I 2003, 26, 158)

§ 13. Expansion and combination of databases

(1) The expansion or combination of state and local government databases is only permitted on the bases and pursuant to the procedure provided by law, based on the functions imposed on the state and local governments by law.

(2) Permission of the data protection supervision authority is necessary for the expansion or combination of databases containing sensitive personal data.

§ 14. Maintenance of databases by authorised processors on basis of contract under public law

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(1) If the authorised processor of a state or local government database is a legal person in private law designated in the legislation establishing the database, the database is maintained on the basis of a contract under public law.

(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

(2) Contracts under public law for the maintenance of general national registers and state registers are entered into for up to four years.

(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

(3) Contracts under public law for the maintenance of state agency databases and local government registers or other databases are entered into for up to three years.

(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

§ 15. Maintaining records of data processing means

A list of means used in data processing shall include the following information:

- 1) the name, type and number of the equipment, and the name of the manufacturer of the equipment;
- 2) the name and number of the licence of the software used, and the name of the software manufacturer;
- 3) the location of documentation of the software used.

§ 16. State register of databases

(1) The Government of the Republic shall establish a state register for state and local government databases which is named the state register of databases.

(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

(2) The state register of databases shall contain data concerning the following state and local government databases:

- 1) the general national registers and databases which share data therewith;
- 2) state registers;
- 3) other state agency and local government databases designated by the Government of the Republic.

(3) The government agency designated as the chief processor of the state register of databases shall provide an opinion concerning the draft establishment documents of databases to be established by the Government of the Republic and government agencies.

(4) The chief processor of the state register of databases has the right to make proposals to the Government of the Republic, chief processors of databases and the state information systems co-ordination authority for the expansion, combination or liquidation of databases and interbase cross-usage, or the organisation of data processing or data acquisition in order to avoid maintenance of similar or substantively repetitive databases.

§ 17. Exercise of supervision over databases

(1) The data protection supervision authority exercises supervision over the legality of maintenance of databases. The functions, rights and duties of the data protection supervision authority are provided for in the Personal Data Protection Act, this Act and other Acts.

(2) (Repealed - 30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

Chapter 2

State and Local Government Databases

Part 1

General Provisions

§ 18. Definition of state database and classification of state databases

- (1) A state database is a database in state ownership which is established pursuant to the procedure provided for in this Act.
- (2) State databases are classified as follows:
 - 1) general national registers;
 - 2) state registers;
 - 3) other databases maintained by state agencies.

§ 19. Definition of local government database and classification of local government databases

- (1) A local government database is a database in local government ownership which is established pursuant to the procedure provided for in this Act.
- (2) Local government databases are classified as follows:
 - 1) local government registers;
 - 2) other local government databases.
- (3) Several local governments may maintain a joint database for the performance of their functions.

§ 20. Methods of maintaining and principles of structuring state and local government databases

- (1) State and local government databases are maintained as computerised databases. In the maintenance of databases, data shall be classified and coded according to official classifications and standards.
- (2) According to the purposes of databases and the practicability of their maintenance, state and local government databases may also be maintained:
 - 1) as card files or entry books;
 - 2) as database folders or subject folders;
 - 3) as collections of sound, images or objects;
 - 4) in other forms determined in the legislation establishing the databases.
- (3) The structure of a database is determined in the legislation establishing the

database according to the purpose for which it is compiled and the facility of its use.

(4) It is prohibited for state agencies to maintain similar or substantively repetitive databases.

§ 21. Chief processor and authorised processor of state or local government database

(1) The chief processor of a state or local government database is a representative of the owner of the database who is responsible for the legality of the maintenance of the database, who arranges for the performance and acceptance of the work necessary for the design and introduction of databases or parts thereof, directs the maintenance of the database, exercises supervision over the maintenance of the database, and, to the extent and pursuant to the procedure provided by law, resolves disputes concerning issues which arise in the maintenance of the database.

(2) An authorised processor of a state or local government database is a state or local government agency or person designated by this Act or other legislation or operating on the basis of a contract entered into with the chief processor, who processes data to the extent prescribed by legislation or a contract and legislation.

(3) Chief processors of databases assign tasks and instructions concerning the maintenance and processing of databases to authorised processors and monitor the activities of authorised processors in the maintenance of databases.

§ 21¹. Access to information maintained in state and local government databases

(1) Every person has the right to obtain information from state and local government databases to which access is not restricted by law.

(2) At the request of a person, the authorised processor of a state or local government database is required to release information within five working days as of receipt of a corresponding request unless another term is provided by law.

(3) Information pertaining to data protection and the technical processing of data shall not be released from a state or local government database or with regard to a database. Only processors of information and the person exercising supervision over the maintenance of the database or an investigative body have the right to access such information.

(4) Access to data processed in a state or local government database shall be ensured pursuant to the procedure, in the manner, under the conditions and within the terms provided for in the Public Information Act unless a different procedure or manner or other conditions or terms are provided by law. Access to personal data shall be granted in accordance with the Personal Data Protection Act and the Public

Information Act.

(5) Databases which contain information which is important for the public shall be accessible through the public data communication network. Databases or parts thereof which are to be disclosed in this manner shall be provided for in the Act or other legislation which is the basis for establishment of the databases.

(15.11.2000 entered into force 01.01.2001 - RT I 2000, 92, 597)

§ 22. Covering expenditure relating to state and local government databases

(1) Expenditure necessary for the maintenance of a state or local government database includes expenditure relating to the establishment, introduction, maintenance and development of the database and the collection, registration, processing and release of data.

(2) Expenditure necessary for the maintenance of state databases is covered from the state budget and fees for the services provided upon the maintenance of databases if the provision of fee-charging services is provided by law.

(30.05.2000 entered into force 01.08.2000 - RT I 2000, 50, 317)

(3) (Repealed - 30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

(3¹) If the provision of fee-charging services upon the maintenance of a database is provided by law, information concerning the amount and receipt of the corresponding fees during the preceding financial year shall be submitted upon the preparation of the budget of maintenance of database.

(30.05.2000 entered into force 01.08.2000 - RT I 2000, 50, 317)

(4) Expenditure relating to local government databases is covered from the local budget.

§ 23. Expansion and combination of state and local government databases

State and local government databases may only be expanded or combined in the cases prescribed by law and with the permission of the data protection supervision authority if:

1) the expansion or combination is necessary for more effective performance of functions imposed on a state agency or local government, and the data contained in an expanded or combined database do not violate the restrictions provided for in the Personal Data Protection Act or other Acts; or

2) new functions are imposed on a state agency or local government by law the proper performance of which results in a need to expand the existing database or combine it with another existing database.

§ 24. Liquidation of state or local government database

- (1) The liquidation of a state or local government database is decided by the establisher of the database pursuant to the procedure provided by law.
- (2) (Repealed - 30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

Part 2

General National Registers

§ 25. Definition of general national register

- (1) A general national register is a database intended for public use which is established by the corresponding Act and maintained in the public interest for the performance of the most important functions of the state.
- (2) General national registers are maintained regarding:
 - 1) the population (residents) of the state;
 - 2) legal persons registered in the state;
 - 3) immovable property;
 - 4) (Repealed - 30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)
 - 5) state assets;
 - 6) other significant subject matter determined by law.

§ 26. Establishment of general national registers

- (1) General national registers are established by corresponding Acts or by the grant of the status of a general national register to registers established by other Acts.
- (2) An Act concerning a general national register shall provide for:
 - 1) the purpose of establishment and introduction of the register;
 - 2) the official name of the register and its designation as a general register;
 - 3) the chief processor of the register – a ministry (a minister) or the State Chancellery;

(30.05.2000 entered into force 01.08.2000 - RT I 2000, 50, 317; 24.01.2001 entered into force 23.02.2001 - RT I 2001, 17, 77)

 - 4) procedure for the appointment of authorised processors of the register;
(30.05.2000 entered into force 01.08.2000 - RT I 2000, 50, 317)
 - 5) the structure of the register and the organisational structure for the maintenance of the register, the rights and duties of authorised processors;
 - 6) subject matter of the register, composition of the data of the register, data on

the subject of the register entered in the register, legal effect of data entered in the register, the term for the preservation of data in the register and cases in which cross-usage of data entered in the register is permitted;

(30.05.2000 entered into force 01.08.2000 - RT I 2000, 50, 317)

- 7) the procedure for maintaining records of the receipt of data in and release of data from the register;
 - 8) the persons who submit data to the register, the procedure and time limits for submission of data by such persons and the sanctions imposed on persons who fail to submit data in good time or knowingly submit false data;
 - 9) the list of source documents which are the basis for registration of data submitted to the register unless the list is provided by another Act.
 - 10) right of and procedure for access to data in the register;
- (30.05.2000 entered into force 01.08.2000 - RT I 2000, 50, 317)
- 11) a list of data access to which is restricted pursuant to the Personal Data Protection Act, the State Secrets Act or other Acts and the procedure for the establishment of the corresponding restrictions on access and grant of access to data access to which is restricted;
- (30.05.2000 entered into force 01.08.2000 - RT I 2000, 50, 317)
- 12) the procedure for correction of inaccurate data and notification thereof;
 - 13) the conditions and procedure for closure of access to data;
 - 14) the procedure for payment for data received from the register and the list of persons and agencies who receive data without charge;
 - 15) the procedure for financing the maintenance of the register;
 - 16) the bases and procedure for the expansion, combination with other registers and liquidation of the register.
- (3) Other conditions for a general national register may be provided by law.

§ 27. Chief processors of general national registers

(1) One of the Ministries (ministers) or the State Chancellery shall be designated as the chief processor of a general national register.

(24.01.2001 entered into force 23.02.2001 - RT I 2001, 17, 77)

(2) The Government of the Republic and chief processors have the right to issue legislation (in the cases and to the extent provided by law) for more specific administration of the maintenance of the registers.

§ 28. Authorised processors of general national registers

- (1) The following may be authorised processors of general national registers:
- 1) state agencies;
 - 2) persons who submitted successful tenders in the case of a public procurement by open tendering procedure.
- (2) The Government of the Republic appoints a state agency as the authorised processor of a general national register at the proposal of the chief processor unless otherwise prescribed by law.
- (30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

§ 29. Expansion and combination of general registers

In order to expand or combine a general national register with another database, corresponding amendments shall be made to the Act concerning the general register.

§ 30. Liquidation of general registers

General national registers may be liquidated only in the cases provided by law pursuant to a separate Act.

Part 3

State Registers

§ 31. Definition of state register

For the purposes of this Act, a state register is a database which is established by the Government of the Republic pursuant to law or an international agreement, and which is necessary for the performance of the functions of one or several ministries or the State Chancellery imposed by law.

(25.03.98 entered into force 01.05.98 - RT I 1998, 36/37, 552)

§ 32. Establishment of state registers

- (1) State registers are established by a regulation of the Government of the Republic.
- (2) A proposal to establish a state register shall be made to the Government of the Republic by a minister if the register is necessary for the performance of the functions in the minister's area of government.
- (3) A minister shall present a proposal to establish a state register as a draft regulation of the Government of the Republic together with an explanatory memorandum and draft statutes of the state register.

(4) If a state register being established involves areas of government of several ministries, a minister shall make a proposal to establish a state register in co-ordination with the corresponding ministers.

(5) The state information systems co-ordination authority, data protection supervision authority, Statistical Office and the chief processor of the state register of databases shall provide an opinion on the establishment of a state register.

(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

§ 33. Explanatory memorandum appended to proposal to establish state register

An explanatory memorandum appended to a proposal to establish a state register shall set out:

- 1) the purpose of establishment and introduction of the register;
- 2) the subject matter of the register and composition of its data;
- 3) the list of persons submitting data: natural and legal persons, local government bodies and agencies, and state agencies who have the duty to submit data to the register;
- 4) the list of data recipients: natural and legal persons, local government bodies and agencies, and state agencies who have the right to receive data from the register;
- 5) the budget for work necessary for the design and introduction of the register;
- 6) calculation of expenditure for the maintenance of the register;
- 7) a proposal concerning the chief processor and authorised processors of the register;

§ 34. Regulation establishing state register

(1) A regulation establishing a state register shall set out:

- 1) the name of the register;
- 2) the legislation on the basis of which the register is established;
- 3) the time limits for the performance of work necessary for the design and introduction of the register, the amount and sources of financing of such work;
- 4) the chief processor of the register: a ministry or other government agency which directs the maintenance of the register and which may also be an authorised processor;
- 5) the name(s) or title(s) of the authorised processor(s) of the register.

(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

(2) The statutes for maintenance of a state register shall be approved by the regulation establishing the state register.

§ 35. Statutes for maintenance of state register

The statutes for maintenance of a state register shall provide for:

- 1) the purpose of establishment and introduction of the register;
- 2) the official name of the register;
- 3) the structure of the register and organisational structure of the maintenance of the register, the procedure for data processing at different levels, and exchange and comparison of data of different levels;
- 4) data to be entered in the register and the legal regime thereof;
- 5) persons who submit data to the register;
- 6) the list of source documents which are the basis for the registration of data collected by persons who submit data to the register unless the list is provided by another Act;
- 7) the procedure and time limits for submission of data to the register;
- 8) the procedure for and manner of release of data from the register and the set of persons entitled to receive data from the register;
(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)
- 9) the persons who have the right to receive data without charge and the procedure for payment for data received from the register;
- 10) the procedure for release of data from the register;
- 11) lists of and procedures for consulting classified data and data, access to which is restricted, pursuant to law;
- 12) the conditions and procedure for closure of access to data;
- 13) the procedure for correction of inaccurate data and notification thereof;
- 14) the procedure for maintaining records of the receipt of data in and release of data from the register;
- 15) the persons entitled to exercise supervision over the maintenance of the register and the procedure for exercise of such supervision;
- 16) the procedure for financing the maintenance of the register;
- 17) the procedure for liquidation of the register.

§ 36. Expansion of state registers

State registers are expanded on the bases provided by law after corresponding amendments are made in the statutes for maintenance of the registers.

§ 37. Liquidation of state registers

- (1) Liquidation of state registers is decided by the Government of the Republic.
- (2) Upon liquidation of a state register, the Government of the Republic shall decide on the transfer of data to another register or the state archives or on destruction of data and the time limits for the transfer or destruction of data.
- (3) Data are transferred by authorised processors at the responsibility of the chief processor in the presence of an authorised official of the state data protection supervision authority and state information systems co-ordination authority. Upon transfer or destruction of data, corresponding legal instruments shall be prepared.

Part 4

Other State Agency Databases

§ 38. State agency database

For the purposes of this Act, a state agency database is a database necessary for the performance of functions imposed on a state agency by corresponding Acts or other legislation or for the ensurance of management of the work of a state agency.

§ 39. Establishment of state agency database

- (1) The establishment of a state agency database necessary for the performance of functions imposed on the state agency by corresponding Acts or other legislation shall be decided by the head of the state agency.
- (2) A state agency database shall be established by the head of the state agency or an official authorised by him or her.

§ 40. Procedure for establishment of state agency database

- (1) In the legislation establishing a local government database, the establisher shall determine the following:
 - 1) the purpose of establishment and introduction of the database;
 - 2) the name of the database;
 - 3) the structure of the database;
 - 4) the chief and authorised processors of the database;
 - 5) data to be entered in the database;
 - 6) (Repealed - 15.11.2000 entered into force 01.01.2001 - RT I 2000, 92, 597)
 - 7) the list of data not intended for public use pursuant to the State Secrets Act and Personal Data Protection Act;
 - 8) the procedure for exercising supervision over the maintenance of the database.

(2) The data protection supervision authority shall be informed of the establishment of a database in writing.

(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

(3) The chief processor of the state register of databases and the Statistical Office shall provide an opinion on the legislation establishing a database specified in subsection (1) of this section.

(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

§ 41. Liquidation of state agency database

(1) The liquidation of a database shall be decided by the establisher of the database.

(2) Upon liquidation of a database, the transfer of data to another database, the state archives or state agency archives, or their destruction, and the time limits for their transfer or destruction are decided.

(3) Data are transferred by authorised processors at the responsibility of the chief processor in the presence of an authorised official of the state data protection supervision authority. Upon transfer or destruction of data, corresponding legal instruments shall be prepared.

Part 5

Local Government Databases

§ 42. Local government register

For the purposes of this Act, a local government register is a register necessary for the performance of functions imposed on a local government by corresponding Acts or other legislation or for the ensurance of management of the work of a local government.

§ 43. Establishment of local government registers

(1) Local government registers are established by local government councils pursuant to this Act and the procedures established by local governments.

(2) The establishment of a local government register is based on law or a resolution of the local government council.

(3) A register maintained jointly for the performance of functions of several local governments is established by a resolution of the corresponding local government councils; the corresponding county governors and the data protection supervision

authority shall be informed thereof in writing.

(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

(4) An explanatory memorandum appended to a proposal to establish a local government register shall set out:

- 1) the purpose of establishment and introduction of the register;
- 2) the list of data collected in the register;
- 3) the list of persons submitting data: who is required to submit data and which data are required to be submitted to the register pursuant to a resolution of the local government council or other legislation;
- 4) the list of data recipients who receive data without charge: who is entitled to receive data and which data is released to them pursuant to legislation;
- 5) the budget for work necessary for the introduction of the register;
- 6) calculation of expenditure for the maintenance of the register;
- 7) a proposal concerning the authorised processors of the register.

(5) The establisher of a register shall designate:

- 1) the name of the register;
- 2) the chief processor of the register: a local government body which directs the maintenance of the database and which may also maintain the database;
- 3) the authorised processor(s) of the register;
- 4) time limits for the performance of work necessary for the introduction of the register, the amount and sources of financing of such work;
- 5) the time limit for submission of the statutes for maintenance of the register.

(6) The chief processor of the state register of databases shall provide an opinion on the establishment documents of a database.

§ 44. Statutes for maintenance of local government register

(1) The statutes for maintenance of a local government register shall be approved by the local government council and the statutes shall provide for:

- 1) the purpose of establishment and introduction of the register;
- 2) the official name of the register;
- 3) the structure of the register and organisational structure of the maintenance of the register, the procedure for data processing at different levels, and exchange and comparison of data of different levels;
- 4) data to be entered in the register and the legal regime thereof;
- 5) persons who submit data to the register;
- 6) the list of source documents which are the basis for the registration of data

collected by persons who submit data to the register unless the list is provided by another Act;

- 7) the procedure and time limits for submission of data to the register;
- 8) (Repealed - 15.11.2000 entered into force 01.01.2001 - RT I 2000, 92, 597)
- 9) the persons who have the right to receive data without charge and the procedure for payment for data received from the register;
- 10) the procedure for release of data from the register;
- 11) lists of and procedures for consulting classified data and data, access to which is restricted, pursuant to law;
- 12) the conditions and procedure for closure of access to data;
- 13) the procedure for correction of inaccurate data and notification thereof;
- 14) the procedure for maintaining records of the receipt of data in and release of data from the register;
- 15) the persons entitled to exercise supervision over the maintenance of the register and the procedure for exercise of such supervision;
- 16) the procedure for financing the maintenance of the register;
- 17) the procedure for liquidation of the register.

§ 45. Other local government databases

For the purposes of this Act, a local government database is a database established for the performance of functions imposed on a local government by corresponding Acts or other legislation or for the ensurance of the management of its work.

§ 46. Establishment of local government databases

- (1) The head of a local government agency shall decide on the establishment of a database necessary for the performance of functions imposed on the local government by corresponding Acts or other legislation.
- (2) A local government database is established by the head of the local government agency or a person authorised by him or her.

§ 47. Procedure for establishment of local government database

- (1) In the legislation establishing a local government database, the establisher shall determine the following:
 - 1) the purpose of establishment and introduction of the database;
 - 2) the name of the database;
 - 3) the structure of the database;

- 4) the chief and authorised processors of the database;
 - 5) data to be entered in the database;
 - 6) (Repealed - 15.11.2000 entered into force 01.01.2001 - RT I 2000, 92, 597)
 - 7) the list of data not intended for public use pursuant to the State Secrets Act and Personal Data Protection Act;
 - 8) the procedure for exercising supervision over the maintenance of the database.
- (2) The data protection supervision authority shall be informed of the establishment of a database in writing.
- (30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

§ 48. Liquidation of local government database

- (1) The liquidation of a database shall be decided by the establisher of the database.
- (2) Upon liquidation of a database, the transfer of data to another database, state archives or local government archives, or their destruction, and the time limits for their transfer or destruction are decided.
- (3) Data are transferred by authorised processors at the responsibility of the chief processor and, upon transfer of personal data, in the presence of an authorised official of the state data protection supervision authority. Upon transfer or destruction of data, corresponding legal instruments shall be prepared.

Chapter 3

Supervision over Maintenance of Databases

§ 49. Data protection supervision authority

The state agency designated pursuant to § 34 of the Personal Data Protection Act shall exercise supervision over data protection.

§ 50. Rights of data protection supervision authority

In addition to the rights provided for in the Personal Data Protection Act, the data protection supervision authority has the right to inspect at all times the compliance of the maintenance of state and local government databases with Acts and other legislation; to issue, in the cases provided by law, licences provided by law for the processing and interbase cross-usage of data and for the combination, expansion and liquidation of databases; to resolve disputes arising from data processing and, pursuant to the procedure provided by law, to impose punishments for unlawful data processing

or violation of the procedure for maintenance of databases.

§ 51. Filing of challenges

A challenge against an administrative act or measure of the chief processor or authorised processor may be filed with the data protection supervision authority.
(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

Chapter 3¹

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

Liability

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 51¹. Failure to submit information and submission of false information in state or local government databases

(1) Failure to submit mandatory information and submission of false information in state or local government databases is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 51². Violation of procedure for maintenance of state or local government databases
Violation of obligations of the chief processor or authorised processor of a state or local government database upon maintenance of the database is punishable by a fine of up to 300 fine units.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 51³. Proceedings

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 105, 612; 2003, 4, 22; 83, 557; 90, 601; 2004, 7, 40) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156; 83, 557; 88, 590; 593) apply to the misdemeanours provided for in §§ 51¹ and 51² of this Act.

(2) The Data Protection Inspectorate is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in §§ 51¹ and 51² of this Act.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

Chapter 4

Implementing Provisions

§ 52. Bringing previously established state registers and databases into compliance with this Act

(1) The statutes of state registers or databases which are approved prior to the entry into force of this Act shall be brought into compliance with this Act within two years after the entry into force of this Act.

(2) The financing of collection of data in databases, maintenance of databases and receipt of data from databases shall be brought into compliance with this Act in the draft of the state budget for the year following the entry into force of this Act.

§ 53. Support systems for maintenance of databases

(1) Support systems for the maintenance of databases are the following:

- 1) the classifications system;
- 2) the geodetic system;
- 3) the system of address details;
- 4) the system of security measures for information systems;
- 5) the data exchange layer of information systems.

(2) Within the meaning of this Act, a classification is an identification rule which is used in state or local government databases and which classifies and unequivocally identifies similar objects on the basis of a certain feature or group of features. The classifications system consists of:

- 1) the requirements for classifications;
- 2) the classifications;
- 3) the administrators of classifications;
- 4) the users of classifications;
- 5) the list of classifications and the administrators thereof.

(3) Within the meaning of this Act, the geodetic system consists of:

- 1) the geodetic reference system;
- 2) the system of plane rectangular co-ordinates;
- 3) the height system;
- 4) the gravimetric system.

(4) Within the meaning of this Act, the system of address details is a body of uniform principles which ensures the identification of address objects in their location and in different databases and allows the comparison of addresses submitted at

different times and on different principles.

(5) Within the meaning of this Act, the system of security measures for information systems consists of:

- 1) the procedure for the specification of security measures;
- 2) the organisational, physical and IT security measures to protect data.

(6) Within the meaning of this Act, the data exchange layer of information systems is a technical and technological environment which conforms to the requirements and ensures the secure exchange of data over the Internet.

(7) The support systems for the maintenance of databases shall be established by the Government of the Republic. The Government of the Republic may delegate the establishment of the systems specified in clauses (1) 2) and 4) of this section to the appropriate minister. The appropriate ministries shall provide opinions on draft legislation concerning the support systems for the maintenance of databases.

(30.01.2003 entered into force 01.03.2003 - RT I 2003, 18, 107)

§ 53¹. Use of support systems for maintenance of databases

Use of support systems for the maintenance of databases is mandatory upon maintenance of all state and local government databases.

(30.01.2003 entered into force 01.01.2004 - RT I 2003, 18, 107)

§ 54. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 55. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 56. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 57. Repeal of State Registers Act

The Estonian Soviet Socialist Republic State Registers Act (*ENSV Teataja*² 1990, 3, 61) is repealed.

¹ RT = *Riigi Teataja* = *State Gazette*

² *ENSV Teataja* = *ESSR Gazette*