

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF FINLAND
AND THE GOVERNMENT OF THE REPUBLIC OF ESTONIA
ON POPULATION REGISTRATION**

In order to support the mobility and facilitate the registration of the population in their states and to develop their population registers by mutual cooperation and to arrange the exchange of personal data between the population registers as well as to increase the use of automatic procedures, the Government of the Republic of Finland and the Government of the Republic of Estonia (hereinafter referred to as “*the Contracting Parties*”) have agreed as follows:

CHAPTER I: General provisions

Article 1

Scope of the Agreement

1. This Agreement shall apply between Finland and Estonia (hereinafter referred to as “*the states*”) as follows:

1. to the notification and registration of data in the states’ population registers concerning persons, regardless of citizenship, who are registered as residents in one of the states and who intend to migrate or have migrated to the other state (hereinafter referred to as “migrants”). The provisions of Chapter II shall apply to notification and registration of data. However, the Agreement shall not apply if the migrant’s state of departure has not received the notification referred to in Article 6 within three months of the notified migration;
2. to the exchange of data between the states concerning citizens of Estonia who are registered in Finland’s population register and citizens of Finland who are registered in Estonia’s population register. The provisions of Chapter III shall apply to the exchange of data.

2. This Agreement shall apply to personal data in the states' population registers. Any obligation to disclose data shall only apply to a state to the extent that the data is available in its population register.
3. The Agreement shall only apply to personal data in the population registers that is valid at the time of notification, and no obsolete data shall be disclosed unless otherwise provided by this Agreement.
4. Where there is national legislation in place regarding processing restrictions or confidentiality of personal data, including but not limited to protected addresses, that legislation shall apply when data is disclosed under this Agreement.

Article 2

Definitions

1. For the purposes of this Agreement

a) the term "*place of residence*" means:

- i) in Finland, the person's municipality of residence and their abode there; and
- ii) in Estonia, the person's residential address registered in the population register;

b) the term "*temporary stay*" means a stay of less than 12 months in the state of arrival. As a rule, a temporary stay shall not be considered to constitute a place of residence referred to in this Agreement;

c) the term "*address*" means the address details of the place of residence recorded in the population register. With regards to Finland, it also refers to the address details of a person's temporary place of residence recorded in the population register;

d) the term "*identification number*" means:

- i) the personal identity code (henkilötunnus/personbeteckning) in Finland;
- ii) the personal identification code (isikukood) in Estonia; and
- iii) any other personal identifier that is considered equivalent to the above-mentioned identification numbers and is recorded in a population register;

e) the term “*state of arrival*” means the state in which a person has settled after migrating from the other state;

f) the term “*state of departure*” means the state from which a person has migrated to the state of arrival;

g) the term “*population register authority*” means the Ministry of Interior of the Republic of Estonia or the Digital and Population Data Services Agency of Finland;

h) the term “*other population register authorities*” means the contractual processors of the population register in Estonia and the State Department of Åland in Finland;

i) the term “*population register*” means the population register in Estonia and the Population Information System in Finland;

j) the term “*third party*” means any natural or legal person, public authority, agency or any other body other than the data subject, the population register authorities and the persons who, under the direct authority of a population register authority, are authorised to process personal data.

2. The state of arrival and the state of departure shall be determined for each migration in accordance with the definitions above and shall remain unchanged after each migration until the person migrates again from one state to the other.

3. The population register authority shall notify the other population register authority if its duties or the duties of other population register authorities are transferred to entities other than those mentioned above.

Article 3

Electronic exchange of data and purpose of exchange of data

1. The notifications specified in this Agreement may be transferred electronically between the population register authorities of the two states.

2. Each state shall pay its own costs incurred in delivering and receiving data under this Agreement.
3. Each state may process personal data received from the other state under Chapters II and III of this Agreement only for the purposes of maintaining and correcting data in its own population register to the extent that is necessary for the authorities to perform their statutory duties. However, after one state has made entries in its population register on the basis of personal data received from the other state, the data in the population register may be processed in accordance with national legislation and European Union legislation.

CHAPTER II: Notification and registration of population register data

Article 4

Obligations of a migrant

1. A person migrating from either state to the other shall notify the population register authority of the state of arrival about their migration in compliance with the legislation and regulations of that state and within the time period specified therein.
2. In connection with this notification, the migrant shall report their former place of residence, including municipality, that was valid in the state of departure prior to the migration, their identification number in the state of departure, and any other information required by the legislation of the state of arrival. The migrant shall also identify themselves by such official identification procedure as is required by national legislation or European Union legislation.
3. The migrant's residence in the state of arrival shall also be legal in accordance with its national legislation or European Union legislation. This Agreement does not alter or provide for an exemption from the preconditions for residence in either state or the responsibilities associated with this laid down in the national legislation or in European Union legislation.

Article 5

Competence to make a decision on a person's place of residence

1. The population register authority of the state of arrival shall decide whether or not the migrant shall be registered with a place of residence in the state of arrival. This decision shall be made pursuant to the legislation of the state of arrival.
2. If the population register authority of the state of arrival decides that the migrant shall be registered with a place of residence in the state of arrival, the migrant shall be assigned an identification number as soon as possible, following the same rules as those which apply to persons migrating to the state of arrival from states other than Finland or Estonia.
3. The population register authority of the state of departure shall record the migration in its register only after receiving a notification of the registration of a place of residence from the state of arrival.
4. If the population register authority of the state of departure disputes the truthfulness of the circumstances on which the registration of a place of residence is based, it may confer on the case with its counterpart in the state of arrival.

Article 6

Notification of registration of a migrant

1. Once the population register authority of the state of arrival has made a decision on whether the migrant shall be registered with a place of residence in the state of arrival, it shall notify the person in question and the population register authority of the state of departure about its decision.
2. The following personal data shall be disclosed to the population register authority of the state of departure:
 - 1) identification number in the state of departure;
 - 2) name;
 - 3) date of birth;
 - 4) place of birth;
 - 5) citizenships;
 - 6) gender;

- 7) identification number in the state of arrival;
- 8) date on which the person migrated to the state of arrival;
- 9) place of residence, including municipality;
- 10) local population register authority in the state of arrival.

3. The data indicated in subparagraphs 7–10 in paragraph 2 of this Article shall only be disclosed if, according to the decision, the person is registered with a place of residence in the state of arrival.

4. If the population register authority of the state of arrival later withdraws an earlier decision on registering a place of residence for a migrant, a notification shall be sent to the state of departure, including the data indicated in subparagraphs 1, 2, 8 and 9 in paragraph 2 of this Article.

Article 7

Disclosure of a migrant's personal data

1. Once the population register authority of the state of departure has received notification that a migrant has been registered with a place of residence in the state of arrival and has recorded this information in its register, it shall disclose the following personal data on the migrant to the population register authority of the state of arrival:

- 1) identification number in the state of arrival and the state of departure;
- 2) name;
- 3) date and place of birth;
- 4) gender;
- 5) citizenships;
- 6) civil status and the date on which the civil status has changed;
- 7) name, date of birth and gender of the migrant's current spouse or partner in a registered partnership;
- 8) name, date and place of birth, and gender of each of the migrant's children aged under 18 years, and information on whether or not the migrant is the custodian of each child;

9) if the migrant is aged under 18 years, the name, date and place of birth, gender and identification number in the state of departure of each of the migrant's parents and custodians.

Article 8

Determination of place of residence after the Agreement enters into force

1. The entry into force of this Agreement shall not affect the place of residence of any person who has a place of residence in either Finland or Estonia only.
2. A person who has a place of residence in both states when this Agreement enters into force shall, under this Agreement, only remain registered with a place of residence in one of the states. The person shall remain registered with the place of residence which they personally consider their place of residence due to their family relations, livelihood or other similar circumstances and with which the person, due to the aforementioned circumstances, has their primary connections. If the person's own opinion on their place of residence cannot be determined, they shall remain registered with a place of residence in the state where the place of residence last changed.
3. The determination of which place of residence the person shall remain registered with shall be made by the population register authority in the state where the person's place of residence last changed. The population register authority in question shall notify the population register authority of the other state of its decision.
4. No changes concerning the person's place of residence shall be made in the state where they remain registered with a place of residence. In the other state, where the person loses their place of residence, this place of residence shall be registered as having ceased and the person as having migrated to the other state. The date when this register entry is made shall be entered as the date of the cessation of place of residence and the date of migration.

Article 9

Exchange of data to enable the determination of a person's place of residence

1. To enable the determination of the place of residence in accordance with Article 8, the population register authority of each state shall disclose to its counterpart in the other state personal data

referred to in Article 9, paragraph 2 concerning persons who, on the basis of population register data, can be suspected to have a place of residence in both states. The data shall be delivered for each person who is registered with a place of residence in the state delivering the data and who, according to the population register data in the state delivering the data, also is:

- 1) a citizen of the other state; or
- 2) a citizen of a third state, a stateless person or a person with undetermined citizenship, who
 - a) has formerly been registered with a place of residence in the other state;
 - b) has or has had a temporary address in the other state;
 - c) was born in the other state; or
 - d) is known to have an identification number issued by the other state.

2. For the persons mentioned in the previous paragraph, the following personal data shall be delivered:

- 1) identification numbers issued by both states;
- 2) name;
- 3) date and place of birth;
- 4) gender;
- 5) address;
- 6) date on which the address was registered.

3. The personal data material received from the other state as referred to in this Article may only be used for the determination of place of residence referred to in Article 8. The material shall be deleted as soon as it is no longer needed for this purpose. After determining the place of residence, the personal data included in the material may only be kept as annexes to decisions or register entries concerning the determination of the place of residence, to the extent that this is necessary under national legislation or European Union legislation.

CHAPTER III: Exchange of data between the states' population register authorities

Article 10

Data to be exchanged between the population register authorities

1. The population register authorities shall disclose to each other the following data that has been recorded in the population register of Finland or Estonia regarding the persons mentioned in Article 1, paragraph 1, subparagraph 2:
 1. basic personal data;
 2. civil status;
 3. children aged under 18 years;
 4. parents and custodians, if the registered person is aged under 18 years;
 5. address.
2. The detailed data that shall be disclosed is listed in the Annex, which is an integral part of this Agreement.

Article 11

Delivery of data

1. The population register authority shall deliver any changes of the data listed in Article 10 and in the Annex of this Agreement which are recorded in the population register to the other population register authority at least once a week. The population register authorities may agree upon more frequent deliveries of data.
2. The delivery of data under paragraph 1 of this Article shall always include at least the identification number. If technically possible, the basic personal data referred to in Article 10, paragraph 1 shall be included.
3. If it is not possible to identify which person registered in the population register of the receiving population register authority the delivered data applies to, the delivering population register authority shall, upon a separate request of the receiving population register authority, and to the extent it is technically possible and possible under national legislation or European union legislation, deliver such additional data as is necessary for identifying the person. Such additional data shall only be used for this purpose.

Article 12

Checking of data

The population register authorities may submit separate requests for data related to persons within the scope of this Chapter for the purposes of checking the accuracy of the data. The population register authority disclosing any such data shall determine the procedure and means for individual disclosure.

Article 13

Security of data processing

1. The population register authorities shall, on the date of entry into force of this Agreement at the latest, inform the other population register authorities of this Agreement and the provisions therein concerning security of data processing and transferring of data.
2. If a population register authority discovers, or has reason to suspect, that the confidentiality or integrity of the data received in accordance with this Agreement has been violated, it shall inform the other population register authority thereof and take the necessary protective action without delay.

CHAPTER IV: Final provisions

Article 14

Procedures and technical solutions related to disclosure of data

The population register authorities may conclude separate agreements regarding the practical procedures and technical solutions related to the disclosure of data as well as arrangements on the introduction of the disclosure of data.

Article 15

Entry into force

1. This Agreement shall enter into force on the first day of the second month following the receipt of the last written notification by which the states have notified each other through diplomatic channels that the national legal requirements for the entry into force of the Agreement have been completed.
2. This Agreement may be amended by mutual written consent of the Contracting Parties. Any such amendments shall enter into force as stated in the first paragraph of this Article.
3. Once the Agreement has entered into force, each population register authority shall deliver to the other population register authority the information mentioned in Article 10 regarding citizens of the other state.
4. The Agreement Concerning Delivery of Data From Population Register signed between the Ministry of Interior of the Republic of Estonia and the Population Register Centre of Finland on 18

January 2005 shall terminate by a separate agreement when the exchange of data concerning persons referred to in Article 1, paragraph 1, subparagraph 2 of this Agreement begins.

5. The population register authorities shall separately agree upon the schedule according to which the notification and registration of data under Chapter II will commence, and according to which the measures provided for in Articles 8 and 9 will be taken in order to commence the procedures under Chapter II.

6. The exchange of data provided for in Article 10 shall commence with the death data mentioned under paragraph I.4 in the Annex to this Agreement within one year from the date of entry into force of the Agreement. The population register authorities shall separately agree upon the schedule for extending the exchange of data to comprehend all the data mentioned in the Annex to this Agreement.

Article 16

Termination

1. Either Contracting Party may terminate this Agreement by sending a written notification to that effect to the other Contracting Party through diplomatic channels. Termination shall take effect six months after the date on which the other Contracting Party received the notification of termination.

2. Either population register authority may, at any time, suspend the exchange of data under this Agreement immediately, if it has grounds to suspect that the protection of personal data or the security of data processing is endangered. The population register authority shall notify the other population register authority of the suspension in writing and without unnecessary delay. The population register authorities shall work together in good faith to resolve the issue. If the issue is not resolved, the Contracting Party may terminate this Agreement in accordance with paragraph 1.

3. If this Agreement is terminated, entries made in either state's population register based on data exchanged under the provisions of this Agreement shall continue to be considered reliable unless proven otherwise.

In witness whereof the undersigned, being duly authorised thereto by their respective governments, have signed this Agreement.

Done in duplicate at this ... day of ...,... 202[...] in the Finnish, Estonian and English languages, all texts being equally authentic. In case of divergence in interpretation, the English text shall prevail.

For the Government of the
Republic of Finland

For the Government of the
Republic of Estonia

ANNEX TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE REPUBLIC OF ESTONIA ON POPULATION REGISTRATION

According to Article 10 of the Agreement between the Government of the Republic of Finland and the Government of the Republic of Estonia on Population Registration, the population register authorities shall exchange the following data:

I. The registered person's basic personal data

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

II. Data on the registered person's civil status

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

III. Data on the registered person's children aged under 18 years

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

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

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

V. Data on the registered person's address

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