**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF LATVIA**

**AND THE GOVERNMENT OF THE REPUBLIC OF ESTONIA**

**ON THE EXCHANGE OF DATA FROM THE POPULATION REGISTER**

The Government of the Republic of Latvia and the Government of the Republic of Estonia (hereinafter referred to as the Contracting Parties),

willing to exchange personal data between their population registers to:

strengthen and develop good cooperation between the Republic of Latvia and the Republic of Estonia in the field of free movement of persons;

improve the effectiveness of discharge of the duties of the national authorities;

maintain and analyse statistical data regarding persons moving from the Republic of Latvia to the Republic of Estonia and *vice versa* and receiving the right of residence in the relevant state;

in reliance on the fact that the Republic of Latvia and the Republic of Estonia ensure proper protection of personal data of natural persons in accordance with binding international legislation,

have agreed as follows:

**Article 1**

**Definitions**

For the purposes of this Agreement:

1. “competent authority maintaining the population register” means the state authority of the Contracting Party responsible for the maintenance of the population register, i.e. the Office of Citizenship and Migration Affairs of the Republic of Latvia and the Ministry of the Interior of the Republic of Estonia, respectively;
2. “population register” means a system of population registration, which includes personal data for the purpose of state population registration, including the person’s given name and surname, date of birth, address of place of residence, marital status;
3. “person of interest” means a citizen, alien or stateless person (holding an alien’s or stateless person’s travel document) of the state of the Contracting Party, whose personal data is registered, for the purpose of population registration, on any ground in the population register maintained by the other Contracting Party assigning a personal identification code;
4. “state of departure” means the state of the Contracting Party, from which the person of interest moves and, as a result, personal data of the person of interest is included in the population register of the other Contracting Party;
5. “state of arrival” means the state of the Contracting Party, to which the person of interest moves and, as a result, personal data of the person of interest is included in the population register of this Contracting Party;
6. “registration” means the first recording of the data relating to a person of interest into the population register of the state of arrival, which is accompanied by issuing of a personal identification code;
7. “place of residence” means the address of a person of interest in the population register;
8. “personal data” means data relating to a person of interest as specified in the Annex to this Agreement.

**Article 2**

**Data to be delivered**

1. Competent authorities maintaining the population register shall exchange data that has been recorded in the population register concerning:

1. the person of interest;
2. place of residence of the person of interest;
3. data relating to a document confirming the events referred to in sub-paragraphs 4–6 of paragraph 1 of this Article;
4. marriage of the person of interest registered or terminated (the word *terminated* hereinafter includes termination of marriage on any ground, incl. dissolution or recognition as invalid) outside the state of departure;
5. death of the person of interest;
6. birth and death of a child under 18 years (who is not the person of interest) of the person of interest.

2. The detailed list of the data is set out in the Annex that forms an integral part of this Agreement.

3. If a person of interest who has moved to the state of arrival moves back to the state of departure, the latter shall inform the other Contracting Party of the change of the place of residence.

**Article 3**

**Delivery of data of person of interest**

1. The competent authority maintaining the population register of the state of arrival shall deliver the data (including changes in the data) listed in the Annex to this Agreement, which has been recorded in the population register within one calendar month regarding the person of interest, to the competent authority maintaining the population register of the state of departure once a month, but no later than on the 15th day of the next month.

2. If it is impossible to identify the person of interest using the data listed in the Annex to this Agreement, the competent authority maintaining the population register and delivering the data shall deliver, upon the individual request of the other Contracting Party, additional data that can be exchanged concerning the person of interest. The additional data shall only be used for the identification of the person of interest.

3. The competent authorities maintaining the population registers shall agree on procedures for exchange of data, the data to be exchanged and technical solutions related to the delivery of the data listed in the Annex to this Agreement. The competent authorities maintaining the population registers shall inform each other of contact details required for the procedures for exchange of data and technical solutions.

**Article 4**

**Use of data**

1. The competent authorities maintaining the population registers shall process the data listed in this Agreement to perform their legal duties.

2. Any processing of the personal data received under this Agreement shall be based upon the relevant norms of national and international law relating to the population register and the protection of personal data.

**Article 5**

**Security of data processing**

1. The competent authorities maintaining the population registers shall take measures to ensure secure processing of the data listed in this Agreement and to exclude accidental or unauthorised deletion of the data listed in this Agreement, loss thereof or illegal access thereto.

2. The competent authorities maintaining the population registers shall be responsible for the accuracy of the data delivered. For the purpose of ensuring the accuracy of the data delivered, either Contracting Party may submit a request for additional data to the other Contracting Party in justifiable individual cases.

3. The competent authority maintaining the population register and delivering the data shall notify the competent authority maintaining the population register and receiving the data of inaccuracies in the data delivered in order to be able to correct the data.

4. If the data delivered is false or the delivery of such data has not been agreed upon in this Agreement, the competent authority maintaining the population register and receiving the data shall notify the competent authority maintaining the population register and delivering the data thereof. In such case the competent authority maintaining the population register and delivering the data shall correct the data and resend the data to the competent authority maintaining the population register and receiving the data.

5. The authorities maintaining the population registers shall ensure that the content of this Agreement is introduced to the personnel involved in personal data processing in the population registers.

**Article 6**

**Other obligations**

The Contracting Parties shall inform each other in writing through diplomatic channels if the duties of the competent authority maintaining the population register are transferred to another authority not mentioned in sub-paragraph 1 of Article 1 of this Agreement.

**Article 7**

**Costs related to delivery of data**

The costs related to the delivery of personal data shall be covered by the state of the Contracting Party that has delivered the data.

**Article 8**

**Validity, amendments and termination of the Agreement**

1. This Agreement has been entered into for an indefinite period of time.

2. The Contracting Parties may amend this Agreement by drawing up a Protocol that shall become an integral part of this Agreement and enter into force according to Article 10 of this Agreement.

3. Either Contracting Party may terminate this Agreement at any time by sending a written notification to the other Contracting Party through diplomatic channels. Such termination shall take effect six months after the date of the receipt of such notification.

4. Either Contracting Party may suspend the performance of this Agreement at any time by sending a written notification to the other Contracting Party through diplomatic channels if the first Party has grounds to suspect that the privacy of the personal data or the security of the data processing is jeopardised. The suspension shall take effect on the date of receipt of the notification. The suspending Contracting Party may continue to perform the Agreement at any time by sending a written notification to the other Contracting Party through diplomatic channels. The performance of the Agreement shall continue from the date of receipt of such notification.

5. In case of termination or suspension of this Agreement, all the data received shall remain at the disposal of the Contracting Party that has received the data.

**Article 9**

**Disputes**

1. Any disputes concerning the interpretation or performance of this Agreement shall be settled by way of direct negotiations between the competent authorities maintaining the population registers.

2. If an agreement is not reached by way of direct negotiations specified above, the dispute shall be settled through diplomatic channels.

**Article 10**

**Entry into force**

1. The Contracting Parties shall notify each other in writing through diplomatic channels that the national legal procedures necessary for entry into force of this Agreement have been completed. The Agreement shall enter into force on the 30th day after the date of receipt of the later notification.

2. The competent authority maintaining the population register of the state of arrival shall deliver the data listed in this Agreement related to the person of interest and effective at the time of entry into force of this Agreement to the competent authority maintaining the population register of the state of departure not later than six months after entry into force of this Agreement.

Done at \_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_ in duplicate in the Latvian, Estonian and English languages, one for each Contracting Party. All the texts are equally authentic. In case of divergence of interpretations, the English text shall prevail.

|  |  |
| --- | --- |
| FOR THE GOVERNMENT OF THE REPUBLIC OF LATVIA | FOR THE GOVERNMENT OF THE REPUBLIC OF ESTONIA |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**ANNEX**

**TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF LATVIA AND THE GOVERNMENT OF THE REPUBLIC OF ESTONIA**

**ON THE EXCHANGE OF DATA FROM THE POPULATION REGISTER**

According to Article 2 of the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Estonia on the exchange of data from the population register, the competent authorities maintaining the population registers shall exchange the following data.

**1. Person of interest**

1. Surname
2. Given name
3. Personal identification code assigned by the Republic of Estonia
4. Personal identification code assigned by the Republic of Latvia
5. Gender
6. Date of birth
7. Place of birth
8. Citizenship

**2. Place of residence of the person of interest**

1. Address of place of residence
2. Registration date of place of residence
3. Annulment date of place of residence

**3. Data relating to a document regarding events referred to in sub-paragraph 3 of paragraph 1 of Article 2 of this Agreement**

1. Type of document
2. Number of document
3. Date of issue of document
4. Issuing authority of document

**4.** **Marriage of the person of interest registered or terminated outside the state of departure**

1. Surname of the person of interest prior to the registration or termination of marriage
2. Surname of the person of interest after the registration or termination of marriage
3. Place of registration or termination of marriage
4. Date of registration or termination of marriage
5. Authority that registered or terminated marriage
6. Surname of the spouse of the person of interest prior to the registration or termination of marriage
7. Surname of the spouse of the person of interest after registration or termination of marriage
8. Given name of the spouse of the person of interest
9. Personal identification code of the spouse of the person of interest assigned by the Republic of Estonia
10. Personal identification code of the spouse of the person of interest assigned by the Republic of Latvia
11. Gender of the spouse of the person of interest
12. Date of birth of the spouse of the person of interest
13. Place of birth of the spouse of the person of interest
14. Citizenship of the spouse of the person of interest
15. Date of death of the spouse of the person of interest
16. Place of death of the spouse of the person of interest
17. **Death of the person of interest**
18. Date of death
19. Place of death

**6. Birth and death of a child** **under 18 years (who is not the person of interest) of the person of interest**

1. Surname
2. Given name
3. Personal identification code (if available)
4. Gender
5. Date of birth
6. Place of birth
7. Citizenship (if available)
8. Date of death
9. Place of death
10. Surname of the parent
11. Given name of the parent
12. Personal identification code of the parent
13. Gender of the parent
14. Date of birth of the parent
15. Place of birth of the parent
16. Citizenship of the parent

|  |  |
| --- | --- |
| FOR THE GOVERNMENT OF THE REPUBLIC OF LATVIA | FOR THE GOVERNMENT OF THE REPUBLIC OF ESTONIA |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

Iekšlietu ministrs R.Kozlovskis

Vīza: Valsts sekretārs D.Trofimovs

2018.07.17. 12:15

2223

A.Niščaks

67219179, aleksejs.niscaks@iem.gov.lv