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Establishment of a national DNA registry and record-keeping statutes

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[As amended by \(show\)](#)

Of the " [Law of Forensic Science](#) "9 §¹ paragraph 3.

[[RT I 2009, 64, 435](#) - entered into force. 01/01/2010]

1st CHAPTER GENERAL

§ 1 Establishment and name of

It establishes a national register of the official name "National Register of DNA" (the *registry*), in English " *National DNA Database* . "

§ 2 The chief controller and a processor

(1) The chief processor of the Department of Justice.

[[RT I 2009, 18, 110](#) - entered into force. 21/03/2009]

(2) The authorized processor of the Estonian Forensic Science Institute.

[[RT I 2007, 67, 415](#) - entered into force. 01/01/2008]

§ 3 Establishment of the register maintained for the purpose

And the establishment of the register maintained for the purpose of the statute, and the register of any DNA samples obtained from the processing of data.

[[RT I 2010, 32, 159](#) - entered into force. 06/18/2010]

§ 4 Registration instructions regulating the work of

Registration work is governed by the code controller.

[[RT I 2009, 18, 110](#) - entered into force. 21/03/2009]

2nd Chapter

Structure of Register, to be entered and the legal regime

§ 5 Register structure and composition

- (1) The register is a single-level computerized database and files on paper.
- (2) The register shall consist of:
 - 1) electronic databases,
 - 2) paper files;
 - 3) of the electronic media,
 - 4) entry book.

§ 6 to be entered

- (1) Anonymised DNA samples are entered into a database, sample code, the basic reference document and a DNA profile.
- (2) A DNA sample taken from a person (a personalized DNA sample), the entered into a database, in addition to those listed in paragraph 1 a person's first and last name, ID number or birth date. If a person has had other names, including those entered in the database.

§ 7 in the register of data entered in the various

The information in the legal meaning of the Act.

3rd Chapter

DATA REGISTRATION AND ACCESS TO DATA REGISTER

§ 8 data to the register

Data repository performers are:

- 1) "Criminal Procedure Code," § 31 of the investigative agencies;
[[RT I 2010, 32, 159](#) - entered into force. 06/18/2010]
- 2) Extra-judicial proceedings;
- 3) Prosecutor's Office,
- 4) the court,
- 5) in prison, 6) -7) [Repealed - [RT I 2010, 32, 159](#) - entered into force. 18.06.2010], 8) national expert bodies.

§ 9 Database registration documents

Source documents are:

- 1) expertise in regulation,
- 2) expert,
- 3) a DNA sample cover letter,
- 4) a DNA sample form (added to the regulation),
- 5) an international search the DNA profile of the application form (*Interpol DNA Profile Search Request Form*).

§ 10 Data Recording

- (A) Authorized transfers the data processor of the register not later than five working days after receiving a DNA profile.
- (2) The data recorded in the register, and the maker of the entry date of such entry.

§ 11 recipients of the registry data

(1) The data are not subject to disclosure.

[[RT I 2009, 64, 435](#) - entered into force. 01/01/2010]

(2) The registry information for the right to:

- 1) a state forensic institution by law or pursuant to the act of performing obligations,
- 2) DNA analysis-making authority to them by law or pursuant to the act of performing obligations,
- 3) research institutions to them by law or pursuant to this act of performing obligations,
- 4) intelligence or security services to law or under the act of performing obligations,
- 5) judicial proceedings by law or pursuant to the act of performing obligations;
- 6) proceedings in the rights of the person pending criminal case related to the,
- 7) The courts and the Prosecutor's Office to perform the duties assigned by law, 8) -9) [Repealed - [RT I 2010, 32, 159](#) - entered into force. 06/18/2010]10) a foreign official international conventions, international agreement or cooperation of state, 11) for other parties to register themselves for access to data held.

(3) "Republic of Austria, Belgium, Spain, Luxembourg, the Netherlands, the French Republic and Federal Republic of Germany between the particular counter-terrorism, transnational crime and illegal migration, fight against cross-border cooperation agreement" the United States contact points may register to conduct automated searches or comparisons with the cases and pursuant to the contract.
[[RT I 2007, 67, 415](#) - entered into force. 01/01/2008]

§ 12 Data release

(1) The authorized processors, the registrar of DNA profiling data on the existence of § 11 of the listed entities or persons under a written return.

(2) Data from two or more DNA profiles match, or no match pointing to a possible origin of their DNA samples from the same or different sources, released from the register of DNA profiles and / or the requesting agency head or the body conducting the proceedings.

(3) other countries can send data to fulfill its obligation under European Union law, international conventions, treaties, or national co-operation agreement in the cases and procedures.

(4) The data are issued on paper or electronically, or both in agreement with the Data Recipient.

(5), Interpol and Europol, international inquiries shall be answered in accordance with the format.

(6) The data issued free of charge, except for the "Public Information Act," § 25 paragraph 2 of the cases.

(7) The authorized processors to keep records as to whom, for what purpose, when, how and what data is released.

§ 13 Data Processing

(1) Data processing register follow the "Public Information Act" and legislation established on the basis of this.

[[RT I 2007, 67, 415](#) - entered into force. 01/01/2008]

(2) The data processing are required to maintain the confidentiality of those records become known to the processing of personal data.

§ 14 Data Exchange

Register of the controller and the processor is authorized by law or permitted by this Act to fulfill the tasks assigned to him to make inquiries and obtain information from other state or local government

databases of data controllers in accordance with an agreement between the Government of the Republic 24th April 2008. Regulation No. 78 "Information Systems data exchange."

[[RT I 2009, 18, 110](#) - entered into force. 21/03/2009]

§ 15 Security measures for maintaining the Register

(1) The safety class is K1T1S2. The authorized processors implement organizational and technical measures to protect data from registers and documents processing and destruction of the permission and to ensure data integrity and availability of the register requirements.

[[RT I 2009, 18, 110](#) - entered into force. 21/03/2009]

(2) employees and visitors to stay in the reception rooms provide for the procedure rules of the internal processor.

(3) The register shall be kept locked and secure processing device equipped rooms, where you have access only to authorized persons.

(4) for entering data, saving or making inquiries to set up a user group.

(5) Approved processor officers' rights to use the records set job descriptions. The rights to remain within controlled by software. The data on who and when used on, the software stored in the database log files to be kept for two years, and the data stored on the storage end of the immediately deleted.

[[RT I 2007, 67, 415](#) - entered into force. 01/01/2008]

§ 16 ensure the accuracy of data entered in the register

Register (1) responsible for the accuracy of the data by the data.

(2) If information discovered by the registry has incorrect information, he shall immediately provide the correct information.

(3) An authorized person who submitted the data processor has the right to submit inquiries to verify the correctness of the data and the accuracy of the information through other databases.

§ 17 Correction of inaccurate data

(1) The incorrect data is detected in the data processor is required to notify the complainant within three working days to correct the mistakes and correct the data discovered.

(2) making improvements in the entry book recorded by the customs data, the time correction and a correction was made based on the document. Authorized controller maintains the correct data, or a certified copy of the document.

§ 18 Retention of records

(1) personal data stored in the registry for 10 years after the death of the person, then they are deleted from the electronic database. Non-personal information stored in the registry for 75 years, after which the information in the database is deleted.

(2) If the processor detects the DNA samples match the DNA profile of personalized and non-personal profile of a DNA sample, sample non-personal data is erased from the database of the coincidence of the notification.

(3) limits for the storage of data supporting documents meet the deadlines set out in paragraph

1. Deadline has passed, given the basic documents "of the Archives Act" of the decision over to the archival or destruction.

(4) Source documents are kept on paper files and electronic media.

4th Chapter

SUPERVISION AND FINANCING THE REGISTRY AND ERADICATION OF THE REGISTER

§ 19 Supervision of maintenance of register

- (1) shall exercise supervision over the legality of keeping a register Data Protection Inspectorate. Supervision is exercised over the maintenance of the register controller registers.
- (2) A person authorized to supervise the registered right of access to information and the source documents, enter premises where they are located where the data is processed and processing equipment, and obtain information on the Register and use.
- (3) The authorized processors are required to eliminate deficiencies in maintaining the register by the deadline set by a supervisory person.

§ 20 Financing of the register

- (1) Establishment and maintenance is financed from the state budget earmarked amounts in the Estonian Forensic Science Institute of the budget line.

[[RT I 2007, 67, 415](#) - entered into force. 01/01/2008]

- (2) register for entering the necessary organizational and technical resources to finance the state budget dedicated processors, the authorized budget amounts.

§ 21 Liquidation of register

Removing a decision by the Government. Registration is liquidated pursuant to the "Public Information Act" and the "Archives Act" requirements.

[[RT I 2007, 67, 415](#) - entered into force. 01/01/2008]

5th Chapter IMPLEMENTATION

§ 22 [repealed - [RT I 2007, 67, 415](#) - entered into force. 01/01/2008]

14th Government December
2006. Regulation No. 259
"National DNA register and the
register of stipulations"
more