

Swedish Code of Statutes

Police Data Act;

issued on 11 June 1998.

According to the parliamentary decision 1 provides.

SFS 1998:622

Published June 24, 1998

GENERAL PROVISIONS

Scope of the Act

1 § This law applies in addition to Personal Data Act (1998:204) in the treatment of personal data in police activities and police in the Economic Crimes Bureau to

1. Preventing crime and other disturbances of public order and safety;
- 2nd monitor public order and safety, Prevent the disruption thereof and to intervene when such has occurred or
- 3rd conduct reconnaissance and investigation of Criminal Offenses Which are subject to public prosecution.

The law also applies to the processing of such information Referred to in 25 and 26 § §.

The Act does not apply to the processing of personal data carried out under the Act (1998:620) on the load index, the Act (1998:621) on suspicion index, the Act (2000:344) on the Schengen Information System or the Act (2006:444) on the passenger records. Lag (2006:446).

Ändrad 2000-06-07 gm [SFS 2000:349](#) pdf, ikraft 2000-12-01

Ändrad 2003-12-05 gm [SFS 2003:874](#) pdf, ikraft 2004-01-01

Ändrad 2006-06-07 gm [SFS 2006:446](#) pdf, ikraft 2006-09-01

§ 2 The provisions of § § 10-36 apply only to automated data processing.

Definitions

3 § In this Act medunderrättelseverksamhet: policing, which is to gather, pray, work and analyze information to clarify whether criminal activity has been exercised or may be exercised and which do not constitute criminal investigation under Chapter 23. Code of Judicial Procedure,

criminal intelligence: intelligence other than the activities of the Security Police, serious criminal activity means any activity involving crimes for which is a mandatory sentence of two years or more,
special investigation: an investigation of criminal intelligence that involves the collection, processing and analyzing data in order to provide a basis for decisions about investigations or specific measures to deter, prevent or detect crime;

DNA analysis: each procedure can be used for the analysis of deoxyribonucleic acid.

The concepts which are otherwise used in this Act have the same meaning as in the Personal Data Act (1998:204). ([1998:204](#)).

Privacy Manager

4 § National Police is a data controller for data processing as referred to in 23, 25 and 29 § §.

Processing of sensitive personal data

§ 5 Information on a person shall not be treated solely on the basis of what is known about the person's race or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual orientation.

If information about a person is treated on a basis other data may be supplemented by the information referred to in the first paragraph, if it is necessary for the intended purpose.

Disclosure

6 § data necessary to produce the right statistics to be submitted to the authority responsible for the production of statistics.

§ 7 Data may be disclosed to a foreign authority or an international organization, if the disclosure resulting from an international agreement to Sweden after the parliamentary approval has been installed.

The Government may issue regulations on the information at the request may be submitted to a police or prosecutor in a state that is connected to the Interpol, if necessary for the authority or organization must be able to prevent, detect, investigate or prosecute crimes.

Information may also be disclosed as shown in Chapter 8. 3 § publicity and Secrecy (2009:400). Lag (2009:475).

Ändrad 2009-06-02 gm [SFS 2009:475](#) pdf, ikraft 2009-06-30

§ 8 The Government may issue regulations concerning the information may be released in cases other than those set out in 6 and 7, § §.

Correction and compensation

§ 9 The provisions of the Personal Data Act (1998:204) for correction and compensation for the processing of personal data under this Act or under regulations that have been issued under the Act.

The rule in 48 § second paragraph of the Personal Data Act (1998:204) does not exist for the processing of personal data under the Convention on the application of the Schengen Agreement of 14 June 1985. Lag (2000:349).

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PROVISIONS FOR AUTOMATED MEDICAL

Data processing of the residual suspicion

§ 10 If a criminal investigation against a person has been shut down due to lack of evidence, data on crimes suspect being treated for any purpose other than filing only if:
1. the suspect under investigation leader's assessment still is reasonably suspected of the crime and

2nd data needed for the preliminary investigation to be reopened.

11 § If a prosecution against a person has closed or if he has the force of res judicata has been acquitted, the information on crimes suspect being treated for any purpose other than filing only

1. If the inquiry be reopened or

2nd for review of a specific remedy pursuant to Chapter 58. Judicial Procedure.

§ 12 The provisions of 10 and 11 § § does not apply to the Security Police.

Thinning

§ 13 Data no longer required for its purposes shall be culled unless otherwise specified in this Act. This does not apply to information in an investigation.

The government, or authority, the Government may issue regulations concerning the retention of data for historical, statistical and scientific purposes.

Crime Intelligence

§ 14 The criminal intelligence, personal data may be processed only if

1. a special investigation has been launched under the auspices of the National Police or a police authority and
- 2nd there is reason to believe that serious crime has been exercised or may be exercised.

Information about an individual that there is no suspicion against shall be provided with an indication of that fact.

Personal data may also be treated in the criminal intelligence records in accordance with § § 17-21.

15 § Police Authority or the National Police Board's decision on the processing of personal data in accordance with § 14 shall contain information about the purpose of reading the terms and conditions which are needed to prevent undue interference with the data privacy.

National Police shall maintain a list of all decisions concerning the processing of personal data in criminal intelligence.

§ 16 Data processed according to § 14 shall be culled within one year after the decision on the treatment of personal data was taken. If it is of particular importance to the special investigation be closed, however, the data are processed for longer.

The government, or authority, the Government may issue regulations concerning the retention of data for historical, statistical and scientific purposes.

Criminal Intelligence Records

Purpose

§ 17 criminal intelligence files shall be implemented only to

1. provide a basis for decisions on special investigations involving serious criminal activity or
2. facilitate access to general information related to intelligence.

§ 18 criminal intelligence files shall be conducted by the National Police or a police force. The authority for the registry is personal task manager for the processing of personal data in the registry.

Content

19 § A criminal intelligence records may contain information that can be attributed to an individual only if the data gives reason to believe that serious criminal activity or exercise may be exercised and provided with the information reasonably be suspected of having exercised or will exercise serious criminal activity.

Information on transport, or goods likely to be related to serious criminal activity or if the facilities likely to have been used in connection with such activities may be registered even if the data can be attributed to an individual as there is no suspicion against. The data is thereby provided with information that there is no suspicion against him.

20 § A criminal intelligence records may contain only

1. information on the origin of the recorded data will and if the declarant's credibility,
2nd identification data,
3rd information on specific physical characteristics,
4th the circumstances and events that it may be presumed that the registered exercised or may exercise serious criminal activity,
5th information on goods, criminal tools and transport,
6th file number and
7th reference to a specific study where data on the data processed and the records kept by the police, tax or customs authority in which the data if the data exists. Law (1999:96).

Ändrad 1999-03-16 gm [SFS 1999:96](#) pdf

Thinning

§ 21 Data in a criminal intelligence records of a registered person shall be culled within three years after the statements that he may reasonably be suspected of having exercised or will pursue serious criminal activity later introduced. If a special investigation relating to a registered person has begun, but the data may be retained until the investigation is completed.

Government or any authority designated by the Government, may issue regulations concerning the retention of data for historical, statistical and scientific purposes.

Records containing information on DNA analysis in criminal cases

Purpose

22 § Information on the results of DNA analysis may be processed only in order to facilitate the identification of persons in connection with the investigation of crimes. National Police must keep records (DNA records, investigative records and trace records) in accordance with § § 23-27 of the data processed.

Such information referred to in the first paragraph may also be treated in investigations and special investigations. Lag (2005:877).

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DNA index

23 § A DNA record may contain information about the results of DNA analysis has been done under the provisions of Chapter 28. Procedure Code and related persons
1. by res judicata decision has been sentenced to penalties other than fines, or
2nd has approved a penal related probation. Lag (2005:877).

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§ 24 The registration of an analytical result is restricted to data that provides information about the applicant's credentials. Analysis results that can provide information about the data subject's personal characteristics may not be registered.

Notwithstanding the first paragraph, the DNA code contain only information that shows in which case the analysis has been made and by whom the analysis is made.

Investigation Records

24 a § An investigation records may contain information about the results of DNA analysis has been done under the provisions of Chapter 28. Code of Judicial Procedure, relating to persons who are reasonably suspected of an offense in which imprisonment may follow.

As mentioned in § 24 applies also to the registration of the investigative record. Lag (2006:877).

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Track Records

25 § A track record may contain information on DNA analysis has been done during the investigation of crimes and not attributable to an identifiable person. In addition to data on the analysis results, a trace records contain only information that shows in which case the analysis has been made.

26 § Details of track record can only be compared with analytical results

1. not attributable to an identifiable person,

2nd contained in the DNA code, or

3rd attributable to a person who is reasonably suspected of crimes. Lag (2005:877).

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Thinning

27 § Details of the DNA code must be culled at the latest when the data on the data culled from the load register under the Act (1998:620) on load records.

Information in investigative records shall be culled at the latest when the data if the data may be entered in the DNA code, or when the investigation or prosecution being abandoned, dismissed indictment, prosecution is upheld but the sentence is determined solely fines or where he approved a punishment designed only fines.

Data in the track record to be culled later than thirty years after enrollment. Lag (2005:877).

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27 a § A sample for DNA analysis that has been taken under the provisions of Chapter 28. 12-12 b § § Code of Judicial Procedure shall be destroyed not later than six months after the sample was taken.

If the information contained in investigative records shall be culled at an earlier date in accordance with 27 §, is also the sample relating to the data be destroyed later at the same time.

If the sample is taken from someone who is reasonably suspected of crimes, the sample is destroyed once the case or matter is definitively resolved. Lag (2005:877).

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The use of samples for DNA analysis

28 § If in connection with the investigation of a crime has taken a sample for DNA analysis, the test may not be used for any purpose other than that for which it was taken. Lag (2005:877).

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Fingerprint and register descriptions

Purpose

29 § In order to facilitate the identification of persons in connection with crimes may Rikspolisstyrelsen process data in the fingerprint and register descriptions. Such a register may be used for identification of unknown persons in other cases.

Such information referred to in the first paragraph may also be treated in investigations and special investigations.

Content

30 § Fingerprints and descriptions registry may only contain information on persons suspected or convicted of crimes or who have been fingerprinted according to § 19 Act (1991:572) on the special immigration control. In such a register may only be recorded details of

1. fingerprints,
2. descriptions,
3. identification data and
4. file number.

Fingerprint and register descriptions may not contain information provided by a person under fifteen years under § 36 first paragraph 2 Act (1964:167) include special provisions for young offenders. Lag (2006:900).

Ändrad 2006-06-26 gm [SFS 2006:900](#) pdf, ikraft 2007-01-01

Thinning

§ 31 Tasks of fingerprint records or descriptions of a suspect must be eliminated when the preliminary investigation or prosecution of the person being abandoned or when the indictment dismissed. The data may be kept longer if other information about the data should be treated under § 10 or 11. When this information is also culled data for fingerprint and register descriptions culled.

If the data is convicted, the entries in the register culled by the date on which the data culled from the load register under the Act (1998:620) on load records.

The Government may issue regulations on the thinning of the details of the person providing fingerprints under the Act (1991:572) on the special immigration control.

FBI code (SÄPO-registret)

Purpose

32 § Security Service shall maintain a register (FBI code) which has the objective

1. To facilitate investigation in order to prevent and detect crimes against national security,
2. To facilitate investigation in order to combat terrorist crimes in accordance with § 2 Act (2003:148) concerning penalties for terrorist crimes and
3. to form a basis for registerkontroll under security law (1996:627).

The Security Service is a data controller for the processing of personal data in the registry. Lag (2003:157).

Ändrad 2003-05-07 gm [SFS 2003:157](#) pdf, ikraft 2003-07-01

Content

33 § FBI registry may contain data pertaining to an individual only

1. if the data subject may be suspected of having exercised or will pursue criminal activities involving threats to national security or terrorist offenses under § 2 Act (2003:148) concerning penalties for terrorist crimes;
2. if the person has undergone registerkontroll under security law (1996:627) or
3. if, having regard to the registry's purpose is otherwise special reason for it.

These records shall show the basis on which registration was effected.

The Government may issue detailed regulations on which personal data may be recorded. Lag (2003:157).

Ändrad 2003-05-07 gm [SFS 2003:157](#) pdf, ikraft 2003-07-01

34 § FBI registry may only contain

1. identification data,
- 2nd data base for registration and

3rd Referring to the cases where data on the data processed.

Thinning

§ 35 Data registered under Article 33 § 1 or 3 shall be culled within ten years after such an indication of the person who can lead registration was introduced later. If there are special reasons, however, the data be retained for longer.

Government or any authority designated by the Government, may issue regulations concerning the retention of data for historical, statistical and scientific purposes.

Load index, index of suspicion and the Schengen Information System

36 § If the obligation of the National Police to conduct load and index of suspicion and a national register that is connected to the Schengen Information System are provisions in the Act (1998:620) on the load index, the Act (1998:621) on suspicion records and the law (2000:344) on Schengen Information System. Lag (2000:349).

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Transitional

Transitional provisions

1998:622

1. This Act comes into force on the date the Government.

2nd For the personal data of October 24, 1998 conducted by the Data Inspection Board authorized the provisions of the Data Act (1973:289) until 31 December 2009. For such a register is, however, § § 6-8 apply from that date. Lag (2008:880).

2005:877

1. This Act comes into force on 1 January 2006.

2nd Older provisions of § 23 is still valid if the sample for DNA analysis were taken before entry into force or if the rules which provides support for recording the results of a DNA analysis of the DNA code has been issued before the entry into force

<http://www.notisum.se/RNP/sls/fakta/a9980622.htm>