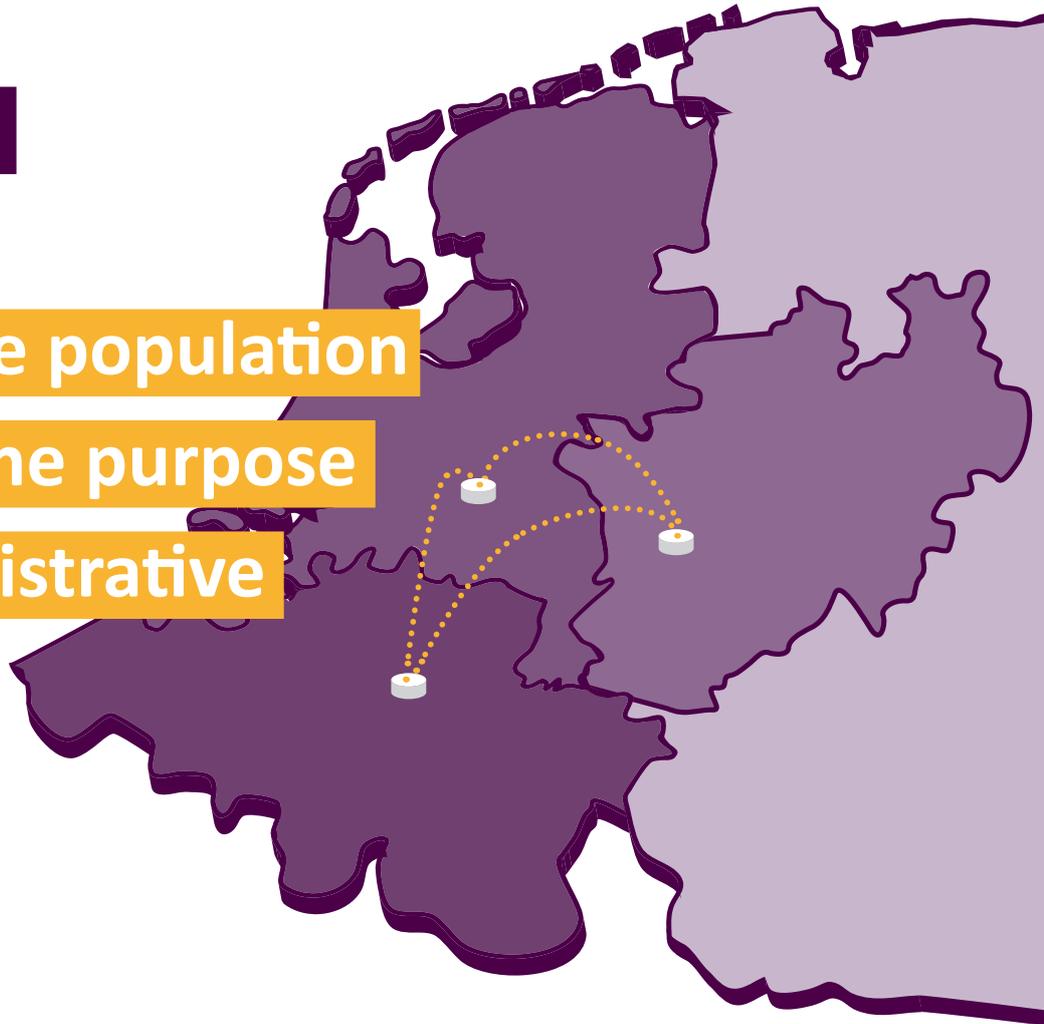


Cross-border exchange of data from the population register for the purpose of the administrative approach

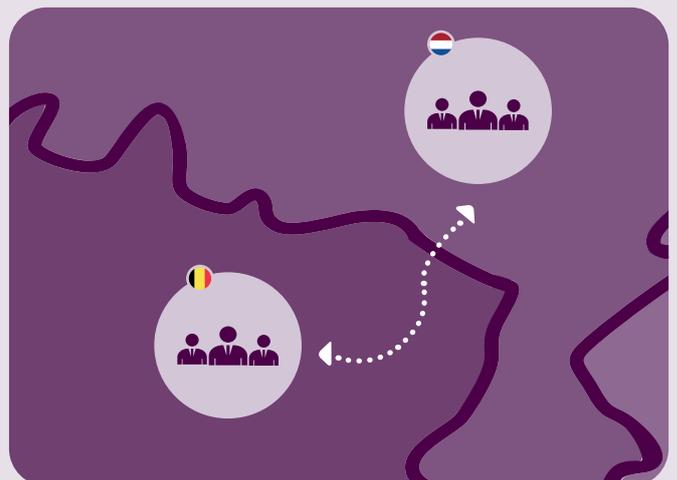


Cross-border crime and the role of local government

- Within the European Union, living and working across borders has become a significant advantage and a matter of course.
- However, crime doesn't stop at the border! Criminals consciously use borders to stay under the administrations' radars.
- For an administrative approach, a proper information position is essential.
- Data from the population register in another country can be crucial for an improved information position of local government and for using administrative enforcement tools in combating organised crime.

CASE: A building is administratively closed in the Netherlands after a drugs discovery. The subject then moves to Belgium. In order to serve the subject with the decision to close the property, it is necessary to know where the subject has moved in Belgium.

The content of this report represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.



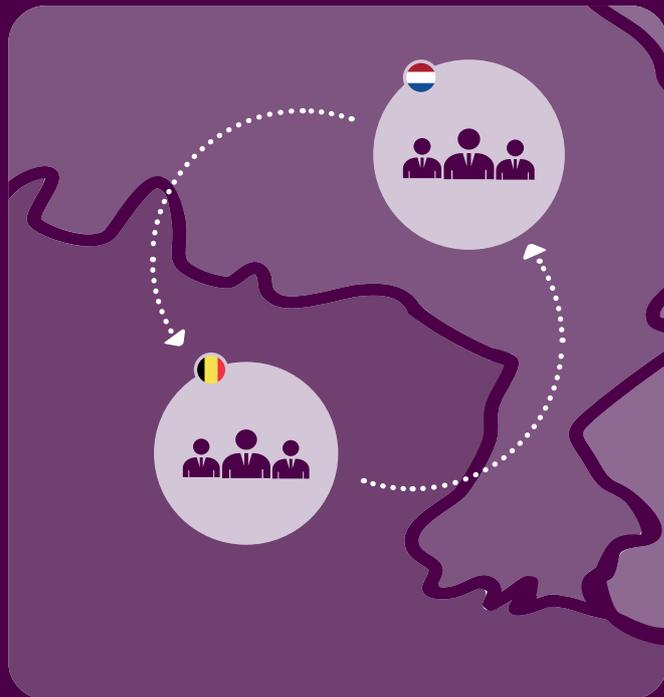
How can a local government obtain foreign information from the population register?

1 Direct provision by the Civil Affairs/Population Service to foreign municipalities

In Belgium, foreign authorities are currently unable to access the National Register or the municipal population registers. Only institutions that are designated as competent authorities or that have obtained authorisation to do so are allowed to access this data. Since no legal provisions allow access for foreign authorities, exchange of data from the National Register and the Population Register is not possible.

In Germany, foreign municipalities may request information from the population register, e.g. to verify a registration at a specific address. According to the EURIEC, exchanging information is also possible in other cases where there is a link with EU legal rules. Since this can be interpreted very broadly, it is possible to exchange population register data in various cases. The EURIEC has developed standard formats for applications to German municipalities, which are available on the EURIEC website: www.euriec.eu.

In the Netherlands, data from the municipal population registers may only be provided to foreign authorities if the municipalities designate foreign authorities as permitted addressees in their own regulations on basic registration of persons. Since many Dutch municipalities have not (yet) done this in practice, data provision is not possible in such cases. The EURIEC has developed a manual that Dutch municipalities can use to facilitate data provision abroad from the population register.



2 Provision by other municipality departments to a foreign municipality

Provision of data from the population register by other municipal services to another foreign municipality is not possible in Belgium, Germany and the Netherlands. There is no ground for this and/or provision is in conflict with the purpose limitation principle of the General Data Protection Regulation or with specific duties of confidentiality.



Possibilities

- In Belgium, any person can request their personal copy from the population register. By requesting such copies from e.g. permit applicants, foreign municipalities are nevertheless able to obtain information.
- In Germany, data provision from the population register is possible under the same conditions as for private third parties, and in many cases also under the same conditions as for domestic authorities.
- In the Netherlands, data provision is possible if foreign authorities are included in the municipal ordinances as permitted addressees.



Barriers

- In Belgium, direct exchange between municipalities is not possible due to a lack of provisions that allow access to foreign authorities as well.
- Many Dutch municipalities have not included foreign administrative bodies in their regulations as actors to whom access may be granted.
- In the three countries concerned, the information may only be provided by the competent Civil Affairs/ Population services, and not by the services that are responsible for public order.
- In all the legal systems examined, passing on information from the population register is only possible if the addressee would also be able to gain access to the information in the population register of the providing country.



In short/conclusion

In Germany, exchange of registration data is possible in many cases, in the Netherlands in a limited number of cases, and in Belgium currently not. For a more detailed description of the legal possibilities and obstacles, please download the EURIEC Memorandum “Cross-border exchange of information from the population register” on our website.

The EURIEC is happy to assist municipalities in exploring their options in a concrete case. Please contact the EURIEC if you would like our assistance. The EURIEC is also committed to collaborating with partners in order to encourage changes in legislation and regulations in all three countries, in the hope of opening up more options in the future.

For a detailed legal explanation, please download the EURIEC memorandum ‘Cross-border Provision of Criminal Records and Other Judicial Information’ at www.euriec.eu.

If you have other questions or need support as a municipality with cross-border exchange of information, please contact the EURIEC via: euriec.rik.limburg@politie.nl.