

Overview of information exchange options



Administrative data

International

No general international treaty or convention to regulate the exchange of administrative data.

Belgium

No legal ground for the exchange of personal data with (foreign) municipalities.

Exchange of company data is possible in principle.

If no personal data is required, exchange by means of a 'WOB' request (request based on Act on public access to government information) is possible.

Nordrhein-Westfalen

No legal ground for the exchange of personal data with (foreign) municipalities.

Exchange of company data is possible in principle.

If no personal data is required, exchange by means of an 'IFG' request (request based on Freedom of Information Act) is possible.

the Netherlands

No legal ground for the exchange of personal data with (foreign) municipalities.

If no duty of confidentiality applies, exchange of company data is possible.

If no personal data is required, exchange by means of a 'WOO' request (request based on Open Government Act) is possible.

Administrative claims

International

Regarding administrative fines, Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties provides a useful international framework in many cases.

An international framework for recovery claims is lacking.

Belgium

Possible.

Recovering administrative fines from abroad in Belgium is possible. For most fines, the principle of double incrimination will need to be met.

Recovery of claims is not possible due to the absence of an international framework.

Nordrhein-Westfalen

Possible.

Recovering administrative fines from abroad in NRW is possible. For most fines, the principle of double incrimination will need to be met.

Recovery of claims is not possible due to the absence of an international framework.

the Netherlands

Possible in certain cases.

Recovering administrative fines from abroad in the Netherlands is possible. For some fines, however, the principle of double incrimination will have to be complied with.

Administrative fines from the Netherlands may only be recovered abroad if they were imposed under the Wegenverkeerswet (Road Traffic Act) or the Arbeidstijdenbesluit Vervoer (Working Hours Decree on Transport).

Recovery of claims is not possible due to the absence of an international framework.

Overview of information exchange options



Data from the population register

International

There is no convention to regulate the exchange of data from the population register.

Belgium

Not possible.

In order to facilitate cross-border information exchange, legislation and regulations concerning the national register and population registers need to be adapted.

Nordrhein-Westfalen

Possible.

Requests from foreign municipalities for access to information from the population register will, in most cases, be approved.

the Netherlands

Possible after adjustment of municipal regulations.

In most cases, such an adjustment has not yet taken place, meaning that the exchange will not (yet) be possible in practice.

Police data

International

Various international treaties make it possible to pass on information via police services for other purposes.

Two conditions for passing on information:

1. Consent from the issuing police service.
2. Passing on information must be regulated by national law.

Belgium

Possible between Belgium and the Netherlands (under certain conditions).

Not possible from Belgium to Germany.

The Benelux Police Treaty allows passing on. Belgian national legislation still needs to be amended for this.

Nordrhein-Westfalen

Possible.

There is national legislation that allows passing on information cross-border for administrative purposes, in certain cases.

the Netherlands

Possible between Belgium and the Netherlands

Not possible from the Netherlands to Germany.

The Benelux Police Treaty allows passing on to Belgium.

Criminal records data and other judicial information

International

Member States can mutually exchange criminal convictions via the European Criminal Records Information System (ECRIS). National law determines whether this data may also be provided for purposes other than criminal law.

Belgium

Foreign local authorities cannot obtain direct access to criminal records data.

If necessary, they can try to obtain information in the context of the administrative approach using the U-turn past the Public Prosecution Service.

In certain cases (such as licensing), such data may also be requested from the data subject.

Nordrhein-Westfalen

In highly exceptional cases, criminal records data may be communicated to foreign municipalities. In principle, however, such data will need to be requested from the data subject themselves.

the Netherlands

The provision of criminal record data is possible in cases where this information could also be provided within the Netherlands in the context of the administrative approach

In certain cases (such as licensing), such data may also be requested from the data subject.

Overview of information exchange options



Financial data

International

Various international treaties make it possible to pass on information via the tax administrations for other purposes.

Two conditions for passing on information:
1. Consent from the issuing authority.
2. Passing on information must be regulated by national law.

Belgium

Not possible.

There is no national legislation that allows cross-border passing on of information for administrative purposes.

Nordrhein-Westfalen

Possible in certain cases.

In the framework of an overriding public interest, data may be provided, for example, if there are concrete data to indicate the untrustworthiness of a trader.

the Netherlands

Only possible in highly exceptional cases.

National legislation that allows cross-border passing on of data for administrative purposes is usually lacking.

May be allowed in the context of environmental protection or safety at work.

Social data

International

The exchange of social data is regulated by several bilateral and European treaties. Passing on these data for the purposes of the administrative approach should, however, be determined by national legislation.

Belgium

In principle, foreign authorities are able to join the Crossroads Bank for Social Security.

To do so, however, the authorities need access to the national register, which is currently not yet possible.

Nordrhein-Westfalen

Social data may be provided in a limited set of cases, for example, if social benefits fraud is suspected.

An additional condition is that the foreign authority must have a function that is similar to German authorities to whom such data is provided.

the Netherlands

In the Netherlands, social security data may be provided to other services if there is a compelling public interest.

Public sources - Insolvency data

International

Belgium

No central insolvency register, but bankruptcies are published in the Belgian State Gazette and on commercial websites.

Nordrhein-Westfalen

Bankruptcies are announced at the competent local court. These announcements can be found on a central website.

the Netherlands

Insolvency data may be requested via the Central Insolvency Register up to six months after the successful termination of the insolvency.

Overview of information exchange options



Public sources - Land registry data

International

Belgium

If the address details are known, after an application to a central service, data may be obtained about a person's immovable property, such as the purchase price and mortgage sum. However, it is not possible to obtain a list of all immovable property owned by a person.

Nordrhein-Westfalen

No central service that retains land registry data. The data is kept decentralised at the Amtsgerichte of the federal states. As a result, it is not possible to obtain an overview of all immovable property owned by a person.

the Netherlands

Dutch land registry data can be consulted straight away via a website. There is no need to submit an application.

Public sources - Company details

International

Belgium

Company data can be consulted via the Crossroads Bank for Enterprises. A list of all companies in which a data subject is involved can be obtained by submitting an application; this requires a foreign municipality to have the data subject's National Register number.

Nordrhein-Westfalen

Company data can be consulted via the Unternehmensregister. It is not possible to obtain an overview of all companies in which a subject is involved.

the Netherlands

Company data can be consulted via the Chamber of Commerce. Foreign municipalities cannot obtain an overview of all companies in which a subject is involved.

Public sources - Restrictions on doing business

International

Belgium

The Central Register of Director Disqualifications (Justban) can be used to check whether a director disqualification has been imposed on a person (e.g. in the context of fraudulent bankruptcies or serious negligence).

Eventually, the register will also be accessible to foreign citizens and governments.

Nordrhein-Westfalen

The 'Gewerbezentralregister' provides data on decisions by authorities to prohibit a company from continuing its activities due to the untrustworthiness or unsuitability of an entrepreneur. If a governing body prepares a decision, information can be retrieved from this register.

the Netherlands

There is no comparable register in the Netherlands.