

**Translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of Agriculture and Forestry, Finland**

**Act on the Residential and Commercial Property Information System
(1328/2018)**

By decision of Parliament, the following is enacted:

Chapter 1

General provisions

Section 1

General stipulations

This Act applies to the maintenance of the registers and service system concerning the possession and pledging of shares conferring the right to the possession of a residential or commercial property and the properties possessed based on shares conferring possession (the *residential and commercial property information system*), and to the data processing that takes place within the registers and system.

This Act also applies to the procedure to be observed in the registration of the possession and pledging of shares referred to in subsection 1, to the recording of restrictions on shares, and to the legal effects of registration.

Section 2

Purpose of the residential and commercial property information system

The residential and commercial property information system facilitates the transfer of shares conferring the right to possession of a residential or commercial property and the management of collateral and similar activities, and serves the administrative needs of the housing company and the information needs of shareholders. It is also used to produce data for research and statistics and to fulfil other information needs of society.

Section 3

Definitions

In this Act,

- 1) a *housing company* refers to a limited liability housing company as referred to in section 2 of chapter 1 of the Limited Liability Housing Companies Act (1599/2009) and to a joint-stock property company as referred to in section 2 of chapter 28 of the Limited Liability Housing Companies Act that is subject to

the provisions laid down in section 1a of chapter 2 of the Limited Liability Housing Companies Act;

- 2) a *share* refers to a housing company's share;
- 3) an *owned property* refers to an owner apartment as referred to in section 3, subsection 1 of the Limited Liability Housing Companies Act.

Chapter 2

Registration of a shareholder, pledging of a share and entering restrictions on a share in the residential and commercial property information system

Section 4

Register of housing company shares

The National Land Survey of Finland enters the acquisition and pledging of a share and records any restrictions on the share or on the right of possession it confers in a register maintained for that purpose (the *register of housing company shares*).

The following information is stored in the register of housing company shares:

- 1) the entry application and the information on the processing thereof;
- 2) the application or notification concerning the recording of restrictions and the information on the processing thereof;
- 3) decisions on entries and on notes concerning restrictions.

If the matter referred to in subsection 2 applies to a natural person, that person's name and personal identity code are also stored in the register of housing company shares. If the person does not have a personal identity code, the person's date of birth, citizenship and home address are stored instead.

If the matter referred to in subsection 2 applies to an association or corporation, its name and business identity code are stored in the register of housing company shares. If the association or corporation does not have a business identity code, its corresponding register identity code and the register in which it is entered are stored instead. In the case of a foreign association or corporation, the name and domicile are stored in the register.

Section 5

Registering a shareholder

The first holder of a share is entered in the register of housing company shares based on a notification as referred to in section 10 of the Business Information Act

(244/2001) or in section 13 of chapter 13, section 14 of chapter 19 or section 14 of chapter 20 of the Limited Liability Housing Companies Act.

The acquisition of a share is entered in the register of housing company shares based on the application made by the recipient of the transfer. The requirement for entry is the consent of the registered shareholder or another account of the acquisition.

An acquisition that is not final due to a condition related to the transfer of the share is entered in the register of housing company shares as conditional. In this case, the application concerning the entry of the acquisition is held over until the matter is decided on finally. In this case, another application or notification, based on which an entry or note can be made in the register of housing company shares, can be held over if the recipient of the transfer is entered as the shareholder.

Section 6

Registering a pledge

The pledging of a share is entered in the register of housing company shares based on the application of the pledge recipient. The requirement for entry is the consent of the registered shareholder or another account of receiving the pledge. The entry must indicate the recipient of the pledge and, upon request, the maximum euro amount of the pledge liability.

If there are several pledge recipients, the priority order of the pledges can be entered based on the recipients' joint application.

An entry concerning a pledge is removed from or changed in the register of housing company shares based on an application by the shareholder or pledge recipient. The requirement for removing or changing an entry is the consent from those parties whose position may be weakened due to the change.

Section 7

Distraint, precautionary measure, bankruptcy and corporate reorganisation

A distraint or precautionary measure concerning a share is noted in the register of housing company shares based on a notification from the authority concerned. The note must indicate the grounds for which the note was made.

The bankruptcy of a shareholder is entered in the register of housing company shares based on a notification from the bankruptcy estate. The start and end of restructuring proceedings as referred to in the Restructuring of Enterprises Act (47/1993) are entered in the register of housing company shares based on a notification from the administrator or the court.

Section 8

Other restrictions

If the right of use based on legal grounds or the stipulations of a will restrict the right of the shareholder to transfer a share, the restriction is noted in the register of housing company shares in connection with entering the acquisition of the share or based on an application by the rightholder. The requirement for making the note is the consent of the registered shareholder or another account of the right. The note must mention the rightholder and the other information needed to identify the restriction.

A restriction referred to in subsection 1 above is removed based on an application from the shareholder registered in the register of housing company shares or from the rightholder. If a shareholder applies to have the note removed, the requirement for removal is the consent of the party indicated as the rightholder in the register or another account of the termination of the right.

In addition, any other restrictions on the share or on the right of possession it confers are indicated in the register of housing company shares as laid down elsewhere in the Act.

Section 9

Entry or note based on the decision of a court

Any parties other than the registered shareholder who are found to have the proper right to the share based on the final decision of a court will be entered as shareholders into the register of housing company shares based on their application.

In addition to what is laid down above, another entry or note in the register of housing company shares can be removed or changed based on a final decision concerning the right or restriction referred to in the entry or note.

Section 10

Processing a matter related to an entry or note

An application or notification that has been submitted concerning an entry or note must be indicated in the register of housing company shares without delay. If the application is approved, the entry or note is deemed to have been made once it has been indicated that the application has been received by the registration authority.

The registration authority shall, by virtue of office, take into account such restrictions indicated in the register of housing company shares, provisions in the articles of association concerning share groups, and restrictions on legal capacity indicated in the population register system that affect the right to dispose of the share. The registration authority shall, when necessary, arrange an opportunity for the applicant or other person to be heard.

The matter shall be resolved by making the appropriate entry or note in the register of housing company shares. If the matter is resolved in a way other than what was requested by the applicant or other party, a separate decision shall be made and sent for information to the party in question with appeal instructions attached, and information concerning the finality of the decision shall be indicated in the register. A document containing the decision shall be sent to the applicant in the form of a certificate of the entry or note in the register or as a separate decision. In addition, a certificate of the entry of the share acquisition in the register shall be delivered to the housing company free of charge.

If the applicant's right is disputed and the application or the allegation against it is not manifestly ill-founded, the applicant or other party that has the burden of proof shall be required to bring the matter to court for consideration within the set time limit. The notice shall be submitted to the applicant under threat that the application will otherwise be dismissed and to other parties under threat that the entry will otherwise be made. A matter that is being considered in court shall be held over until a final decision has been made.

Section 11

Rectifying an error

By way of derogation from section 50 of the Administrative Procedure Act, a factual error may be rectified only if the decision is based on an obviously erroneous or deficient account or a manifest misapplication of the law and only with the consent of those whose position may be weakened because of the rectification.

Obvious typographical and arithmetical errors, errors due to technical defects or other corresponding clear errors in entries or notes must be rectified notwithstanding section 51, subsection 2 of the Administrative Procedure Act. Before the rectification of such an error, an opportunity to be heard must be arranged for those known parties whose position may be weakened because of the rectification.

Section 12

Legal effects of registration

If a shareholder registered in the register of housing company shares has transferred or pledged a share, the rights of the recipient of the transfer or pledge are not restricted, once the acquisition or pledge has been registered, by the fact that the registered shareholder did not have the right to dispose of the share, unless the recipient of the transfer or pledge was aware of this or was should have been aware of this. Restrictions on rights that are indicated in the register are viewed to have come to the attention of all involved.

If a share is transferred or pledged to several recipients, an acquisition or pledge that is entered in the register of housing company shares takes priority over an unregistered acquisition or pledge or one that is registered at a later date. However, an earlier acquisition or pledge shall take priority over a later acquisition or pledge if the

party invoking the later acquisition or pledge was aware of or should have been aware of the earlier acquisition or pledge. If the order of priority of pledges is entered in the register of housing company shares, it shall be observed.

The transfer or pledge of a share is binding on the creditors of the donor or pledgor only if the acquisition or pledge is entered in the register of housing company shares.

Chapter 3

Financial and technical information on an owned property

Section 13

Register of owned properties

For the purpose of carrying out the tasks laid down in chapter 2 above and maintaining the information service, the National Land Survey of Finland shall maintain a register (the *register of owned properties*) in which the following information is stored:

- 1) the redemption clause or similar condition on exchange, provided that this information is not available in another authority's information system;
- 2) the identifier of the property, building, apartment or share group belonging to or managed by the company.

In addition, information on the account of payment of the asset transfer tax is stored in the register of owned properties.

Section 14

Processing of financial and technical information stored in other authorities' information systems

The National Land Survey of Finland can process the following information from other authorities' information systems that it obtains with the aid of a technical interface:

- 1) information in the trade register on the company's registration, trade name and identity codes, contact persons, domicile and location, owned properties and shares, as well as exchange restrictions concerning the shares;
- 2) information in the trade register concerning the registration, trade name and identity codes, contact person, company form and domicile of an association or foundation other than that referred to in paragraph 1;
- 3) information from the Land Information System on the possession of a residential or commercial property or part of a property in the housing company's possession and on other tenure status, easements, floor area and location, as well as plan regulations that concern the property or a part of the property;

- 4) information from the Population Information System on the identifiers, location, characteristics, use and official permits associated with the buildings in the housing company's possession;
- 5) information from the Population Information System on the individual identification code, address and characteristics of an apartment.

Chapter 4

Maintenance of the information system and processing and disclosure of data

Section 15

Duties and responsibilities of the National Land Survey of Finland

The National Land Survey of Finland is responsible for the maintenance and development of the residential and commercial property information system. The National Land Survey of Finland is the controller of the register of housing company shares and the register of owned properties.

The National Land Survey of Finland is responsible for disclosing data for the purposes laid down in section 2.

Section 16

Application of regulations restricting the processing of data

The provisions of article 18, paragraph 1 of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) do not apply to the residential and commercial property information system.

Section 17

Right of the National Land Survey of Finland to access information

Notwithstanding secrecy provisions, the National Land Survey of Finland has the right to obtain from the courts, the execution authorities, the controller of the Population Information System, municipal authorities, credit institutes and housing companies the information necessary for carrying out its duties as laid down in this Act.

The National Land Survey of Finland has the right to obtain from the Population Information System the following information on a natural person necessary for carrying out its duties as laid out in this Act:

- 1) information required to identify the person;
- 2) the person's contact information;
- 3) information on the person's spouse, death and heirs;
- 4) any restrictions on the disclosure of the person's address or personal data;
- 5) personal data subject to non-disclosure for personal safety reasons;
- 6) information concerning restrictions on the person's legal competence and guardianship.

The National Land Survey of Finland has the right to obtain the information referred to in subsections 1 and 2 with the aid of a technical interface or in another suitable manner.

Section 18

Storage of data

The information referred to in section 4 above shall be stored permanently.

The identifiers referred to in section 13, subsection 2, paragraph 1 shall be stored until the identified entities are removed from the authority's register in which its information is primarily maintained.

Information that is processed in such a way that it cannot be identified either indirectly or directly as concerning one or more persons may be stored permanently.

Section 19

Disclosure of information for the purposes of the residential and commercial property information system

Public information in the residential and commercial property information system may be disclosed for the purposes referred to in section 2. Confidential information may be disclosed if provisions on the right of access to the information are laid down separately in an act. Personal data may be disclosed only to those who have the right to process it. The personal data disclosed may be processed only for the purpose for which it has been disclosed. If personal data are disclosed to be transferred for the purposes referred to in section 2, the transmitter of the data may process the data only to the extent that is necessary for fulfilling the end recipient's right of access to information.

Information on a residential or commercial property, building or part of a property or building in the possession of a company, as well as information on its characteristics and location, may be listed on public websites or otherwise disclosed if this information cannot be identified either indirectly or directly as concerning one or more persons.

Section 20

Organisation of the information service

The National Land Survey of Finland shall decide on the disclosure of information in the residential and commercial property information system. The information may be disclosed with the aid of a technical interface or in another electronic format if the recipient of the disclosed information and the transmitter of the information are granted a licence to use it. However, companies have the right to obtain the information required for their normal operations, and shareholders have the right to obtain data concerning themselves without a licence.

A licence can be granted based on an application. If the application concerns the disclosure of personal data, the applicant must provide an account of its right of access to information and of its fulfilment of the requirements laid down on the processing of personal data.

A decision on granting a licence shall remain valid until further notice, or for a fixed period. A decision may include conditions concerning the criteria for information retrieval and other factors necessary for the protection of personal data.

Section 21

Safeguards related to the disclosure of data

The National Land Survey of Finland monitors the fulfilment of the requirements and conditions for licences by requesting clarifications and conducting inspections at the premises of those that have been granted licences. No inspection shall be conducted in premises intended for permanent residence. Inspections are governed by the provisions in section 39 of the Administrative Procedure Act.

The National Land Survey of Finland shall make the decision on terminating a licence if the grounds for granting the licence no longer exist or if it becomes apparent that they did not exist at the time when the licence was granted.

Chapter 5

Miscellaneous provisions

Section 22

Liability for damages

The State shall pay compensation for any loss incurred due to:

- 1) an erroneous decision concerning an entry or note to be made in the register of housing company shares or another similar error or deficiency;
- 2) a technical error in the processing of data concerning the entries or notes in the register of housing company shares.

If the injured party is entitled to compensation from another party, the right to compensation shall be transferred to the State in so far as the State shall pay compensation.

Section 23

Charges

The provisions of the Act on Criteria for Charges Payable to the State (150/1992) shall apply to charges payable for the services provided by the National Land Survey of Finland in connection with the residential and commercial property information system.

Authorities shall not be charged for ordinary disclosures of data. A housing company or shareholder shall not be charged for the disclosure of data that occurs without a permit, as referred to in section 20, subsection 1 of this Act.

Further provisions on the payable charges shall be issued in a decree of the Ministry of Agriculture and Forestry.

Section 24

Appeals on decisions concerning entries or notes

A decision on an entry or note as referred to above in section 10, subsection 3 can be appealed against to district court in the domicile of the company. The appeal must be filed within 30 days from the date of the issuing of the decision. The provisions in chapter 8 of the Code of Judicial Procedure on petitionary matters shall apply to the appellate procedure in the District Court. The district court must provide information on the appeal and its content to the registration authority.

The appellate court must notify the registration authority without delay of its decision and whether the decision has become final. The registration authority must, at its own initiative, take for consideration the matter returned by the appellate court, decide on the matter again if necessary and make the required entries and notes in the register of housing company shares.

Section 25

Appeals on decisions concerning licences

A claim to revise a decision as referred to in subsections 20 and 21 may be submitted as laid down in the Administrative Judicial Procedures Act.

An appeal against the decision on the claim for a revised decision may be made to an administrative court in the manner laid down in the Administrative Judicial Procedure Act (586/1996).

A decision by an Administrative Court may only be appealed against if the Supreme Administrative Court grants a leave to appeal.

Section 26

Entry into force and transitional provisions

Provisions on the entry into force of this Act shall be issued in a separate act of Parliament.