

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Justice, Finland

Criminal Records Act

(770/1993; amendments up to 1114/2018 included)

By decision of Parliament, the following is enacted:

Purpose and contents of the criminal records

Section 1

The controller of the criminal records is the Legal Register Centre. (1055/2018)

Information that is necessary for the imposition and enforcement of criminal sanctions is entered and stored in the criminal records and disclosed from there.

Information may also be disclosed from the criminal records for the purpose of establishing and assessing a person's reliability or personal aptitude.

Section 2

Based on notifications from courts, information is entered in the criminal records on decisions by which a person has in Finland been sentenced to unconditional imprisonment; a combination sentence; a monitoring sentence; community service; conditional imprisonment; an ancillary fine, community service or supervision imposed in addition to conditional imprisonment; a juvenile punishment; a fine instead of a juvenile punishment; or removal from office, or by which punishment has been waived under chapter 3, section 4, subsection 1 or 2 of the Criminal Code (39/1889). However, information on conversion sentences for unpaid fines and on sentences of imprisonment and monitoring sentences imposed under the Non-Military Service Act (1438/2007) or the Conscription Act (1438/2007) is not entered in the criminal records. Information on decisions by which a legal person has been sentenced to a corporate fine is also entered in the criminal records. (806/2017)

Furthermore, information on court decisions by which a Finnish citizen or a foreigner permanently resident in Finland has been sentenced to a sanction equivalent to one of those mentioned in subsection 1 abroad is entered in the criminal records. Information on the sentence is entered in the criminal records if the judgment has been passed in another Member State of the European Union, in another Nordic country or in a state that is a party to the European Convention on Mutual Assistance in Criminal Matters (Finnish Treaty Series 30/1981), or if the information on a judgment passed elsewhere has been submitted to the controller of the criminal records through official channels. The Legal Register Centre determines whether a sanction imposed abroad is equivalent to a sanction that would under subsection 1 be entered in the criminal records in Finland. (215/2012)

Information on the following issues is entered in the criminal records:

- 1) name and previous names of the person concerned, his or her personal identity code or, if personal identity code is not available, his or her date and place of birth (state and town), and the person's gender and nationality;
 - 2) name of the court, date of issue of the decision, and number of the decision;
 - 3) offence underlying the conviction and, where necessary, legal classification of the offence, as well as the time of offence, the punishment imposed, and the applicable provisions of law;
 - 4) imposition of a joint sentence of imprisonment;
 - 5) finality of the decision and date on which it became final;
 - 6) order to enforce conditional imprisonment;
 - 7) order to enforce a sentence remaining after conditional release;
 - 8) serving and conversion of a juvenile punishment;
 - 9) serving of community service and its conversion into imprisonment;
 - 10) release from a monitoring sentence, unserved sentence remaining after conditional release, expiry of the probationary period of conditional release, and conversion of a monitoring sentence into imprisonment;
 - 11) release from prison, unserved sentence remaining after conditional release, expiry of the probationary period of conditional liberty, commencement of the supervision period that is part of a combination sentence, and serving of a combination sentence; (806/2017)
 - 12) presidential pardon.
- (215/2012)

In respect of a legal person sentenced to a corporate fine, the name of the company or corporation, business identity code, registered office, the offence for which the legal person was sentenced to a corporate fine, the time of offence, and the amount of the corporate fine are entered in the criminal records in addition to the information referred to in paragraphs 2, 5 and 12 of subsection 3. Information on the payment of a corporate fine is not entered in the criminal records. (215/2012)

An entry referred to in section 10, subsection 2 of the Act on the Storage of Information Extracted from the Criminal Records and on the Disclosure of Such Information between Finland and Other Member States of the European Union (214/2012), hereinafter *the EU Criminal Records Act*, shall also be made in the criminal records. (215/2012)

Section 2a (377/2010)

The court shall notify its decision referred to in section 2 by entering the relevant information concerning the decision in the decision notification system of the national information system of the judicial administration. The provisions laid down in and under the Act on the National Information System of Justice Administration (372/2010) apply to making the entry.

Disclosure of information from criminal records

Section 3

Information that has been entered in the criminal records shall be kept secret. Information contained in the records may be disclosed as provided in this Act.

Section 4

Notwithstanding the secrecy obligation laid down in section 3 of this Act or in another act, information concerning a person may be disclosed from the criminal records: (141/2001)

1) to a court for the consideration of a pending case;

1a) to the Finnish Institute for Health and Welfare for carrying out a mental examination or an assessment concerning a suspect or an accused; (377/2010)

2) to a prosecutor for the purposes of prosecution, consideration of charges or coercive measures; (453/2011)

- 3) to the Criminal Sanctions Agency for the enforcement of a punishment and for the determination of a person's suitability, and to a competent public official at the Ministry of Justice for the presentation of matters of presidential pardon; (331/2011)
- 3a) to the Regional State Administrative Agency for Southern Finland for the purposes of a background check of responsible persons of obliged entities under the legislation on the prevention of money laundering; (733/2014)
- 4) to the Chancellor of Justice and the Parliamentary Ombudsman for the oversight of compliance with the law; and
- 5) to criminal investigation authorities for the purposes of coercive measures.

Upon request, information from criminal records is disclosed for the purposes of criminal proceedings to a competent authority of another Member State of the European Union in accordance with the EU Criminal Records Act, and to a foreign authority in accordance with Article 13 of the European Convention on Mutual Assistance in Criminal Matters or as separately provided or agreed upon. (215/2012)

Subsection 3 was repealed by Act 1093/1999.

Information concerning a legal person may be disclosed to all other authorities referred to in subsection 1 except to the Criminal Sanctions Agency. (331/2011)

Section 4a (1093/1999)

In addition to what is provided in section 4, information concerning a person is disclosed from the criminal records to a Finnish authority in matters concerning:

- 1) passport or Finnish citizenship, or a visa, permit or another measure referred to in the Aliens Act (378/1991);
- 1a) performance of a security clearance check referred to in the Security Clearance Act (726/2014); (733/2014)
- 2) licence or approval by an authority, for which the reliability of the person is a requirement;
- 3) selection of a person for such training or duties related to national security, public order and safety, the Foreign Service, Finland's international relations, judicial administration, central banking, or minting, which require particular reliability;
- 4) security control; (1114/2018)
- 5) taking into care or adoption of a child; or (1114/2018)

6) discretionary government transfers granted by the state aid authority referred to in the Act on Discretionary Government Transfers (688/2001) and recovery of such transfers. (1114/2018)

The information referred to in subsection 1, paragraph 6 above is disclosed in respect of decisions referred to in section 7, subsection 2 and section 22, subsection 2 of the Act on Discretionary Government Transfers. (1114/2018)

For serious reasons, the Ministry of Justice may permit the disclosure of information from the criminal records to an authority for the assessment and establishment of the reliability of a person also in a matter other than those referred to in subsection 1.

The authority shall notify the person concerned about the fact that information concerning him or her may be requested from the criminal records for a purpose referred to in subsection 1. However, such a notification need not be made if the person can be assumed to be aware of this anyway.

The provisions of this section concerning an authority apply also to an adoption agency referred to in the Adoption Act (22/2012). (215/2012)

Aliens Act 378/1991 was repealed by Aliens Act 301/2004.

Section 5 (215/2012)

Information is disclosed from the criminal records on an extract that either indicates the information on a given person contained in the criminal records or states that the records contain no entries on the person. An extract with similar contents is issued regarding legal persons. If information on a decision has been obtained under section 20 or 20a of the EU Criminal Records Act or from the storage register referred to in the said Act, only the information that could be entered in the criminal records is indicated on the extract. However, information on the applicable provisions of law is not indicated on the extract, nor is information that cannot be indicated because another Member State has set a condition referred to in section 9, subsection 4 of the EU Criminal Records Act that prevents this. Information referred to in section 2, subsection 5 of this Act is indicated on an extract only if the extract is given to a prosecutor or a criminal investigation authority under section 4, subsection 1. (149/2014)

The Legal Register Centre may disclose information extracted from the criminal records to authorities referred to in sections 4 and 4a above for the purposes defined in the said sections also in machine-readable form or using a technical interface, where this is justified considering the purpose of use of the information and taking into account the necessary security precautions. Information referred to in section 2, subsection 5 above may only be disclosed to a prosecutor or a criminal investigation authority.

Section 6 (215/2012)

A private person has the right to receive a criminal record extract concerning himself or herself for the purpose of applying for a visa, work permit or residence permit, or for another equivalent reason. In addition, a private person has the right to receive a criminal record extract concerning himself or herself for the purpose of presenting the extract to an authority or other body of a foreign state in connection with child adoption. Such an extract shall also indicate information obtained under section 20 of the EU Criminal Records Act on a decision by which the person has been sentenced in another Member State to a sanction equivalent to one of the sanctions referred to in section 2, subsection 1 of this Act.

In addition to what is provided in subsection 1, a private person has the right to receive a criminal record extract concerning himself or herself for the purposes of a task referred to in section 2 of the Act on Checking the Criminal Background of Persons Working with Children (504/2002). Such an extract shall contain information on the decisions by which the person has been convicted of an obscene act referred to in chapter 17, section 18, 18a or 19 of the Criminal Code; of a sexual offence referred to in chapter 20 of the Criminal Code; of manslaughter under chapter 21, section 1 of the Criminal Code; of murder under chapter 21, section 2 of the Criminal Code; of killing under chapter 21, section 3 of the Criminal Code; of aggravated assault under in chapter 21, section 6 of the Criminal Code; of trafficking in human beings or aggravated trafficking in human beings under chapter 25, section 3 or 3a of the Criminal Code, respectively; of aggravated robbery under chapter 31, section 2 of the Criminal Code; or of a narcotics offence referred to in chapter 50 of the Criminal Code. The extract shall also contain information on any decision by which the person has been convicted, under the provisions in force before the entry into force of the provisions referred to above, of an offence that is equivalent to one of the offences referred to above. In addition, the extract shall indicate such information on fines imposed on the person for offences referred to in chapter 17, section 18, 18a or 19; chapter 20; or chapter 25, section 3 or

3a of the Criminal Code that has been entered in the register of fines referred to in section 46, subsection 1 of the Act on the Enforcement of a Fine (672/2002). (149/2014)

Furthermore, information on the following decisions shall be indicated on an extract referred to in subsection 2:

- 1) decisions which have been entered in the criminal records under section 2, subsection 2 and by which a person has been convicted of an offence that is equivalent to an offence referred to in subsection 2 of this section;
- 2) decisions which have been entered in the storage register referred to in the EU Criminal Records Act and by which a Finnish citizen has been sentenced, in another Member State, to a fine for an offence that is equivalent to an offence referred to in chapter 17, section 18, 18a or 19; chapter 20; or chapter 25, section 3 or 3a of the Criminal Code;
- 3) decisions which have been obtained under section 20 or 20a of the EU Criminal Records Act and by which a person has been sentenced, in another Member State, to a sanction that is equivalent to a sanction referred to in section 2, subsection 1 of this Act for an offence that is equivalent to an offence referred to in subsection 2 of this section, or to a fine for an offence that is equivalent to an offence referred to in chapter 17, section 18, 18a or 19; chapter 20; or chapter 25, section 3 or 3a of this Act;
- 4) decisions which have been entered in the storage register referred to in the EU Criminal Records Act or obtained under section 20 or 20a of the EU Criminal Records Act and by which a person has been prohibited from working or engaging in other activities with minors.

(149/2014)

A person has the right to receive a criminal record extract concerning himself or herself, referred to in subsection 2, also for work as an audiovisual programme classifier referred to in the Act on Audiovisual Programmes (710/2011). In this case, the extract shall indicate, besides the information referred to in subsections 2 and 3 above, information on a decision by which the person has been convicted of distribution of depictions of violence referred to in chapter 17, section 17 of the Criminal Code or of illegal exhibition or distribution of video programmes to a minor as referred to in chapter 17, section 18b of the Criminal Code.

In addition, a student has the right to receive a criminal record extract concerning himself or herself, referred to in subsection 2, to be able to, as part of practical assignments or practical training relating to studies in an educational institution, a workplace or another learning environment, to take on such a task which to a substantial degree involves working with minors

and for which an extract shall be presented to the education provider or higher education institution in accordance with the Act on Vocational Education and Training (531/2017), the Universities of Applied Sciences Act (932/2014), or the Universities Act (558/2009). The extract shall be delivered free of charge. (555/2017)

When requesting an extract referred to in subsections 1–5 above, the person shall indicate the purpose for which the extract will be used. An extract referred to in subsections 2–5 may only be delivered to the person it concerns.

Information extracted from the criminal records that has been requested by the central authority of another Member State of the European Union on the basis of a request presented to that authority is disclosed as provided in sections 15 and 15a of the EU Criminal Records Act. (149/2014)

A person authorised to sign for a legal person has the right, upon request, to receive a criminal record extract referred to in section 5, subsection 1 concerning the legal person in question. (1055/2018)

Section 6a (149/2014)

The organiser of voluntary work referred to in the Act on Checking the Criminal Background of Volunteers Working with Children (148/2014) has the right, under the conditions laid down in that Act and with the consent of the volunteer, to receive an extract referred to in section 6, subsection 2 of this Act.

Section 6b (1399/2016)

Candidates and tenderers referred to in section 4 of the Act on Public Procurement and Concession Contracts (1397/2016), section 4 of the Act on Procurement and Concession Contracts of Entities Operating in the Water, Energy, Transport and Postal Services Sectors (1398/2016), Article 2 of Directive 2014/24/EU of the European Parliament and of the Council on public procurement and repealing Directive 2004/18/EC, and Article 2 of Directive 2014/25/EU of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC may, for the purposes of an investigation of grounds for exclusion from a public procurement process, obtain a criminal record extract

concerning a private person who is a member of their administrative, management or supervisory body or who exercises representative, decision-making or regulatory authority in the business or organisation in question. The issue of such an extract requires consent of the person concerned.

The extract shall contain information on any final decision by which the person has been convicted of:

- 1) giving of bribes under chapter 16, section 13, aggravated giving of bribes under chapter 16, section 14, giving of bribes to a Member of Parliament under chapter 16, section 14a, or aggravated giving of bribes to a Member of Parliament under chapter 16, section 14b of the Criminal Code;
- 2) participation in the activity of an organised criminal group under chapter 17, section 1a of the Criminal Code;
- 3) trafficking in human beings under chapter 25, section 3 or aggravated trafficking in human beings under chapter 25, section 3a of the Criminal Code;
- 4) tax fraud under chapter 29, section 1, aggravated tax fraud under chapter 29, section 2, employment pension insurance premium fraud under chapter 29, section 4a, aggravated employment pension insurance premium fraud under chapter 29, section 4b, subsidy fraud under chapter 29, section 5, aggravated subsidy fraud under chapter 29, section 6, or subsidy misuse under chapter 29, section 7 of the Criminal Code;
- 5) giving of bribes in business under chapter 30, section 7, aggravated giving of bribes in business under chapter 30, section 7a, acceptance of a bribe in business under chapter 30, section 8, or aggravated acceptance of a bribe in business under chapter 30, section 8a of the Criminal Code;
- 6) money laundering under chapter 32, section 6, aggravated money laundering under chapter 32, section 7, conspiracy for the commission of aggravated money laundering under chapter 32, section 8, or negligent money laundering under chapter 32, section 9 of the Criminal Code;
- 7) an offence made with terrorist intent under chapter 34a, section 1, preparation of an offence to be committed with terrorist intent under chapter 34a, section 2, directing of a terrorist group under chapter 34a, section 3, promotion of the activity of a terrorist group under chapter 34a, section 4, provision of training for the commission of a terrorist offence under chapter 34a, section 4a, recruitment for the commission of a terrorist offence under chapter 34a, section 4c, or financing of terrorism under chapter 34a, section 5 of the Criminal Code; or
- 8) work safety offence under chapter 47, section 1, working hours offence under chapter 47, section 2, work discrimination under chapter 47, section 3, extortionate work discrimination under chapter 47, section 3a, violation of the right to organise under chapter 47, section 5, or unauthorised use of foreign labour under chapter 47, section 6a of the Criminal Code.

The extract shall also contain information on a decision by which the person has been convicted, under the provisions in force before the entry into force of the provisions referred to in subsection 2, of an offence that is equivalent to one of the offences specified in subsection 2.

Furthermore, the extract shall contain information on a decision which has been entered in the criminal records under section 2, subsection 2 and by which the person has been convicted of an offence that is equivalent to one of the offences specified in subsection 2 of this section.

Section 7

In addition to what is provided in section 4a, subsection 2; section 6, subsection 2; and section 6b, provisions may be issued by government decree to specify that only part of the information referred to in section 2, contained in the criminal records, can be indicated on a criminal record extract. (1114/2018)

The purpose for which a criminal record extract has been issued shall be indicated on it.

Regardless of the purpose indicated on the criminal record extract, a private person may present an extract issued under section 6, subsection 2 or 5 or section 6a that is in his or her possession when he or she is being selected for any of the tasks referred to in the said provisions. (149/2014)

Section 8 (215/2012)

Information extracted from the criminal records is disclosed to another Member State of the European Union in accordance with section 5 of the EU Criminal Records Act and to a state which is a party to the European Convention on Mutual Assistance in Criminal Matters, other than a Member State of the European Union, in accordance with Article 22 of the Convention.

Furthermore, provisions on the disclosure of information extracted from the criminal records to another Nordic country are issued by decree.

The Legal Register Centre shall without delay inform the authorities of a state which is a party to the European Convention on Mutual Legal Assistance in Criminal Matters, other than a Member State of the European Union, when information concerning a citizen of that state has been entered in the criminal records.

Section 9 (1093/1999)

The Legal Register Centre may disclose information extracted from the criminal records for the purposes of scientific research, statistical compilations or the preparation of official plans or studies, if the disclosure and use of such information does not compromise the protection of the privacy of the data subjects, their interests or rights, or the national security.

Deletion of information from the criminal records

Section 10

Information shall be deleted from the criminal records as follows:

- 1) information on conditional imprisonment; an ancillary fine, community service or supervision imposed in addition to conditional imprisonment; a juvenile punishment; a fine imposed instead of a juvenile punishment; removal from office; and corporate fine after five years;
- 2) information on a sentence of imprisonment of at most two years, a monitoring sentence, and community service after ten years; and (331/2011)
- 3) information on a sentence of imprisonment of more than two and at most five years, and information on waiving of punishment under chapter 3, section 4, subsections 1 and 2 of the Criminal Code after twenty years (654/2004) from the date of issue of the final judgment. (523/2001)

However, information on an individual punishment shall not be deleted if the criminal records still contain such information concerning the person that cannot yet be deleted under subsection 1. Nevertheless, all information concerning a person shall be deleted from the criminal records after the person has died or reached the age of 90 years. A decision on pardon has no effect on the deletion of information from the criminal records.

Information on sanctions imposed abroad is deleted in compliance with the provisions of subsection 1. However, information on sanctions imposed in another Member State of the European Union shall be deleted once the Member State that provided the information notifies that it has deleted the information from its own register. (215/2012)

Miscellaneous provisions

Section 11

A court or another authority may deliver a criminal record extract or disclose information indicated on an extract only to a party to the matter for the consideration of which the extract has been issued, or to another court or authority considering the same matter.

Section 11a (1055/2018)

Provisions on the punishment for a data protection offence are laid down in chapter 38, section 9 of the Criminal Code.

Section 12

Further provisions on the implementation of this Act are issued by decree.

Entry into force

Section 13

This Act enters into force on 1 October 1993 and repeals the Criminal Records Decree (740/1940), as later amended.

Upon the entry into force of this Act, the information on persons who have been sentenced to a punishment referred to in section 2 or to imprisonment in the penitentiary, contained in the criminal records under the previous provisions, shall be entered in the criminal records.

The provisions of section 10 of this Act on the deletion of information from the criminal records also apply to information contained in the criminal records upon the entry into force of this Act. Information on imprisonment in the penitentiary is deleted from the criminal records in accordance with the same principle as information on a sentence of imprisonment of the same length.