

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Economic Affairs and Employment, Finland

Act on Accommodation and Food Service Activities

(308/2006; amendments up to 1126/2018 included)

By decision of Parliament, the following is enacted:

Section 1

Scope of application and definitions

This Act applies to the pursuit of accommodation and food service activities.

For the purposes of this Act:

- 1) *accommodation activities* means the provision on a professional basis of furnished rooms or other accommodation to customers requiring temporary accommodation;
- 2) *food service activities* means the provision on a professional basis of food or beverages to the public in food premises referred to in the Food Act (23/2006);
- 3) *accommodation establishment* means a building, building unit or other place of business where accommodation activities are pursued;
- 4) *food service establishment* means food premises where food service activities are pursued;
- 5) *accommodation provider* means anyone who pursues accommodation activities;
- 6) *food service provider* means anyone who pursues food service activities;
- 7) *traveller* means any person who arrives at an accommodation establishment for the purpose of seeking accommodation;
- 8) *traveller's spouse* means a traveller's married spouse or a person living in a marriage-like relationship or registered partnership with a traveller;
- 9) *group travel* means pre-arranged travel participated in by a group of travellers; and

10) *group travel leader* means a traveller who acts as the leader of travellers participating in group travel, or a person acting as a representative of a travel organiser.

For the purposes of this Act, food service activities also means the provision of food or beverages solely to a corporation's, foundation's or institution's own staff or to an otherwise restricted circle of persons (*staff restaurant activities*). The provisions of sections 3 and 4 do not, however, apply to staff restaurant activities.

The provisions of the Assembly Act (530/1999) apply to the arrangement of public events in accommodation and food service establishments, unless the event falls under the establishment's ordinary activities.

The provisions of the Act on the Openness of Government Activities (621/1999) apply to the secrecy of and access to personal data, unless otherwise provided in this Act. Provisions on the processing of personal data are laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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), hereinafter the *General Data Protection Regulation*, and in the Data Protection Act (1050/2018). (1126/2018)

Provisions on the obligation to submit a notification to the municipality's health protection authority are laid down in the Health Protection Act (763/1994). Provisions on the procedure for the approval of food premises are laid down in the Food Act.

Section 2

Limitations of scope of application

This Act does not apply to:

- 1) housing services in social care provided by a private service provider referred to in the Act on Private Social Services (922/2011); (929/2011)
- 2) transport-related accommodation in means of transport;
- 3) provision of holiday dwellings or other accommodation intended solely for a corporation's, foundation's or institution's own staff; or

4) provision of food or non-alcoholic beverages to customers if this is minor in scope compared to the other business activities pursued by the provider in the same business premises.

Sections 3–4

Sections 3–4 were repealed by Act 1103/2017.

Section 5 (1346/2014)

Right to choose customers and maintaining order

An accommodation provider and a food service provider and establishment staff shall have the right to refuse a prospective customer entry to the establishment if there are reasonable grounds for this due to the maintenance of order or the establishment's concept. A provider and establishment staff shall also have the right to refuse to serve food or beverages to a customer and, where necessary, remove a customer from the establishment if the customer disturbs other customers or otherwise causes a disturbance in the establishment or does not meet the customer admission criteria set for the establishment. Provisions on the prohibition of discrimination are laid down in section 8 of the Non-discrimination Act (1325/2014).

Subsection 2 was repealed by Act 1093/2015.

Section 6

Traveller registration form and traveller data

An accommodation provider shall be responsible for the submission of a registration form concerning a traveller (*traveller registration form*). A joint traveller registration form may be submitted for travellers participating in group travel. The registration form shall indicate the accommodation provider's company name and Business ID as well as the geographical address of the accommodation establishment. The following data (*traveller data*) shall be provided in the traveller registration form:

- 1) the traveller's full name and Finnish personal identity code or, in the absence of this, date of birth, and nationality;
- 2) the full names of any spouse and underage children accompanying the traveller as well as their Finnish personal identity codes or, in the absence of these, dates of birth;
- 3) the traveller's address;

4) the country of entry to Finland;

5) the number of the traveller's travel document; and

6) the date of the traveller's arrival at and departure from the accommodation establishment, if known.

In addition, the traveller may specify in the traveller registration form whether the purpose of stay in the accommodation is leisure, business, meeting or other purpose.

The provisions of subsection 1, paragraphs 1 and 3 also apply to a group travel leader referred to in section 1, subsection 2, paragraph 10 acting as a representative of a travel organiser.

The provisions of subsection 1, paragraph 4 do not apply to a traveller whose place of residence is in Finland. The provisions of subsection 1, paragraph 5 do not apply to a citizen of a Nordic country or a traveller whose place of residence is in Finland.

The traveller shall confirm the traveller data of the traveller registration form by his or her signature. However, a group travel leader may sign a joint traveller registration form referred to in subsection 1 on behalf of the travellers participating in group travel. A person referred to in subsection 1, paragraph 2 above shall not need to sign the traveller registration form.

An accommodation provider or establishment staff shall, in conjunction with the commencement of the stay in the accommodation, confirm on the basis of a travel document or in another reliable manner verify the identity of the traveller or, if a joint traveller registration form referred to in subsection 1 has been drawn up for travellers, only the identity of the group travel leader. The provisions of this subsection do not apply to a traveller whose place of residence is in Finland or to a person referred to in subsection 1, paragraph 2.

Section 7

Traveller data file

An accommodation provider may maintain by means of automated data processing or manually a data file of traveller data referred to in section 6, subsections 1 and 2 (*traveller data file*). Traveller data and the traveller data file are used to maintain public order and security, and to prevent and solve crimes as well as to compile statistics.

An accommodation provider may use traveller data and the traveller data file for customer service and direct marketing. Provisions on the data subject's right to object to the processing of personal data are laid down in the General Data Protection Regulation. (1126/2018)

Section 8

Disclosing traveller data to the police and storing and destroying traveller registration forms and traveller data

Notwithstanding secrecy provisions, an accommodation provider shall submit the traveller data concerning a foreign national referred to in section 6, subsection 1 without delay to the police department of the population register district in whose operating area the accommodation provider's accommodation establishment is located. Traveller data may be submitted to the police electronically, too.

The police shall have the right to receive from an accommodation provider traveller data referred to in section 6, subsection 1 concerning also travellers other than those referred to in subsection 1 if this is necessary for performing official duties.

An accommodation provider shall store the traveller registration forms and traveller data for one year from the date of signing of a traveller registration form, after which they shall be destroyed. Traveller data contained in a traveller data file shall be stored for one year from its date of entry, after which it shall be destroyed. The provisions of the General Data Protection Regulation apply, however, to the erasure from a data file of data used for customer service and direct marketing. (1126/2018)

Section 9

Disclosing traveller data to other authorities

Notwithstanding secrecy provisions, an accommodation provider and the police are obliged, upon request, to provide traveller data referred to in section 6, subsection 1 that is necessary for:

- 1) the Finnish Border Guard for the purposes of border control and the performance of border checks and other duties provided by law for the Finnish Border Guard;
- 2) the Customs Administration for the purposes of the prevention, detection and solving of customs offences and the performance of border checks;
- 3) the rescue authorities for the purpose of rescue operations;

4) the health protection authorities for the purpose of the prevention of infectious diseases;
(198/2017)

5) the purpose of the performance of close protection duties by the Finnish Defence Forces.
(198/2017)

Section 10

Application of the Act to camping site operators and persons arriving at a camping site

The provisions of sections 6–9 on accommodation providers also apply to operators of camping sites and areas intended for other corresponding accommodation referred to in section 18 of the Outdoor Recreation Act (606/1973).

The provisions of section 6 on a traveller, a traveller's accompanying spouse and underage children also apply to persons arriving at an area referred to in section 18 of the Outdoor Recreation Act for the purpose of seeking accommodation. The provisions of section 6, subsection 3 apply correspondingly.

Section 11

Supervision

Compliance with this Act shall be supervised by the police departments of population register districts in their respective operating areas.

Section 12 (1103/2017)

Coercive measures

Where an accommodation provider fails to comply with an obligation laid down in section 6, subsection 1 or in section 8 or 9, the police department shall, upon having been informed of the matter, oblige the provider to fulfil his or her obligation within a time limit.

In the event of non-compliance with an obligation imposed under subsection 1, the police department may impose a new obligation and a notice of a conditional fine to enforce compliance with it. Provisions on notices of conditional fines are laid down in the Act on Conditional Fines (1113/1990).

Where the pursuit of accommodation and food service activities has caused unreasonable inconvenience to the residential environment or a serious disturbance to public order and security,

the police department may issue a warning to the provider. Where the provider, despite the warning, fails to rectify its conduct, the police department may restrict the opening hours of the establishment or, for a fixed period, prohibit the pursuit of the activities fully or in part. The duration of the prohibition of activities shall not exceed three months.

Section 13 (1103/2017)

Penal provisions

Anyone who intentionally or through gross negligence fails to comply with his or her responsibility concerning the submission of a traveller registration form laid down in section 6, subsection 1 shall be sentenced to a fine for an *accommodation and food service activities violation*, unless a more severe punishment for the act is provided elsewhere by law.

Provisions on the punishment for discrimination are laid down in chapter 11, section 9 of the Criminal Code (39/1889).

Provisions on the punishment for a data protection offence are laid down in chapter 38, section 9 of the Criminal Code. (1126/2018)

Anyone who violates an obligation imposed under this Act and enforced by a notice of a conditional fine may not be sentenced to a punishment for the same act.

Section 14 (1103/2017)

Appeal

A decision made under this Act may be appealed to an administrative court as laid down in the Administrative Judicial Procedure Act (586/1996). A decision of an administrative court may be appealed against only if the Supreme Administrative Court grants leave to appeal. Provisions on appeal against the imposition of a notice of a conditional fine and an order for the payment of a conditional fine are laid down in the Act on Conditional Fines.

A decision on restricting opening hours and on a fixed-term prohibition of activities referred to in this Act shall be complied with irrespective of appeal, unless ordered otherwise by the appellate authority. The appellate authority shall consider a matter concerning a fixed-term prohibition of activities expeditiously.

Section 15

Entry into force

This Act enters into force on 1 October 2006.

This Act repeals the Decree on Accommodation and Food Service Establishments (727/1991) of 19 April 1991, as amended.