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## **Vehicular and Driver Data Register Act** **(541/2003; amendments up to 859/2005 included)**

### Chapter 1

#### **General provisions**

##### Section 1

###### *Vehicular and Driver Data Register and its purpose*

(1) The national Vehicular and Driver Data Register (hereafter ‘the register’) shall be kept for the purposes of improving road safety, reducing environmental nuisances caused by road traffic and managing tasks related to road traffic taxation and to motor vehicle mortgages. The register shall be kept by the Finnish Vehicle Administration (hereafter ‘the registrar’).

(2) The Vehicular and Driver Data Register means a register of vehicles and their taxation and mortgages; drivers of vehicles; safety advisers for the transport of dangerous goods by road, rail and inland waterway; and cards used in recording equipment in road transport.

(3) The registrar may use the register when managing its tasks or obligations provided by or pursuant to law.

##### Section 2

###### *Relationship to other legislation*

Unless otherwise provided in this Act, the Act on the Openness of Government Activities (621/1999) shall apply to the secrecy and disclosure of information entered in the register and the Personal Data Act (523/1999) shall apply to other management of personal data.

### Chapter 2

#### **Data content of the register**

##### Section 3

###### *Persons entered in the register*

(1) Data on natural persons and legal persons may be entered in the register, provided that they are:

1) owners or holders of a vehicle or persons who have a temporary right to use a vehicle or have applied for a motor vehicle mortgage or have given a written

undertaking specified as a sum of money and referred to in the Motor Vehicle Mortgage Act (810/1972) or have assumed liability for an undertaking or are holders of an undertaking;

2) have applied for a driver, workshop, control or company card referred to in Council Regulation (EEC) No 3821/85 on recording equipment in road transport or are holders of such a card.

(2) Furthermore, data on natural persons may be entered in the register, provided that they:

1) have applied for a driving licence permit or who are holders of a driving licence permit, driving licence or right to drive;

2) have registered for a test required for the ADR certificate or are holders of an ADR certificate or who have registered for a test required to be passed by safety advisers for the transport of dangerous goods by road, rail and inland waterway or who work as safety advisers for the transport of dangerous goods by road, rail and inland waterway;

3) are suspected of committing or have committed, when driving a power-driven vehicle, an offence which has an impact on their right to drive;

4) are holders of a professional driver's licence for driving a passenger car or of a driving instructor's licence;

5) are holders of a parking card for people with disabilities.

#### Section 4

##### *Basic data to be entered in the register (859/2005)*

(1) In the case of natural persons the following data may be entered in the register as basic data: name, personal identity code or, in the absence of personal identity code, date of birth, data on home municipality of birth and country of birth and nationality and other basic data on address and other contact details, home municipality, mother tongue or language of communication and the person's death as well as the fact that the owner or holder of the vehicle is a natural person. For persons referred to in section 3(1)(2) and section 3(2)(1 and 2), a photograph and a specimen signature may also be entered in the register.

(2) In the case of legal persons, business identity code and data referred to in subsection 1, where applicable, may be entered in the register as basic data.

#### Section 5

##### *Other data on natural persons to be entered in the register (859/2005)*

(1) In addition to the basic data, the following data on natural persons deemed necessary for the purposes of the register may be entered in it:

1) data on the granting, type and class of a driving licence permit, driving licence and right to drive and other similar data;

2) data on the provider of training for the ADR certificate examination, the certificate examination, the granting of an ADR certificate, the provider of training for the examination for safety advisers for the transport of dangerous goods by land, the test as part of the examination, the type of examination, and other similar data;

3) data on driving instruction and driving test;

4) data on the granting of driver, workshop, control and company cards referred to in the Council Regulation on recording equipment in road transport and other similar data;

- 5) data on the restrictions on disclosure of information referred to in section 20;
- 6) data on the granting of a professional driver's licence for driving a passenger car or a driving instructor's licence;
- 7) data on statutory fees and taxes and their payment;
- 8) data on bankruptcy, debt restructuring or enterprise reorganisation and on recovery proceedings related to the vehicle;
- 9) data on the quality of the vehicle holder's right of possession.

(2) Further provisions on the data referred to in subsection 1 shall be laid down by Government decree, as appropriate.

#### Section 5a

##### *Other data on legal persons to be entered in the register (859/2005)*

In addition to the basic data, data referred to in section 5 on legal persons deemed necessary for the purposes of the register may be entered in it where appropriate. Further provisions on such data shall be issued, if necessary, by Government decree.

#### Section 6

##### *Storage of sensitive data (859/2005)*

In addition to the provisions of sections 4, 5 and 5a, the following data may be entered in the register:

- 1) data on the physical condition of applicants for a driving licence permit, holders of the right to drive and persons without the right to drive deemed necessary for the purposes of taking decisions on and controlling the right to drive;
- 2) necessary data on parking cards for people with disabilities, exemptions from vehicle tax and car tax refunds;
- 3) data on offences committed when driving a power-driven or towed vehicle, on penalties and administrative or other sanctions imposed on them, on the imposition of driving disqualifications, on obstacles to obtaining a driving licence permit or a driving licence, on the suspension or withdrawal of an ADR certificate or another certificate, on the expiry of the right to drive, on the issuance of a caution and on underlying offences or suspected offences for the purposes of taking decisions on and controlling the right to drive.

#### Section 7

##### *Other data to be entered in the register (859/2005)*

(1) The following vehicle data required for the purposes of the register may be entered in the register:

- 1) technical, identification and commercial data;
- 2) data on roadworthiness tests, approvals and other technical inspections;
- 3) data related to registration, insurances, use and temporary use;
- 4) data on mortgages;
- 5) data on taxation and recovery proceedings; and
- 6) theft data.

(2) Further provisions on the data referred to in subsection 1 shall be laid down by

Government decree, as appropriate.

## Section 8

### *Amendments to data entered in the register*

(1) Provisions on the right to make amendments to vehicle data are laid down in section 95 of the Vehicle Act (1090/2002). Provisions of section 29 of the Personal Data Act apply to all other amendments to data entered in the register.

(2) Data held to be incorrect shall be marked as incorrect and may be stored for five years from the time when the error was detected if this is necessary to safeguard the rights of the registered person, another concerned party or the registrar. Such data may be used only for the purpose of safeguarding these rights.

## Section 9

### *Removal of personal data from the register (43/2005)*

(1) Personal data shall be removed from the register as follows:

- 1) data on offences referred to in section 75(1) of the Road Traffic Act (267/1981) ten years after the relevant judgment gained legal force; however, data on a single penalty which has been in the register for ten years shall not be removed if the register includes such data on the person in question that cannot yet be removed pursuant to the above-mentioned provisions;
- 2) data on offences other than those referred to in paragraph 1 and data on sanctions imposed by administrative decisions of the police, if they are not related to an offence referred to in paragraph 1, five years after the relevant judgment gained legal force;
- 3) criminal data on a suspected person when the person has been acquitted by a legally valid judgment or when the right to institute criminal proceedings concerning the suspected offence has fallen under the statute of limitations;
- 4) data on the physical condition of the registered person five years after their storage;
- 5) photograph and signature of the registered person five years after the expiry of the right to drive or the driver card;
- 6) data related to granted licences and cards five years after the expiry of the validity of the licence, right to drive, or card;
- 7) all data one year after the death of the registered person.

(2) If the police have taken an administrative decision on the right to drive or driving permit in cases referred to in subsection 1(3), data on the suspected offence shall be removed five years after the relevant judgment gained legal force.

## Section 10

### *Removal of personal data related to vehicles*

Personal data related to vehicles shall be removed from the register ten years after the end of the year when the vehicle was irrevocably removed from the register.

## Chapter 3

### **Registrar's rights of access to information**

## Section 11

### *Right of access to information from authorities (859/2005)*

(1) Notwithstanding the provisions on the secrecy of information, the registrar shall have the right of access to the following information:

- 1) data entered in the population information system on the person's name, personal identity code, address, home municipality, home municipality of birth, country of birth, nationality, mother tongue, language of communication and the person's death as well as data on the restriction on disclosure referred to in section 25(4) of the Population Information Act (507/1993);
- 2) data on the legal person entered in the Finnish Business Information System maintained by the National Board of Patents and Registration and the Finnish Tax Administration and referred to in section 4(2);
- 3) data provided by the judicial administration on offences committed when driving a power-driven or towed vehicle and on penalties and other sanctions imposed on them as well as data on insolvency proceedings;
- 4) data provided by the enforcement authority on recovery proceedings related to the vehicle;
- 5) data provided by the police on the theft of a power-driven or towed vehicle, the right to drive and related application, driving licence permit, teaching licence, training licence, driving instructor's licence, professional driver's licence for driving a passenger car, parking card for people with disabilities, driving licences, obstacles to obtaining a driving licence permit or a driving licence, driving disqualifications and their grounds, suspension or withdrawal of an ADR certificate, administrative sanctions related to the right to drive, driving licence permit and other licences and data on the delivery and acceptance of driving licences and other licences referred to here;
- 6) data provided by the Finnish Defence Forces on the driving licences of the Finnish Defence Forces;
- 7) data provided by the National Board of Customs on the permit for transferring a vehicle granted by the National Board of Customs and on the motor liability insurance in force during the validity of the permit;
- 8) data provided by the State Provincial Office on operating licences and licences granted to driving schools;
- 9) data provided by the Border Guard on temporary driving disqualification and its grounds and on acceptance of driving licences.

(2) Data shall be submitted via a technical user connection or by other electronic means.

## Section 12

### *Right of access to information from parties other than authorities*

(1) Notwithstanding the provisions on the secrecy of information, the registrar shall have the right of access to the following information from parties other than authorities:

- 1) data on the approval of vehicles and data on fuel consumption and carbon dioxide emissions pursuant to the Consumer Protection Act (38/1978) provided by the manufacturer or the importer;

- 2) data provided by the Finnish Motor Insurers' Centre and the motor liability insurance company on group motor liability insurances, failures to pay motor liability insurance premiums and periods of non-use;
- 3) data provided by the driving examiner on driving instruction, control of driving instruction, driving tests and other examinations, certificates, driving licences and delivery thereof as well as ADR certificates and tests required for them;
- 4) data provided by the person carrying out inspections and by the registrar under contract on inspection and registration tasks;
- 5) data on driver, workshop, control and company cards referred to in the Council Regulation on recording equipment in road transport provided by a person managing such cards;
- 6) data provided by the manufacturer on the manufacture and delivery of driving licences.

(2) Data shall be submitted via a technical user connection or by other electronic means.

## Chapter 4

### **Publicity and disclosure of information**

#### Section 13

##### *General requirements for disclosure of information*

- (1) Disclosure of information is decided upon by the registrar.
- (2) Information shall not be disclosed if disclosure gives rise to justifiable doubt as to the protection of the registered person's privacy, to his or her interests or rights or to national security. Information other than statistical data or data disclosed individually may be entered in the recipient's information system only by the permission of the registrar.

#### Section 14

##### *Individual disclosure of public information*

- (1) In addition to the provisions of the Act on the Openness of Government Activities, everyone has the right to have the following public information entered in the register individually disclosed to him or her or to have a copy of such information:
  - 1) data on vehicles entered in the register and on their taxation, mortgages as well as owners' and holders' names, addresses and contact details on the basis of the vehicle registration number or vehicle identification number;
  - 2) data on classes of driving licences and their dates of issue on the basis of the personal identity code.
- (2) Data may also be submitted via a technical user connection or by other electronic means.

## Section 15

### *Disclosure of public information in electronic form (859/2005)*

(1) Personal data and other data entered in the register may be submitted via a technical user connection or by other electronic means:

- 1) to authorities for the purpose of managing tasks or obligations provided by or pursuant to law;
- 2) to the Finnish Motor Insurers' Centre for the purposes of determining a compensation referred to in the Motor Liability Insurance Act (279/1959), managing motor liability insurances and the compensation system and maintaining the register of accidents in road traffic and to motor liability insurance companies and the State Treasury for the purpose of managing motor liability insurances and the compensation system and to Traffic Accident Board for the purpose of managing compensation matters related to traffic accidents;
- 3) to committees of inquiry for the purpose of investigating traffic accidents;
- 4) to a person carrying out inspections for the purpose of implementing vehicle inspections provided by or pursuant to law;
- 5) to a registrar under contract for the purpose of carrying out tasks related to vehicle registration provided by law;
- 6) to a driving examiner for the purposes of carrying out tasks related to driving tests, control of driving instruction and related driving licences, managing matters related to ADR certificates and related tests as well as control of ADR instruction;
- 7) to persons managing cards used in recording equipment in road transport for the purpose of managing these cards;
- 8) to the registration authorities of the Province of Åland or of a signatory state of the Agreement on the European Economic Area (hereafter 'EEA country') for the purposes of carrying out registration tasks, control measures and delivery of vehicles and driving licences in the Province of Åland and in the countries concerned;
- 9) to the authorities of an EEA country, to the Commission of the European Communities and to authorities referred to in international agreements for the purpose of managing obligations based on Community legislation or international agreements binding on Finland.

(2) The recipient shall present evidence on the protection of information prior to the disclosure of information. The recipient may forward information received in electronic form solely for the purpose of carrying out tasks provided by law.

## Section 16

### *Forwarding of information*

Information shall not be forwarded to a third party without an appropriate permission. This prohibition does not apply to information disclosed individually. Authorities shall have the right to forward information provided that such forwarding is based on law, on an obligation of an international agreement binding on Finland or on the legislation of the European Community. Furthermore, the police shall have the right to forward information on the right to drive, driving licences, suspected or actual offences committed when driving a power-driven or towed vehicle, driving disqualifications and vehicles to the police and judicial authorities of another country and to organizations of authorities carrying out international crime prevention.

## Section 17

### *Disclosure of confidential information (588/2005)*

(1) Sensitive data referred to in section 6 as well as personal photographs and specimen signatures shall be treated as confidential unless otherwise provided in section 28 of the Act on the Openness of Government Activities.

(2) Notwithstanding the provisions on the secrecy of information, confidential information entered in the register may be disclosed:

- 1) to the police and other authorities carrying out pre-trial investigations and the prosecutor for the purposes of clearing up an offence and prosecution;
- 2) to the police and the Finnish Defence Forces for the purpose of managing matters related to driving licences;
- 3) to a court for the purpose of managing matters related to the right to drive;
- 4) to authorities carrying out traffic control;
- 5) to authorities carrying out parking enforcement as concerns data on parking cards for people with disabilities;
- 6) to authorities managing operating licences as concerns data on committed offences and penalties and other sanctions imposed on them for the purpose of managing matters related to operating licences;
- 7) to authorities managing licences granted to driving schools as concerns data on committed offences and on penalties and other sanctions imposed on them for the purpose of managing matters related to licences granted to driving schools;
- 8) to a driving examiner as concerns photographs for the purpose of identification, data on a person's physical condition for the purpose of taking a driving test, data on driving disqualifications for the purposes of verifying driving experience and granting an ADR certificate as well as data on obstacles to obtaining a driving licence;
- 9) to a person managing cards used in recording equipment in road transport as concerns photographs and signature specimens for the purpose of managing such cards;
- 10) to committees of inquiry as concerns data deemed necessary for the purpose of investigating traffic accidents;
- 11) to the authorities of the Province of Åland or of another EEA country in charge of registration tasks or related control tasks as concerns data deemed necessary for the purposes of carrying out registration tasks, supervision and delivery of vehicles and driving licences;
- 12) to Border Guard as concerns data on a crime or penalties and other legal consequences for it for the purposes of maintaining border safety, of pre-trial and other types of investigations, of a search, a rescue mission, or imposing a financial penalty on a carrier referred to in Aliens Act (301/2004) as well as a photograph of the person and his or her signature specimen for the purpose of identification.

(3) Data may also be submitted via a technical user connection or by other electronic means. The recipient shall present evidence on the protection of information prior to the disclosure of information.

## Section 18



*Disclosure of information to a party outside Finland*

(1) The registrar may, on reasonable grounds, disclose individual information from the register to authorities outside the European Economic Area for the purpose of carrying out the duties of public authorities provided that the requirements set on the transfer of personal data in sections 22, 22a and 23 of the Personal Data Act are met.

(2) Data may also be submitted via a technical user connection or by other electronic means.

Section 19

*Disclosure of information for other purposes*

(1) Notwithstanding the provisions of section 16(3) of the Act on the Openness of Government Activities, information entered in the register may be disclosed:

- 1) for the purpose of public opinion or market research, direct marketing as well as other address and other information services as concerns the name and address of a natural person;
- 2) for the purpose of updating contact details and vehicle data entered in the customer register;
- 3) for the purpose of compiling statistics or doing historical, scientific or similar research provided that requirements set on such purposes in the Personal Data Act are met, as well as statistical information;
- 4) for other purposes approved by the registrar.

(2) Data referred to in subsection 1 may also be submitted via a technical user connection or by other electronic means.

(3) Data on a natural person may be disclosed pursuant to subsection 1(1, 2 and 4) only when the activity for which the data is requested is related to road safety, vehicles, vehicle traffic, environmental nuisances caused by vehicle traffic or driving a vehicle.

(4) When disclosing information for the purpose of public opinion or market research, direct marketing or other address and other information services, the person's name or other contact details, home municipality, age, gender, mother tongue or language of communication, class and date of issue of driving licence and data related to a vehicle as well as one piece of identification data related to the person may be used as the basis for sampling personal data. Further provisions on the use of vehicle data as a basis for sampling shall be laid down by Government decree.

Section 20

*Other restrictions on the disclosure of information (403/2005)*

(1) In addition to the provisions of section 30 of the Personal Data Act, a person shall have the right to prohibit the disclosure of his or her address details by phone to be used by parties other than the authorities, the Finnish Motor Insurers' Centre, motor liability insurance companies, persons carrying out inspections, driving examiners or registrars under contract or for another purpose provided by law.

(2) If a person has a reasonable ground to suspect that his or her own health or safety or that of his or her family is threatened, the Finnish Vehicle Administration may, upon a written request, order that his or her personal data entered in the register shall not be disclosed to parties other than the authorities, the Finnish Motor Insurers' Centre, motor liability insurance companies, persons carrying out inspections, registrars under contract, driving examiners or persons managing cards used in recording equipment in road transport for the purpose of attending to duties provided by law. This order may, for the first time, remain in force for a maximum period of five years. The validity of the restriction may be extended for two years at a time.

(3) When a restriction on disclosure referred to in section 11(1)(1) and entered in the population information system is transferred to the register, the restriction on disclosure shall be extended to cover data referred to in subsection 2 of this section. The expansion of the disclosure restriction shall not prevent the disclosure of personal data to those referred to in subsection 2.

(4) When information subject to a restriction on disclosure referred to in subsection 2 or 3 is disclosed, the restriction on disclosure as well as restrictions on the use and protection of information shall be notified to the recipient. On special grounds the registrar may decide not to notify the recipient of the disclosure restriction, if the data to be disclosed and its purpose of use are regarded to be such that the purpose of the disclosure restriction is not jeopardised by not informing on the disclosure.

## Chapter 5

### **Miscellaneous provisions**

#### Section 21

##### *Fees*

The fees for the information services of the Vehicular and Driver Data Register shall be collected in accordance with the criteria laid down in the Act on Criteria for Charges Payable to the State (150/1992).

#### Section 22

##### *Penal provisions*

(1) A breach of the confidentiality requirements laid down in section 17 shall be punished pursuant to chapter 38(1 or 2) of the Penal Code (39/1889) unless the act is punishable under chapter 40(5) of the Penal Code or unless a more severe penalty is laid down elsewhere in law.

(2) An intrusion into the register shall be punished pursuant to chapter 38(8) of the Penal Code, an offence against the personal data register pursuant to chapter 38(9) of the Penal Code and a personal data violation pursuant to section 48(2) of the Personal Data Act.

#### Section 23

##### *Authorisation provision*

Further provisions on the implementation of this Act shall be laid down by Government decree. Provisions on the obligation of persons managing data entered in the register to notify defects found in the data to the registrar shall also be laid down by Government decree.

## Chapter 6

### **Transitional provisions and entry into force**

#### Section 24

##### *Entry into force*

(1) This Act enters into force on 1 January 2004. However, sections 8(2), 9, 14(1)(2) and 20 apply as of 1 January 2005.

(2) This Act repeals the Act of 15 September 1989 on the Road Transport Data System (819/1989), as amended, with the exception of sections 6(3), 6a and 16 which are repealed as of 1 January 2005.

(3) Measures necessary for the implementation of this Act may be taken before the Act's entry into force.

#### Section 25

##### *Transitional provisions (859/2005)*

(1) When section 20 enters into force, the restrictions on disclosure entered in the information system pursuant to section 16(1) of the Act on the Road Transport Data System shall be extended to cover address services, and the restrictions on disclosure entered in the information system pursuant to section 16(2) of the Act on the Road Transport Data System shall become restrictions referred to in section 20(2) of this Act.

(2) A reference elsewhere in law to the Act on the Road Transport Data System or its provisions shall be deemed to be a reference to this Act or its corresponding provisions.

(3) A reference elsewhere in law to the Road Transport Data System or its registers shall be deemed to be a reference to the Vehicular and Driver Data Register.

(4) Licences for using data entered in the Road Transport Data System which are applicable at this Act's entry into force shall remain in force until the end of 2004. Provisions applicable at this Act's entry into force shall apply to these licences.

(5) The registrar shall ensure that the Vehicular and Driver Data Register complies with this Act by the end of 2011.

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10 June 2005/403:

This Act enters into force on 20 June 2005.

15 July 2005/588:

This Act enters into force on 1 September 2005.

4 November 2005/859:

This Act enters into force on 1 December 2005.