Republic of Latvia

Cabinet

Regulation No. 234

Adopted 6 May 2014

**Regulations Regarding Biometric Data Processing System**

*Issued pursuant to*

*Section 10, Paragraph three, Section 11, Paragraph six and Section 14, Paragraph two of the Biometric Data Processing System Law*

1. This Regulation prescribes:

1.1. procedures and amount for including data in the Biometric Data Processing System (hereinafter - the System) by the institutions referred to in Section 10, Paragraph one of the Biometric Data Processing System Law (hereinafter - the Law) and updating them, and also conditions for performance of the above-mentioned activities;

1.2. procedures for destructing biometric data;

1.3. procedures and amount for use of the biometric data (hereinafter - the data) included in the System by the institution referred to in Section 14, Paragraph one of the Law.

2. In ensuring the conformity of the data with the quality conditions of the System, they shall be included in the System in the online mode or using website services. The quality conditions of the System shall be laid down in the interdepartmental agreement document or cooperation agreement regarding use of the System.

3. The conformity of the data with the quality conditions of the System shall be verified in the automatic regime, when including them in the system.

4. The conditions above-mentioned in Paragraph 2 of this Regulation shall not apply to the data which are obtained when performing operational activity, counter-intelligence and intelligence activities.

5. The institution shall include the data in the System not later than on the next working day after acquisition thereof, except data which are obtained by carrying out investigational activity, operative activity, counter-intelligence and intelligence activities.

6. The institution shall include the data, which are obtained by carrying out investigational activity, in the System within 10 working days after acquisition thereof, but the data which are acquired by carrying out operative activity, counter-intelligence and intelligence activities - after the subject of operative activity, who has acquired the relevant data, has taken a decision to enter the data in the System.

7. When issuing a personal identification document, a digital picture of two finger (palm) prints shall be included in the system, by acquiring the trail with a pressing method.

8. In the cases referred to in Section 5, Clauses 9, 11 and 12 of the Law the following digital pictures of finger (palm) prints shall be included in the System:

8.1. digital pictures of 10 fingerprints, by acquiring the print with a pressing method;

8.2. digital pictures of 10 fingerprints, by acquiring the print with a rolling over method;

8.3. digital pictures of the palms, three phalanges of four fingers and area below fingers of the both hands;

8.4. digital picture of external side part of the both hands.

9. If due to damage or amputation of fingers (palm) it is not possible to obtain a digital picture of the fingerprint, a notation shall be made regarding non-existence of the print.

10. If person's data (all data or only separate data elements) are obtained repeatedly, the set of personal data established initially shall be updated, if newly obtained data comply with the quality requirements laid down in the System and are more qualitative than previously collected data.

11. If in processing of the System data matching with the data obtained as a result of the operative activity, counter-intelligence and intelligence is detected, the System shall ensure sending of the warning to the subject of the operative activity of investigational institution which has included such data in the System.

12. Data, except the data obtained as a result of the operative activity, counter-intelligence and intelligence, shall be deleted by the Information Centre of the Ministry of the Interior, by selecting them from the list prepared automatically by the System where personal files (a set of data existing in the system related to a person) enter after expiry of the specified storage time period.

13. In conformity with the competence laid down for the relevant institution in the laws and regulations, the right to use all data included in the System shall have the State Police, the Financial Police, the Military Police, the Prison Administration, the Corruption Prevention and Combating Bureau, customs institutions, the State Border Guard, the State security institutions, the Prosecutor's Office, the court, the Information Centre of the Ministry of the Interior and local government police for performance of the functions referred to in Section 13 of the Law (except Clauses 2 and 13).

14. In conformity with the competence laid down for the relevant institution in the laws and regulation, the right to use the data indicated in Section 6, Clause 1, Sub-clauses "a", "b", "c", "d", "e" and " f" of the Law shall have the Ministry of Foreign Affairs, the Information Centre of the Ministry of the Interior, the Road Traffic Safety Directorate, the Maritime Administration of Latvia, the Office of Citizenship and Migration Affairs, in-patient medical treatment institutions included in the Register of Medical Treatment Institutions, which ensure provision of emergency medical care, and other State and local government institutions, if the use of the System is intended in external law or regulation, for the performance of the functions referred to in Section 13, Clauses 1, 2, 12 and 13 of the Law.

15. If it is necessary to determine the identity of a person, a biometric data sample shall be taken and compared to biometric data samples included in the System:

15.1. the institutions above-mentioned in Paragraph 13 of this Regulation – with the data included in the System in the cases referred to in Section 5 of the Law;

15.2. the institutions above-mentioned in Paragraph 14 of this Regulation – with the data included in the System in the cases referred to in Section 5, Clauses 1, 4, 5 and 12 of the Law.

Prime Minister Laimdota Straujuma

Minister for the Interior Rihards Kozlovskis