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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 673

Adopted 2 October 2012

**Regulations Regarding the Register of Criminalistic Characterisation and Photographs of Persons**

*Issued pursuant to*

*Section 3, Paragraph nine of the Law on the Procedures for Holding Detained Persons,*

*Section 6, Paragraph seven of the Law on the Procedures for Holding under Arrest, and*

*Section 15, Paragraph five of the Sentence Execution Code of Latvia*

**I. General Provisions**

1. This Regulation prescribes the procedures and the extent, in which information shall be included in the Integrated Information System of the Interior regarding detained persons, arrested persons and persons who have been convicted with deprivation of liberty, the procedures for deleting the abovementioned information and the time periods for storage thereof, the mandatory technical requirements in relation to the photographs to be taken, as well as the institutions, which shall be granted access to the information included in the abovementioned information system.

2. The information shall be included in the sub-system of the Integrated Information System of the Interior – Register of Criminalistic Characterisation and Photographs of Persons (hereinafter – the Register). The Information Centre of the Ministry of the Interior (hereinafter – the Centre) shall be the manager and holder of the Register.

**II. Extent of Information to be Included in the Register and Procedures for Inclusion Thereof**

3. Information shall be included in the Register in online data transmission mode and in automated data exchange mode.

4. In order to ensure inclusion and provision of information in online data transmission mode and in automated data exchange mode, institutions and the Centre shall enter into an interdepartmental agreement.

5. The following information regarding detained persons, arrested persons and persons who have been convicted with deprivation of liberty shall be included in the Register:

5.1. the given name(s) and surname, as well as the previous given name and surname (if previous given name and surname is known);

5.2. personal identity number (if none, the date of birth), for foreigners (including refugees and persons who have been granted alternative status) and stateless persons in addition date of birth, as well as other information allowing to identify the person shall be indicated;

5.3. gender;

5.4. nationality and type thereof;

5.5. father's given name;

5.6. address of the declared and actual place of residence (if the person is under arrest – address of the place of residence before arrest);

5.7. the legal classification of the criminal offence;

5.8. the criminal matter number in pretrial criminal proceedings;

5.9. the type of committing the criminal offence;

5.10. the implements and means used in committing the criminal offence;

5.11. criminalistic characterisation:

5.11.1. native language, as well as language in which he or she is fluent or in which he or she is able to communicate at the level of everyday speech;

5.11.2. type of occupation (field of occupation, field of specialisation);

5.11.3. personal skills and abilities (according to the information provided by the person to be characterised or case materials);

5.11.4. nickname(s);

5.11.5. description of personal tattoos and special features;

5.11.6. references (given name(s) and surname, personal identity number or date of birth, address) to persons with whom the data subject has contact in the criminal world, prisons, and other contacts, which may be of significance in criminal proceedings;

5.11.7. personal features of outer appearance (demographic, anatomic and functional);

5.11.8. harmful habits (for example, addition to alcohol, addiction to drugs, toxicomany);

5.12. photo set of the person (frontal view, right profile, left half-profile of the face of the person, photograph of the person in full height with a ruler visible in the background, as well as photographs of tattoos and other special features). Mandatory technical requirements in relation to the photographs to be taken are indicated in Annex to this Regulation.

6. Documentarily approved information shall be included in the Register. The requirements regarding documentary approval of information shall not apply to the information referred to in Sub-paragraph 5.11 of this Regulation.

7. The State Police shall include the information referred to in Paragraph 5 of this Regulation regarding the detained persons in the Register within 36 hours after their placement in specially equipped police premises – temporary place of detention.

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8. Prisons shall include the information referred to in Paragraph 5 of this Regulation in the Register regarding persons who:

8.1. are placed in an investigation prison (if the information already included in the Register differs from the actual situation) – within five working days after placement of the person in the investigation prison;

8.2. are released from an investigation prison due to amending of the security measure, revocation of the security measure or termination of investigation, continuing the proceedings for the application of means of medical nature (this condition shall not apply to persons who are released according to termination of criminal proceedings on the basis of exonerating circumstances, or for whom the term of arrest is extended) – without delay, but not later than within five working days after release of the person from the investigation prison;

8.3. are released from a deprivation of liberty institution according to serving the sentence determined in a court judgment – one month before releasing the person from the deprivation of liberty institution.

9. Prisons shall, without delay, but not later than within five working days after release of a person from a deprivation of liberty institution, include the information referred to in Paragraph 5 of this Regulation in the Register regarding persons who are released from a deprivation of liberty institution due to:

9.1. application of clemency or amnesty;

9.2. conditional early release from serving the sentence;

9.3. release from serving the sentence due to the application of compulsory means of medical nature;

9.4. replacement, reduction or complete revocation of the court decision;

9.5. suspending the execution of criminal punishment along with moving the convicted person for further serving of the sentence to a foreign country or from the day when a notification of the Ministry of Justice is received that the judgment is accepted for execution in a foreign country.

10. The State Police and prisons shall be responsible for the credibility, authenticity, and timely inclusion of information in the Register as well as for conformity with the mandatory technical requirements referred to in Annex to this Regulation.

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11. The information referred to in Paragraph 5 of this Regulation, which is accessible in the Population Register, Punishment Register or Information System of Criminal Proceedings, shall be included in the Register from the abovementioned State information systems.

**III. Procedures for Storage and Deletion of Information Accumulated in the Register**

12. Information regarding a persons, as well as his or her photo sets shall be deleted from the Register, if:

12.1. 30 years have passed since the last time when:

12.1.1. criminal proceedings against the person were terminated on the basis of non-exonerating circumstances;

12.1.2. the person has been found guilty of committing a criminal offence, but he or she has not been adjudged a criminal punishment or he or she has been released from criminal punishment or serving a criminal punishment;

12.1.3. the criminal punishment imposed on the person has been executed or the limitation period for execution of a judgment of conviction or an injunction of the public prosecutor regarding punishment has set in;

12.2. criminal proceedings against the person were terminated on the basis of exonerating circumstances or the person was acquitted and the grounds for storing the information referred to in Sub-paragraph 12.1 of this Regulation does not exist.

13. Information shall be deleted from the Register, drawing a relevant act about it.

**IV. Procedures for Issuing the Information Accumulated in the Register**

14. Information from the Register in online mode or upon written request may be received by investigation institutions, bodies performing operational activities, State security institutions and prosecutorial institutions for the performance of the functions specified in the laws and regulations governing the operation of such institutions (officials).

15. Issuing of information from the Register to foreign institutions shall be admissible in the cases and in accordance with the procedures provided for in the international agreements binding on the Republic of Latvia and legal acts of the European Union.

**V. Closing Provisions**

16. The information referred to in this Regulation regarding detained persons, arrested persons and persons who have been convicted with deprivation of liberty, which until the day of coming into force of this Regulation has been accumulated in the sub-systems “Personal description” and “Photographic archives” of the State information system “Integrated Information System of the Interior” under supervision of the Centre, shall be included in the Register.

17. The requirements referred to in Annex to this Regulation in relation to the photographs to be taken shall come into force from 1 June 2014.

Prime Minister V. Dombrovskis

Minister for the Interior R. Kozlovskis

**Annex**

Cabinet Regulation No. 673

2 October 2012

**Mandatory Technical Requirements in Relation to the Photographs to be Taken**

1. Size of the frontal view of the face for insertion in the Register:

1.1. the longest edge of the photograph – at least 525 pixels, however, not more than 2000 pixels;

1.2. the reciprocal distance between eye pupils – at least 120 pixels;

1.3. the width of the head in the photo – at least 240 pixels.

2. The size of the photograph (which is not the frontal view of the face) for insertion in the Register:

2.1. the longest edge of the photograph – at least 500 pixels, however, not more than 2000 pixels;

2.2. the photograph must be compressed in .jpg, .bmp, .gif, and .png format, using 100 % quality level;

2.3. the maximum physical size of the photograph is 2 MB.

3. Resolution of the camera – at least five pixels, with the autofocus mode.

Minister for the Interior R. Kozlovskis