

O R D E R  
OF THE MINISTER OF THE INTERIOR OF THE REPUBLIC OF LITHUANIA

**ON THE ESTABLISHMENT OF THE INSTITUTIONAL REGISTER OF THE  
IDENTIFICATION SIGNS OF PERSONS SERVED ARREST OR TERMINAL  
IMPRISONMENT PENALTY**

6 October 2005 No. 1V-319  
(Latest amendments 14 February 2007 No. 1V-68)  
Vilnius

Following Article 6 (5) and Article 20 (3) of the Law on State Registers of the Republic of Lithuania (*Official Gazette*, 1996, No. 86-2043; 2004, No. 124-4488):

1. I s e t u p the Institutional Register of the Identification Signs of Persons Served Arrest or Terminal Imprisonment Penalty on the grounds of the central database “Previously sentenced persons”, managed according to the instructions of the centralized management of the data of previously sentenced persons approved by the order No. 1V-298/216, 25 August 2003, of the Minister of the Interior of the Republic of Lithuania and the Minister of Justice of the Republic of Lithuania (*Official Gazette*, 2003, No. 84-3860).

2. I a p p r o v e annexed:

2.1. the Regulations of the Institutional Register of the Identification Signs of Persons Served Arrest or Terminal Imprisonment Penalty;

2.2. the Regulations of data safety of the Institutional Register of the Identification Signs of Persons Served Arrest or Terminal Imprisonment Penalty.

3. I a s s e s s that the beginning of the activity of the Institutional Register of the Identification Signs of Persons Served Arrest or Terminal Imprisonment Penalty is 1 July 2006.

4. I a s s i g n the Information Technology and Communications Department under the Ministry of the Interior of the Republic of Lithuania, under the order set by laws, till the beginning of the activity of the Institutional Register of the Identification Signs of Persons Served Arrest or Terminal Imprisonment Penalty:

4.1. prepare modification Project to the order No. 1V-298/216, 25 August 2003, of the Minister of the Interior of the Republic of Lithuania and the Minister of Justice of the Republic of Lithuania and provide it to the Minister of the Interior;

4.2. prepare projects of the instructions of data management of the Institutional Register of the Identification Signs of Persons Served Arrest or Terminal Imprisonment Penalty, descriptions of procedures and rules of safe data management;

4.3. arrange preparation of programming tools required for data management of Institutional Register of the Identification Signs of Persons Served Arrest or Terminal Imprisonment Penalty.

MINISTER OF THE INTERIOR

GINTARAS FURMANAVIČIUS

APPROVED  
by the Order No. 1V-319  
of the Minister of the Interior  
of the Republic of Lithuania  
of 6 October 2005

## **THE REGULATIONS OF THE INSTITUTIONAL REGISTER OF THE IDENTIFICATION SIGNS OF PERSONS SERVED ARREST OR TERMINAL IMPRISONMENT PENALTY**

### **I. GENERAL PROVISIONS**

1. The Regulations of the Institutional Register of the Identification Signs of Persons Served Arrest or Terminal Imprisonment Penalty (hereinafter – the Regulations) regulate the purpose, objects of the Institutional Register of the Identification Signs of Persons Served Arrest or Terminal Imprisonment Penalty (hereinafter – the register), its management bodies and their rights and duties, the register management, reorganization and liquidation.

2. The purpose of the register – to record register objects, to collect, accumulate, process, systematize, store the register data, to perform other actions related to the register data management.

3. The register – a constituent of the Interior information system.

4. The register objects – identification signs of persons who served arrest or terminal imprisonment penalty imposed by the court decision in the Republic of Lithuania.

5. The purpose of the register personal data management – investigation and prevention of criminal acts.

6. The data to the register is provided by correctional institutions, lockups and institutions performing pretrial detention function – arrest (hereinafter – the imprisonment places).

7. The register data shall be accumulated in the register database.

8. The register shall be managed following:

8.1. the Law of the State Registers of the Republic of Lithuania (*Official Gazette*, 1996, No. 86-2043; 2004, No. 124-4488);

8.2. the Law of the Republic of Lithuania on Legal Protection of Personal Data (*Official Gazette*, 1996, No. 63-1479; 2003, No. 15-597);

8.3. the Law on the Police of the Republic of Lithuania (*Official Gazette*, 2000, No. 90-2777);

8.4. the Code of Criminal Procedure of the Republic of Lithuania (*Official Gazette*, 2002, No. 37-1341) (hereinafter – the CCP);

8.5. the Criminal Code of the Republic of Lithuania (*Official Gazette*, 2000, No. 89-2741) (hereinafter – CC);

8.6. the Code of the Execution of Penalties of the Republic of Lithuania (*Official Gazette*, 2002, No. 73-3084);

8.7. the Regulations and other legal acts regulating the Register management.

### **II. THE REGISTER MANAGEMENT BODIES**

9. The leading register management body – the Ministry of the Interior of the Republic of Lithuania (hereinafter – the Ministry of the Interior).

10. The register management body – the Information Technology and Communications Department under the Ministry of the Interior of the Republic of Lithuania (hereinafter – the Information Technology and Communications Department).

11. The leading register management body shall:

11.1. coordinate the work of register management body;

- 11.2. make the register data supply contracts;
- 11.3. approve legal acts relating to the register data safety and management;
- 11.4. organise acquisition, implementations and modernisation of computer hardware and software of the register management;
- 11.5. organize and coordinate the training of public officials and other employees working under employment contracts of register management bodys;
- 11.6. examine and summarize proposals by register management bodys in respect of improving register operations;
- 11.7. ensure that the register is managed in compliance with the Law on State Registers of the Republic of Lithuania, Regulations and other legal acts;
- 11.8. provide information regarding the register activity to concerned persons;
- 11.9. perform other functions indicated in the Regulations and other legal acts.
- 12. The leading register management body is a register personal data manager.
- 13. The register management body shall:
  - 13.1. organize, coordinate or perform works of maintenance and improvement of hardware and software of the register;
  - 13.2. ensure adequate work of the register and is responsible for the register database safety;
  - 13.3. supervise the data provision networks within its capacity;
  - 13.4. organize interface of the register with other registers, information systems;
  - 13.5. record data to the register database;
  - 13.6. provide register data to the register data recipients;
  - 13.7. ensures the uninterrupted operation of the register;
  - 13.8. perform other functions indicated in the Regulations and other legal acts.
- 14. The register management body is a register personal data manager.

### **III. REGISTER DATA**

- 15. Data managed in the register is as following:
  - 15.1. identification code of the register object, generated by means of programming;
  - 15.2. data of a person served arrest or terminal imprisonment penalty imposed by the court decision:
    - 15.2.1. personal code;
    - 15.2.2. name (names);
    - 15.2.3. surname (surnames);
    - 15.2.4. personal document (number, date of issue and validation);
    - 15.2.5. sex (male, female);
    - 15.2.6. date of birth;
    - 15.2.7. place of birth;
    - 15.2.8. residence;
    - 15.2.9. alias (aliases);
    - 15.2.10. photos (right profile, front, left profile);
    - 15.2.11. date of taking photos;
    - 15.2.12. number of the criminal case;
    - 15.2.13. number, paragraph, item of the article of the CC intending a criminal act for committing of which the person was sentenced and served arrest or terminal imprisonment penalty;
    - 15.2.14. dactylographic card reference in the register of automated dactylographic identification of the Lithuanian Police;
    - 15.2.15. beginning/end of the latest penalty;
    - 15.2.16. DNA analysis reference in the DNA register of the Lithuanian Police;
    - 15.2.17. height;
    - 15.2.18. pictures of identification signs (date of taking pictures, number in the scheme);
    - 15.2.19. distinguishing body features (type, name, number in the scheme);

- 15.2.20. teeth (tooth features, tooth state, tooth state scheme);
- 15.2.21. external features (body, head, forehead, eyebrows, eyes, nose, mouth, moustache, lips, chin, ears, beard);
- 15.2.22. state of health (diseases, name of disorder);
- 15.2.23. exclusive features of the voice timbre, gestures, and step;
- 15.3. information of the criminal act:
  - 15.3.1. place of committing the criminal act;
  - 15.3.2. trivial object of the attempt;
  - 15.3.3. way of committing the criminal act;
  - 15.3.4. instruments and means of the criminal act;
- 15.4. information of the register data supplier (name, code according to the Particular instructions of data management of the Institutional Register of the Identification Signs of Persons Served Arrest or Terminal Imprisonment Penalty approved by Item 7 of the order No. 1V-440, 21 November 2006, of the Minister of the Interior of the Republic of Lithuania);
- 15.5. date of the register object registration;
- 15.6. date of the register object is signed out.

#### **IV. REGISTRATION OF REGISTER OBJECTS**

16. The register data suppliers shall fill in the identification cards IPK-A of a person who served arrest or terminal imprisonment sentence (hereinafter – the identification card) (Annex to the Regulations) and provide them to the register management body under the following order:

16.1. the identification cards shall be filled in for each convict according to the documents and medical examination results in the convict personal file;

16.2. the identification card must be filled in clearly, without any corrections and crossings, in dark ink or dark ballpoint; filling in the identification card, information shall be entered into particular sections; dates shall be written in the Arabic figures, indicating year/month/day, e.g. 2000-01-31;

16.3. in Section “Name” of Table “Distinguishing features”, the feature name shall be underlined; in case there is no entry into a feature type or its name section that describes the feature homogeneously, it shall be allowed to describe the feature in own words;

16.4. indicating the area of a human body where the distinguishing feature exists, it shall be required to circle a figure indicating this area in the human scheme; in case a part of the distinguishing feature is in a neighbouring body area, it shall be required to indicate the area where the feature dominates;

16.5. tattoos shall be described and, if possible, pictured and photos shall be inset into express sections; in case the pictures or descriptions of the distinguishing features do not fit to the sections of the identification cards or there are more than four features, pictures shall be inset and features shall be described in a separate page clipped together to the identification card;

16.6. in the event when a convict pardoned after having served the penalty time determined by the court decision, the register data suppliers provide the identification cards to the register management body by mail not later than 7 days before the release; in the event the convict is released according the general pardon act or is granted a clemency and on the other basis established by laws of the Republic of Lithuania, also in the event release of the convict from the imprisonment place on probation – not later than on the day of release.

17. The register management body shall:

17.1. enter the data of the identification cards into the register database within 5 working days from the receiving date of the identification cards;

17.2. check the data indicated in Items 15.2.1–15.2.3 automatically with the data of the Population Register of the Republic of Lithuania. The data indicated in Items 15.2.4–15.2.8 shall be entered into the register database from the Population Register of the Republic of Lithuania;

17.3. enter the data indicated in Item 15.3 into the register database from the Register of Criminal Acts;

17.4. check the data indicated in Item 15.2.12 with the data of the Institutional Register of Suspected, Accused and Convicted Persons. The data indicated in Items 15.2.13 and 15.2.15 shall be entered into the register database from the Institutional Register of Suspected, Accused and Convicted Persons.

18. The register data suppliers must ensure correctness of the data provided.

19. Where the register management body detects an error in the data supplied by a data supplier, it shall notify in written thereof the data supplier within three working days from the moment these errors emerged, and shall request for their rectification. The register data supplier must rectify the erroneous data within five working days from the receipt of the notification and shall forward the specified register data to the register management body. Only after the data supplier specifies the data, the register management body shall enter them into the register database.

20. Where the register management body detects an error in the data supplied by an associated register or register data supplier, it shall notify in written thereof the register data supplier immediately. The register data supplier must rectify the erroneous data within five working days from the receipt of the notification and shall forward the specified register data or explanation on the situation to the register management body. Only after errors of the data of the associated register are detected and the data supplier specifies them, the register management body shall enter them into the register database.

21. The register object is considered as registered when the data indicated in Item 15 is entered into the register database and the registered object is given an identification code.

22. Where the register data suppliers familiarize with the register data provided by them and detect that erroneous, incorrect and incomprehensive data is entered into the register database, they shall be entitled to request to rectify the erroneous data, amend the incomprehensive one, and to destruct the unwanted data. The register management body must fulfil it within five working days from this request and the moments of the receipt of the documents proving the facts indicated herein, and inform the register data supplier thereof.

23. Where the register management body detects that erroneous, incorrect and incomprehensive data was entered into the register database due to its fault, it must rectify the errors not later than within three working days from these circumstances emerge and inform thereof all register data recipients that were supplied with erroneous, incorrect and incomprehensive free of charge.

24. A person whose data is entered into the register shall be entitled to receive information of the data managed in the register by a written notification.

25. A person who familiarized with his data managed in the register shall be entitled to request to rectify the erroneous data, amend the incomprehensive one, to destruct the unwanted or illegally collected data. The register management body must fulfil it within five working days from this request and receipt of the documents proving the facts indicated herein, and inform the applicant thereof.

26. The register management body shall:

26.1. sign out the register objects immediately:

26.1.1. a year away from the conviction extinction or its abolition or a year away from the execution of the arrest penalty or probation from the arrest penalty for criminal crime;

26.1.2. when information regarding the convict death is received from the Population Register of the Republic of Lithuania;

26.2. the signed out objects shall be deleted from the register data bases at the beginning of each year but not later than till 10 January.

## **V. INTERACTION WITH OTHER REGISTERS**

27. The following data of the associated registers is used for the additional description of a register object:

27.1. the Population Register of the Republic of Lithuania – the data indicated in Items 15.2.1–15.2.8, 26.1 of the Regulations is received by automated means;

27.2. the Institutional Register of Criminal Acts – the data indicated in Item 15.3 of the Regulations is received by automated means;

27.3. the Institutional Register of the Suspected, Accused and Convicted Persons – the data indicated in Items 15.2.12, 15.2.13 and 15.2.15 of the Regulations is received by automated means.

28. Where the register management body detects errors in the data received from an associated register, it must transmit all erroneous, incorrect and incomprehensive data to the management body of the associated register immediately.

29. When the register management body receives information from the associated register regarding the detected errors of the data transmitted and explanation of the circumstances, it must revise the information and explanation of the circumstances within three working days from receipt and, in case this information is confirmed, it must rectify inaccuracies. In the cases when the register management body shall apply to the data supplier for its rectification, this time limit may be extended up to five working days.

30. Having rectified an error in the register data, the register management body shall inform thereof the register data recipients that were supplied with erroneous, incorrect or comprehensive data immediately.

## **VI. PROVISION AND USE OF REGISTER DATA AND DOCUMENTS**

31. The Register data recipients shall be as following:

31.1. pretrial investigation bodies;

31.2. administration subdivisions of the Ministry of the Interior, institutions under the Ministry of the Interior;

31.3. the Prison Department under the Ministry of Justice of the Republic of Lithuania (hereinafter – the Prison Department);

31.4. places of imprisonment;

31.5. other persons entitled to receive the register data under the order set by laws.

32. The register data may be supplied for the register data receivers:

32.1. by issuing certificates or other documents;

32.2. by providing extracts from the register;

32.3. by automated means;

32.4. by other means provided for in legal acts.

33. Where the register data recipients detect errors in the data supplied, they shall inform the register management body immediately. The register management body must check the information regarding the erroneous register data within ten working days from its receipt, rectify errors in case the information is confirmed and inform the data recipient thereof in written. In case the information is not confirmed, it shall inform the register data recipient on the refusal to rectify errors.

34. The register data shall be provided free of charge:

34.1. to natural persons – the data processed in the register which concern these persons, once per calendar year;

34.2. to administration subdivisions of the Ministry of the Interior, institutions under the Ministry of the Interior – for the performance of their direct functions;

34.3. to pretrial investigation institutions and the Prison Department - for the performance of their direct functions;

34.4. to imprisonment places – only the data provided by them and entered into the register;

34.5. in other cases established by Article 17 (4) of the Law on State Registers of the Republic of Lithuania.

35. The register data shall be supplied according to the application of the data recipient indicating the purpose of the data use or according to the data supply contract made by the data recipient and data manager wherein the purpose of data use, terms and order shall be specified.

36. Other persons entitled to receive the register data by laws and not indicated in Item 34 of the Regulations shall be charged for the register data provision under the order set by legal acts.

## **VII. TRANSMISSION OF REGISTER DATA TO FOREIGN COUNTRIES**

37. Register data shall be provided to legal and natural persons of the European Union Member States in accordance with the same procedure established for the provision of such data to legal and natural persons of the Republic of Lithuania.

38. Register data shall be provided to legal and natural persons of foreign countries non Member States of the European Union in conformity with the laws, other legal acts of the Republic of Lithuania and international treaties.

## **VIII. PROTECTION OF THE REGISTER DATA**

39. The register data protection shall be ensured in compliance with the Regulations of the data protection of the Register of the identification signs of persons served arrest or terminal imprisonment penalty that together with detailed instructions, procedure descriptions and rules of safe work with the data shall define the register protection policy.

40. The Information Technology and Communications Department shall be responsible for security of the register database.

41. Only authorized public officials and employees working under employment contract of the register management institution (hereinafter – persons managing the register data) shall be entitled to enter the data into the register database or rectify it.

42. The Information Technology and Communications Department shall register the register data recipients, persons managing the register data, and entitles to work with the register data under the order set by the Minister of the Interior.

43. The leading register management body shall be liable for:

43.1. installation of the central computer premises with limited access;

43.2. the system of permissions to work with data for persons managing the register data functioning;

43.3. installation of operational system and database backup storage.

44. The programming data safety means must comply with the following requirements:

44.1. each person managing the register data must be identified uniquely;

44.2. password system must be implemented;

44.3. all computer actions of the register data management shall be registered.

44.4. system and application programs must ensure the register data invulnerability.

45. Persons managing the register data must provide a written undertaking to keep data in secret for the period determined by laws and other legal acts without prejudice to the Law of the Republic of Lithuania on Legal Protection of Personal Data. These persons shall be held liable for illegal register data disclosure, transmission, change or destruction in accordance with the order set by laws.

## **IX. FUNDING OF THE REGISTER**

46. The Register management shall be funded from the state budget of the Republic of Lithuania, charges collected from services provided and from other financial sources specified in legal acts.

**X. REORGANIZATION AND LIQUIDATION OF THE REGISTER**

47. The Register shall be reorganized and liquidated under the order set by laws of the Republic of Lithuania and other enactments.

48. The documents and data of the liquidated register shall be delegated to the other state or institutional register, destructed or transferred to state archives under the order set in the Law of the Republic of Lithuania on Documents and Archives (*Official Gazette*, 1995, No. 107-2389; 2004, No. 57-1982).

COORDINATED

Minister of Justice of the Republic of Lithuania

Gintautas Bužinskas

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*The translation is true. The translator is aware of the contents of Art. 235 of the Penal Code of the Republic of Lithuania.*