

Guidelines on Population Registration



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Foreword

In many OSCE participating States, citizens are required to register their place of residence with the relevant authorities, who use the information for the planning and delivery of state services and to contact people. There are also other forms of population registration that indirectly but decisively determine to what extent persons enjoy certain basic rights, including mechanisms for the registration of such life events as birth, death and marriage. This information can determine a person's eligibility to vote, to access education and health care, and to receive social services or a pension.

Population registration is not the subject of specific OSCE commitments and is not practiced in all OSCE participating States. In those participating States where a population-registration system does exist, it can be a means towards achieving the implementation of fundamental commitments and international standards in three distinct areas: rule of law, the right to vote and the right to freedom of movement (particularly with respect to the choice of a place of residence).

Although population registration has been abused to restrict freedom of movement in a number of participating States, in many others it has served as one of the cornerstones of modern administration, facilitating democratic governance and the upholding of fundamental civil and political rights.

Since they were first established in South-Eastern Europe, OSCE field operations have been providing assistance on voter and population-registration issues to participating States. Participating States have also increasingly turned to ODIHR for technical advice and support in modernizing their population registers, especially in response to recommendations on voter registration made by Election Observation Missions.

In 2006, ODIHR convened an OSCE-wide meeting of those field operations that provide assistance in the area of voter and population registration. At the meeting, representatives of the OSCE's field operations called on ODIHR to consolidate the OSCE's expertise acquired thus far in the area of population registration and to provide more effective support for field operations. ODIHR has developed these guidelines in answer to the growing number of requests for expertise and policy advice from participating States.

The guidelines are based on the good practices that ODIHR recorded across the OSCE region. These guidelines are not intended or designed as a norm-setting exercise and should not be construed as an ODIHR endorsement of any particular model of population registration or of population registration itself. Their main aim is to provide advice to the OSCE participating States by elucidating the main principles governing the establishment and maintenance of functional models of population registration in democratic societies. The guidelines focus on describing criteria for the development of efficient population-registration systems that correspond to the legitimate needs of the participating States and their citizens. They outline the characteristics of such systems, highlighting good practices in the OSCE region while taking account of the varied administrative traditions of the participating States.

The impact of population registration on a society is multidimensional. ODIHR recognizes that the reform of population-registration systems can make it possible to strengthen not only the protection of the right to freedom of movement, but also overall rule of law and good governance in a given society.

Ambassador Janez Lenarčič
Director of the OSCE Office
for Democratic Institutions
and Human Rights (ODIHR)

1. Introduction

1.1. Overview

Many OSCE participating States have similar traditions of population registration. When operating effectively, a system of population registration can provide reliable information that can be used for various purposes. For example, information gathered through regular population-registration systems is used for planning, budgeting and taxation; issuing identification documents; establishing eligibility to vote and to access education, health care, social insurance, welfare and pension systems; and determining liability or eligibility for military service.

A country's population-registration system can also provide a framework for observing and protecting many of the human rights embodied in international declarations and conventions. Depending on the provisions in place, the system can ensure that citizens can exercise a wide range of rights, such as those to property, privacy, freedom of movement and free choice of place of residence, as well as access to social services like education, health care, and social security. In some states with more advanced technological infrastructure, population registration has formed the basis for the establishment of a number of citizen-oriented computerized services, also known as "e-services" and "e-government".

Population registration should not be confused with civil registration. Civil registration is primarily carried out for the provision of legal documents and statistical purposes, and is limited to the collection and registration of live births and fetal deaths, marriages, divorces, marriage annulments, judicial separations, adoptions, legal changes of name and recognition of children. Population registration includes some (or all) of the events covered by civil registration, but also includes a wider range of events, such as the establishment of a place of residence and change of address.

1.2. About these guidelines

These guidelines are not intended to define norms or standards. Instead, they elucidate the main principles governing the establishment and maintenance of functional models of population registration in democratic societies. They describe criteria for developing efficient population-registration systems that correspond to the actual needs of participating States and their citizens. They outline the characteristics of such systems, highlighting good practices in the OSCE region, while taking account of the various administrative traditions of the participating States.

These guidelines provide a tool for practitioners, relevant authorities and political decision makers in OSCE participating States to use when assessing the efficiency of their national systems of population registration and, when necessary, reforming them.

The guidelines focus on the following topics:

- Background information, including the purpose of the guidelines, their suggested audience and the relevant OSCE commitments and other international standards related to population registration;
- The definition of population registration and the main benefits of a well-run system of population registration;
- The legislative framework related to population registration;
- The information stored in a population register and how it should be updated;
- Designing population-registration systems; and
- Using technology to share information.

1.3. ODIHR's approach to population registration

ODIHR's involvement with population registration derives from the commitment by participating States to "[...] their common determination to build democratic societies based on [...] the rule of law", as stated in the Preamble and Paragraph 2 of the 1990 OSCE Copenhagen Document.¹ Two key areas of the Office's work—democratic elections and freedom of movement—are vital to the implementation of this commitment.

¹ "Document of the Copenhagen Meeting on the Human Dimension of the Conference on Security and Co-operation in Europe (CSCE)", OSCE website, <http://www.osce.org/documents/odihr/1990/06/13992_en.pdf>. The CSCE was renamed the Organization for Security and Co-operation in Europe (OSCE) at the 1994 Budapest Summit.

In addition to the 1990 OSCE Copenhagen Document, important provisions of international law are also relevant to population registration. The Preamble of the United Nations' International Covenant of Civil and Political Rights² (ICCPR) states that "[...] the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights [...]".

In particular, Art.25(b) of the ICCPR ensures the right of citizens "to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage". This right is upheld by the General Comments to the ICCPR, and in particular by Comment 25, which states that "Whatever form of constitution or government is in force, the Covenant requires States to adopt such legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to enjoy the rights it protects,"³ and that "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed."⁴

Neither the 1990 OSCE Copenhagen Document nor the ICCPR specify the legal and administrative frameworks that states should adopt in order to meet these obligations and commitments.⁵ Population registration is not the subject of specific OSCE commitments. It is, however, a means to achieving the implementation of fundamental commitments and international standards in three distinct areas: the rule of law, the right to vote and to the freedom of movement (particularly in respect of the choice of a place of residence). Population registration is also part of the shared tradition of many, but not all, of the 56 OSCE participating States.

Although the concept of population registration has been abused in the past to restrict freedom of movement in a number of participating States, its value as an instrument for upholding the rule of law and fundamental civil and political rights has been clearly demonstrated in many participating States. The OSCE itself has undertaken major technical assistance programmes (notably the creation of voter- and population-registration systems in South-Eastern Europe) and has developed considerable expertise in this field.

² The United Nations International Covenant on Civil and Political Rights was adopted and opened for signature, ratification and accession by UN General Assembly resolution 2200A (XXI) of 16 December 1966; entry into force 23 March 1976, in accordance with Article 49.

³ ICCPR General Comment 25.1 of the 57th session, 1996. UNHCHR website, <<http://www.unhchr.ch/tbs/doc.nsf>>.

⁴ *Ibid.*

⁵ "Document of the Copenhagen Meeting", *op. cit.*, Paragraph 4.

1.3.1. Universal and Equal Suffrage

Among the “elements of justice that are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings” is the “guarantee [of] universal and equal suffrage” (Copenhagen Document, 1990 par. 7.3). Technically defective or unreliable voter registration limits the full exercise of this right. In many OSCE participating States, voter registers are linked to or produced from a population register, so the quality of the latter directly affects the exercise of universal and equal suffrage. ODIHR assists states to build sustainable, accurate and transparent voter-registration systems through modernization of population-registration systems in line with international standards.

1.3.2. Freedom of Movement

Freedom of movement and the free choice of a place of residence within a country are among the basic human rights guaranteed by a number of international legal instruments. At the Third Follow-up Meeting of the Conference on Security and Co-operation in Europe (CSCE)—held in Vienna from 4 November 1986 to 19 January 1989—participating States⁶ concluded that:

20. The participating States will respect fully the right of everyone
 - to freedom of movement and residence within the borders of each State, and
 - to leave any country, including his own, and to return to his country.

21. The participating States will ensure that the exercise of the above-mentioned rights will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured.

22. In this context they will allow all refugees who so desire to return in safety to their homes.

⁶ “Concluding Document of the Vienna Third Follow-up Meeting, 1989; ‘Questions relating to Security in Europe’”, paragraphs 20-22. OSCE website, <<http://www.osce.org/item/15808.html>>.

With these conclusions, participating States further reaffirmed their commitments to reinforce protection of the right to freedom of movement and the choice of a place of residence, as set forth in the United Nations' 1948 Universal Declaration of Human Rights⁷ and the International Covenant on Civil and Political Rights⁸ of 1966.

ODIHR offers expertise to participating States to encourage the development and implementation of procedures and legal provisions regulating the population-registration process—and residence registration in particular—that do not interfere with the right to freedom of movement and are in compliance with international standards with regard to data protection and privacy.

1.4. Historical overview of population registration

Population registers are not a recent development. The earliest record of a register of households and individuals comes from the second century B.C., in Han Dynasty China. Europe's earliest registers of population date back to the seventeenth century.

Over the last two centuries, states have gradually begun to register events in the lives—births, deaths, marriages, etc.—of their citizens and also to record their places of residence. The registration of life events, now known as civil registration, is mandatory in all OSCE participating States. Civil registration is necessary in order to establish each individual's legal identity, while also providing the state with valuable statistics about the make-up of society.

The systematic registration of the movement of members of societies and communities can also be traced far back in history. Only relatively recently, however, have a significant number of states begun to register population movement in a systematic manner, by recording deregistration from one place of residence and registration at another. Following this, authorities in many states realized that before a person could register a new place of residence, he would have to prove his identity; and in order to do that, he had to present information relating to his own birth, marriage, etc. At this point, the authorities decided to merge the two sets of data. (In other words, registration of place of residence has become, in practice, a set of data linking a person's (i) identity and (ii) place of residence.)

⁷ "The Universal Declaration of Human Rights", Article. 13. UN website, <<http://www.un.org/en/documents/udhr/>>.

⁸ "The Universal Declaration of Human Rights", Article. 13. UN website, <<http://www.un.org/en/documents/udhr/>>.

The systems of population registration in place in modern states are characterized by the manner in which authority is delegated among public administration institutions. In essence, three different approaches can be identified:

- A single authority registers life events and information on place of residence;
- Different authorities are responsible for recording life events and population movements; or
- The registration of life events is entirely the responsibility of bodies of local government, while population movements are registered by the central authorities.

Tradition plays a decisive role in determining different states' approaches to the modernization of their population-registration systems.

With the development of information technology, states have been transferring the information contained in their paper registers to computer databases, as well as consolidating their various registers into a single state network. These steps have had two major positive impacts: (1) the efficiency of public administration has been greatly improved; and (2) communication between citizens and administrative bodies is faster and more efficient. While the use of modern technology can support a well-designed population-registration system, it does not guarantee the relevance or accuracy of the data in the system. These are determined primarily by the legal, administrative and institutional framework governing the process of population registration.

2. Population registration

2.1. Definition of population registration

Any definition of population registration should take into account both the population being registered and the entity performing the registration. In implementing population registration the state is interested in data about the population living in or originating from a specific territory. It is in a citizen's interest to participate in the registration process because the registration is a precondition for exercising rights (for example, registration is required in order for a person to be enlisted in the voter list).

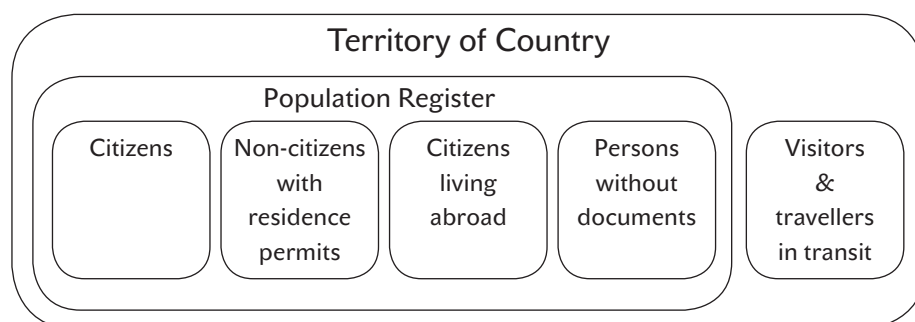
These guidelines define "population registration" as the system provided for in a consistent legal framework setting out terms and conditions to continuously register eligible persons within a specific area of a public authority with the purpose of establishing their identity, civil status (including vital life events) and place of residence, and to provide them with proof thereof on the basis of documental evidence.

The purpose of a population-registration system is to create and maintain one or more data sources to provide the legal documents and notifications necessary to establish and protect the civil rights of data subjects (i.e. the individuals about whom the data are being collected⁹). A population-registration system creates and maintains all the institutional, legal and technical prerequisites to collecting data in a technically sound,

⁹ A data subject in this context is understood as a natural person whose personal information is processed for the purposes of the population-registration system. Processing means the collection; recording; organization; storage; adaptation or alteration; retrieval; consultation; use; disclosure by transmission, dissemination, or other means; alignment or combination; blocking; erasure; or destruction of data.

co-ordinated and standardized manner, taking into account the cultural, social and administrative circumstances of the country in which it operates.

The main elements of any framework for a population-registration system can be characterized formally, with some overlap, in terms of content, procedures, responsibilities and the rights of data subjects:



Content

- Determination of responsible authorities;
- Determination of procedures, including organizational and technical measures;
- Determination of a specific, finite set of data to be registered;
- Definition of relevant terms, including the term "residence";
- Purpose binding/earmarking of registration data (i.e. collected data are only used for the intended purposes);
- Accuracy of data and total coverage, as well as the obligation to include, correct and update data *ex officio*; and
- Rights of data subjects.

Procedures

- Choice of centralized or decentralized organization;
- Maintenance of continuity;
- Establishment of the compulsory obligation to register and deregister (if applicable), as well as exemptions from such obligation;
- Establishment of specific provisions for the use and protection of sensitive data;
- Use of an identifier¹⁰ for specific organizational purposes;

¹⁰ The identifier can be either a unique number associated with each person or a unique set of data pertaining to a person that is used to look up information about that person in different registers.

- Creation of specific provisions for the disclosure and transfer of registration data;
- Placing of restrictions on the use of registration data;
- Establishment of regulations for the transfer of data with respect to the purpose, procedure, content and recipients of such data;
- Regulation of the automated exchange of data, including with respect to the purpose, encryption and authentication of the “inquiring body” (i.e. the party requesting information) and other technical and organizational measures;
- Maintaining transparency in the process, including ensuring the ability of data subjects to make inquiries; and
- Provision of archive functionality.

Responsibilities

- The state should be responsible for creating a public authority to maintain the registry that is independent and separate from police/military and regulatory authorities and, accordingly, carries out a separate administrative task governed by a separate area of public law; and
- The employees of the registration authority (or any other representatives working on its behalf) should be bound by secrecy and should not be allowed to collect, disclose, process or use the register’s data without proper legal justification or permission;

Rights of Data Subjects

- The rights of data subjects should be spelled out clearly in law, including with regard to proportionality and the necessity of data processing;
- Among the basic rights of data subjects should be the right to obtain, correct, update and delete information, as well as the right to prohibit the transmission or disclosure of a specific part of their registered data; and
- The right to obtain a registration certificate.

2.2. Benefits

2.2.1. Legal identity

In broad terms, legal identity corresponds to the legal personality of an individual. On the basis of his or her legal identity, a person can be provided protection by the legal system and can request state institutions to protect his or her rights. A person’s legal identity can be proven by the presentation of official documents issued by the government, including documents certifying age, civil status and/or legal partnerships. Without such proof, a person may find it difficult to protect his or her rights (subject

to his or her status) or to receive other benefits. While each state may provide a range of recognized identity documents (birth, marriage and death certificates, as well as passports), the international community has demonstrated a preference for birth certificates as the standard means of establishing legal identity. This is primarily because birth certificates have the advantage of documenting age, place of birth and familial relationships from the very beginning of life. The issuance, storage, management and retrieval of birth certificates requires a functioning and accessible civil-registration system that records information on vital life events (e.g., birth, marriage, and death) and issues certificates attesting to the details of these events.

2.2.2. Cost-effective public management

In order to fulfill its duties, the state needs to have information about its citizens. Without accurate knowledge of where citizens habitually reside, for example, implementation of fundamental tasks such as municipal and national planning, the provision of child care, the development of the health sector, or the issuance of identification and travel documents will be burdensome and less effective.

An up-to-date population register can be a vital element of public-sector planning. In many OSCE participating States data on the local population are used in development of public housing, public schools, roads and other public transportation infrastructure. The ability to access historical data in order to identify trends and developments in different areas is also vital.

A well-functioning population-registration system is not a precondition for cost-effective public management, but in those OSCE participating States where implemented it provides support and key information for public administration and management.

2.2.3. Travel and identification documents

Travel and identification documents, such as passports, are usually issued on the basis of data registered in the population-registration system. A population register that is kept up-to-date and clean of multiple entries provides the most reliable data for issuing of travel documents thus lowering security risks resulting from attempts to obtain multiple documents based on false identities.

If the information in the register is accessible via a computer network by the issuing authorities, such documents could then be issued by any registration office in the state. This also facilitates freedom of movement, as it allows citizens to choose where to have passports issued instead of being forced to travel to a specific location.

2.2.4. Voter lists

Many states use data from the population register to compile voter lists, to contact voters, and to plan the location of polling facilities. The voter list delivered to the election authorities is often a standard set of data that can be extracted from the population register.

If the population-registration system is functioning effectively, an election can be planned and executed within a short time period¹¹ providing that the administrative conditions (i.e. long period required for creation of voter lists) do not impede the process.

2.2.5. Electronic services

Population-registration systems can offer certain electronic services that allow individuals to communicate with administrative bodies (e.g., when submitting applications or accessing their personal information) in an efficient way.

Although a computerized population-registration system can provide many benefits to the public, proper safeguards should be implemented in order to ensure that privacy and other legal standards are met. If such safeguards are in place, an electronic system may be used to provide information to the private sector as well.

2.2.6. Census and population registration

Census and population registration are two different activities conducted by different institutions for different purposes. A census provides a picture of the demographic situation in a given country at a given time, including information about the size and make-up of the population, the composition of households and the state of the economy. During a census, information is collected on a wider range of issues that are not collected as part of population registration. Census information is accurate for the period when it is collected, and when compared with previous censuses, it provides valuable information with respect to trends in a society.

Unlike a census, population registration continuously collects personal data about individuals for multiple future uses, with the understanding that this information will be regularly updated.

¹¹ In Denmark, for example, a general election can be called and carried out in as few as 21 days.

A system of population registration that maintains up-to-date information gives the authorities a snapshot of specific population-related information at any point in time.

2.3. Guiding principles of population registration

2.3.1. Mandatory nature and full coverage

To ensure the continuous and effective operation of a population-registration system, registration should be mandatory for the entire population of the state. It is also advisable to record life events pertaining to those of the country's citizens who are temporarily residing outside its borders.

2.3.2. Continuous and permanent nature

Populations are constantly changing by virtue of births, deaths and changes of place of residence; so if a population-registration system is to function properly it needs to operate on a permanent basis. This means that the entity responsible for the registration system should have sufficient administrative stability and operate within a sound legislative framework.

2.3.3. Relevancy of data

Population registration can only be effective and efficient if it stores data that is relevant to the identity, life events and place of residence of data subjects, or data that are essential to guarantee their human rights, civil rights and social benefits. In order to ensure that the data present in the system at any point in time are relevant, the records need to be continually added to, deleted or corrected.

One of the key elements to keep in mind when determining what information to maintain is the ease with which that information can be updated. If administrative staff have to maintain direct contact with every data subject in order to update information pertaining to certain aspects of their lives (such as their level of education or changes in their employment status), then the overall efficiency of the system will suffer.

In order to maximize efficiency, a register should maintain the *minimum* information necessary to perform its function within the society it serves (because the more information that is collected, the greater is the task of keeping such information up-to-date). If it becomes necessary to collect and store other types of data, then a sub-register can be created or other steps taken to increase the system's efficiency, such as the introduction of procedures for better information-sharing among departments.

2.3.4. Confidentiality

The process of population registration involves the collection of information about individuals, some of which may be of a personal or sensitive nature. This can include information such as person's ethnic origin and religious affiliation. The sharing with third parties of data collected in respect of a person should be subject to specific regulations and should only occur with the consent of the person in question.

Full and reliable data can only be collected if there is public trust in the system. In order to gain the public's confidence it is necessary to ensure the confidentiality of personal information collected; data subjects should be confident that their personal information—either wholly or in part—will be used only for the purposes envisaged in the law and without revealing their identities. A provision guaranteeing the confidentiality of information and the right to privacy is an indispensable part of legislation in the sphere of population registration.

In certain situations (e.g., cases where a person's life or safety might be threatened if personal information were to be divulged) an individual may be granted the right to prevent the disclosure or transmission of his or her personal data.

The issue of data protection has been specifically addressed in documents adopted by international organizations. Following are the major international acts on data protection, some of which are binding for a number of OSCE participating States.

- The Organization for Economic Co-operation and Development's Guidelines on the Protection of Privacy and Transborder Flows of Personal Data;¹²
- The European Union's Directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data;¹³ and
- The Council of Europe's (CoE) Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data¹⁴

¹² "OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data", OECD website, http://www.oecd.org/document/18/0,3343,en_2649_34255_1815186_1_1_1_1,00.html.

¹³ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995, "On the protection of individuals with regard to the processing of personal data and on the free movement of such data" Eurolex website (EU portal), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:EN:NOT>.

¹⁴ ETS No. 108, "Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data" CoE website, <http://conventions.coe.int/treaty/EN/Treaties/Html/108.htm>.

Data protection is widely recognized as a human right. If data-protection principles are a fundamental part of population registration, this can enhance the volume and accuracy of the data collected by making citizens more willing to share personal information.

If a register is to be maintained in electronic form, there are other issues to be considered related to data processing and IT security (including confidentiality, the availability of complete data records, and the integrity and authenticity of data transfers). If a state decides to use an electronic register, the responsible body should develop an IT policy describing all procedures related to the collection, processing and security of data. Basic measures include the control of both physical and virtual access, authentication and authorization, the regulation of log-in protocols, oversight of any outsourced tasks, and control of information disclosure through the use of technologies such as data encryption. In short, consideration should be given to put in place the guarantees that:

- Data-protection measures are in place;
- Data processing is legitimate; and
- Data security is ensured.

Some states might decide to let a private company process the collected data, using specific software or a more complex combination of software and hardware. Other states might develop their own system, relying on more open software standards and standardized hardware. Whichever option a state chooses, the implications of the decision should be closely scrutinized beforehand.

It is vital that the state take all necessary steps to protect both the population-registration system itself and the data it collects and processes. Even if the state is the owner of the system and data, sound legal instruments will have to be drawn up to govern relations between the state (as the owner of the data) and any agency or company hired to process the data on the state's behalf. Hiring a private entity to process the data does not release the state from liability for data protection.

2.3.5. Facilitating the free movement of people

Guaranteeing freedom of movement is one of the key commitments made by OSCE participating States. Thus, the population-registration system should facilitate freedom of movement and avoid managing population movements by putting limits on the free choice of place of residence.

2.3.6. Sound administrative procedures regulating the process

In order to run a population-registration system in an efficient manner, it is necessary to develop detailed procedures and regulations governing the registration process that is service oriented. This is even more important in cases where registration is organized centrally and information is shared with authorities not specifically tasked with population registration. Regulations should be clear and accurate and should take into account all relevant interests involved with the population-registration process. If the information gathered is stored in an electronic format and then shared between different systems and registers, attention should be paid not only to the administrative procedures involved but also to data standards and means of electronic transmission.

2.3.7. One person, one record

While population registration can provide information that is indispensable for effective government, it is important to store and share that information in an efficient manner. States should be guided by the principle of “one person, one record”. This means that each piece of information about an individual should be registered in one place and one place only. This does not mean, however, that different public authorities should be forbidden from keeping records related to their specific tasks. For example, a tax office can register and process information related to a person’s occupation and income. But instead of registering information about that individual’s place of residence, the tax office should instead obtain this information from the authority overseeing the population register. If organized properly, such a system can provide the administrative backbone of a society. To achieve this, however, a clear structure for sharing information throughout all parts of the state administration is a prerequisite.

2.3.8. Single registration, multiple uses

Multiple registration of information is a common problem in states where the public administration system lacks a framework for information sharing. When this is the case, individual institutions often begin to maintain their own registers or databases for their own purposes. As a result, citizens are required to provide the same information on multiple occasions, often in a certified format. The potential consequences are obvious. These time-consuming and expensive requirements place an unnecessary burden on citizens, while the need to repeatedly provide the same information increases the chances of error. Finally, multiple registration of information severely reduces the level of control that can be exercised in terms of data protection. Steps should be taken to ensure that mechanisms are in place to govern the collection and sharing of information, in the form of legislation that regulates both the collection and the disclosure of data by the responsible authorities.

2.3.9. Non-discrimination

The population-registration process should be governed by specific legislation. However, while this legislative framework provides the legal basis for the process, there are often instances where people may find themselves unable to register certain events because of circumstances not envisaged in the law.

In such circumstances, there remains a universal requirement for states to protect fundamental rights. Thus, should administrative or legal obstacles to registration arise, a solution should be found that upholds the law while also protecting citizens' basic rights. It should be clear from the outset that obstacles may arise if the legislative framework does not contain provisions for the recognition of unforeseen developments. If there are no such provisions, it is likely that some of the information maintained by the register will be inaccurate, thereby providing reduced benefit to society.

2.3.10 . "Legally invisible persons"¹⁵

While any population-registration system aims to include all inhabitants of a given territory, this goal is not always achieved. In some cases the right to register is limited to lawful residents of the state. There are also instances where some citizens fail to register certain events as a result of their failure to comply with legally established deadlines. In other cases, however, the failure to register is the result of circumstances beyond the individual's control. As a result, citizens may find it difficult to prove their legal identity or to exercise certain rights.

This is a particular problem among members of Roma and Sinti populations, who, in many OSCE participating States, fail to comply with the requirement to register and are hence unable to prove their legal identity.

2.3.11. Place of residence and property ownership

One of the main purposes of population registration is to record citizens' place of residence. Usually, the place of residence is identical to a legally recognized address. Whether an address is legally recognized or not does not change the fact that it exists. For the purposes of population registration, it is not advisable to accept only legally recognized addresses. Such a limitation generates an inaccurate overview of the

¹⁵ Persons whose life events information has not been recoded in public registers can not obtain legal documents to prove their identity and for the legal system their identity remains "invisible".

geographical distribution of the population, which can have a negative impact on many different elements of state planning.

In some states, there are entire settlements, usually near capitals or other large cities, that exist outside the legislative and administrative framework. These settlements are usually built illegally on state or private land. Because they are illegal, places of residence within them usually lack officially recognized addresses.

In many instances, where registration legislation requires persons to be registered at a legal address or a building that is legally recognized as residential space, the inadequate maintenance and management of a proper land cadastre and address system also pose challenges.

One way to correct this situation is to establish regulations allowing individuals to register their actual place of residence regardless of whether it is legally recognized. Those registering would be obliged to provide some sort of contact address, perhaps a post office box, at which they could be reached by the authorities. Then it is up to the responsible authorities to include these settlements in their registers, to give the streets names and to number the buildings, thus providing these addresses with legal recognition.

A person registering his or her address is not necessarily the owner of the property in question. Where the person registering is not the owner, the property owner is often required to accompany the resident to the registration office and confirm that the person registering has permission to live there. A person could also be allowed to register his or her place of residence by submitting written consent from the owner of the property. In many cases, this is the option chosen by those unable to register their actual place of residence, whether this is because it is not legally recognized or for some other reason.

In some instances, property owners fail to name all the individuals residing at a particular location, often in order to avoid taxes or other payments, as utilities costs may be linked to the number of people officially residing at an address. Individuals actually living at a particular address but who are unable to register may be prevented from accessing public services.

2.4. Records in the population register

2.4.1. Introduction

Given that the main purpose of registration is to establish the size of a population in order to help in the planning of state services and to make it possible for the state to contact citizens when required, the basic set of data recorded should include data that unambiguously establish every person's identity and place of residence. To be relevant, every population-registration authority needs to ensure that the data are accurate.

As already mentioned, the most important information to be recorded concerns life events and place of residence. But additional data useful for the purposes of public administration, such as information necessary for the issuance of identification documents or passports, can also be included if these basic requirements have been met.

2.4.2. Life events (civil registration)

Information concerning citizens' life events should be collected and stored in such a way as to only be retrievable when needed for legal, administrative, statistical or other purposes. Although these life events are registered mainly for the preparation of legal documents, this information represents identity information about each individual included in the population register.

The registration of life events is also known as civil registration.

The United Nations defines civil registration as "the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events (live births, deaths, fetal deaths, marriages and divorces) and other civil status events pertaining to the population as provided by decree, law or regulation, in accordance with the legal requirements in each country".¹⁶

The following are the core data and life events that should be included in the register:

- First name;
- Family name;
- Date and place of birth;
- Date and place of death;

¹⁶ *Handbook on Training in Civil Registration and Vital Statistics Systems* (New York: United Nations, 2002), p. 5.
<http://unstats.un.org/unsd/publication/SeriesF/SeriesF_84E.pdf>.

- Parents' names;
- Marriage;
- Divorce, judicial separation;
- Annulment of marriage; and
- Adoption.

The most important pieces of information to be recorded in a civil-registration system are names, and dates and places of birth and death, as these establish a person's identity and represent the basis for assessing population growth and the general health of the population.

Since the registration of one's birth is essential for accessing civil rights, procedures should be in place in case the registration of a birth does not take place within a certain period of time following the event. Incentives such as social benefits can be offered to encourage the registration of births. Deaths should also be registered immediately, whether reported by the authority confirming the event or by a declaration from a member of the immediate family.

Life events are registered either where they occur or at the place of permanent residence of the individual in question. Registration is more efficient if events are registered where they occur. At the same time, registration at the place of residence provides a clearer picture of changes in the local population. These two options are not always mutually exclusive. Firstly, many vital events do occur at the place of residence of the individual or individuals concerned. Secondly, in the registration of a life event, it is necessary to specify both the place where the event occurred and the place of residence of the subject or subjects of the event. As a general principle, events should be recorded in the register at the place where the provision of state services or other rights will be determined.

A deadline should be established for each type of life event in the relevant legislation. While the time allowed for the registration of each type of event might vary, this should be kept as short as possible in order to maintain the accuracy of the information in the register.

The registration process starts when the registration authority receives notification confirming that the vital event has occurred. Depending on the type and circumstances of the event, confirmation may be provided in the form of legal or medical documents, testimonial evidence, a personal notification or a combination of any of the aforementioned, as stipulated by law.

Once a vital event has been officially acknowledged, the registrar adds a record of the event in the official register. This contains information about the event and about the people involved. This registration has legal force, and the record may be corrected or amended throughout the individual's life.

2.4.3. Place of residence

Place of residence is usually the place at which the resident actually lives most of the time. Some states register only one place of residence, while others may list multiple addresses, often breaking them down into "permanent" and "temporary" places of residence. In any case, the purpose of registering place of residence is to give the state the ability to contact individuals or deliver specific services to individuals or communities.

Legislation usually defines who is eligible, and who is required, to register their place of residence. In most cases, this applies to citizens of the state. Many OSCE participating States, however, register non-citizens who have residence permits that allow them to live in the state for a certain period, those in the process of changing their place of residence within state, or those who are leaving the state for a certain period (usually exceeding six months).

To register a place of residence, the subject provides the address and date of arrival at that address. Registration is compulsory for all eligible persons, including newborns. Some countries register the date of departure and the place or intended destination state when a person moves abroad and also register the place of residency when a person permanently resides abroad.

Place of residence can be declared either by an individual or by his or her legal representative. The place of residence for minors is declared by their natural parents, adoptive parents, legal guardian, or any other person who is legally entitled to care for them and defend their rights and legal interests. For those placed under legal guardianship, their place of residence is declared by their guardian or by the administration of the institution that has been assigned to act as their guardian.

To register a place of residence or a change of residence, the relevant individual has to provide the required information on the designated form. The name of this form may differ from one participating State to another, but it is often called a declaration of place of residence. Some countries have two declaration forms: one to declare place of residence when a person changes their place of residence within the state or comes to the state from abroad, and the other to declare their departure from the

state in order to live abroad. Other countries use the same form for both types of declaration.

This declaration may be provided to the relevant agency either at the person's new place of residence or at his or her previous place of residence. In some countries, it is necessary to provide this declaration in person, while others allow declarations to be mailed in. Some countries allow declarations to be submitted online or by telephone.

2.5. Updating records in the registers

Updating residency information in the population-registration system may be either a very simple or a very complex exercise, depending on the circumstances. For example, if a person simply wants to change his or her address within an area covered by the same registration office, this often simply involves notification of the date of the move and the new address, as only the existing personal record will be updated with the new information. However, if the person moves to a location run by a different registration authority, notification should often be provided before this takes place. The person concerned is then provided with a certificate that should be delivered to the registration authority within a certain period after their arrival at their new place of residence so that the register there can be updated. A portion or a copy of the certificate is sent to the former register as proof that the move has taken place and to certify the person's new place of residence. In other cases, no report is made before a move takes place. Instead, the individual is required only to report his or her move to a new area, and this information, along with the person's new address, is reported *ex officio* to the authority maintaining the old register.

When a life event occurs, personal records are usually updated at the location where the register is maintained. If the register is maintained in paper format, the person providing the update has to travel to the location of the register. In cases of permanent changes of place of residence, provisions could be made for the transfer of a person's entire record of life events to the person's new location. This process is carried out in a manner similar to the case of registering a change of place of residence.

Current experience shows that federal states or large countries that contain regions with a particular degree of autonomy usually establish registers for every federal sub-unit or region. Even data exchanges between these registers are sometimes limited by law, and citizens are required to deal with a significant amount of paperwork when seeking to transfer their records to new registers.

The introduction of computerized registers has greatly improved the sharing of data, as most record transfers and notifications are carried out in the background and conducted *ex officio*, thus removing much of the burden from citizens.

3. Designing a population-registration system

3.1. Origins of data

A population register is usually not the first register developed in a country for the purpose of gathering information on its population. State and municipal authorities, as well as other legal entities, often collect personal data for existing or possible users of public services, thus developing institutional registers. In order to issue identification documents, the authorities responsible also collect information about individuals. One or more institutions (municipalities, churches, courts, hospitals, etc.) may also be involved in registering and collecting information on life events.

In cases where the state does not have a system for collecting and storing residents' personal information, entities—whether public or private—that need personal information regarding citizens will start collecting this information on their own and, ultimately, build databases of personal information. In such case, the state will have very little control over access to and the sharing of personal information or the protection of privacy. Where many different public or private entities maintain their own registers, it is the state that ultimately has to define the authority responsible for certifying specific personal information. By implementing a population-registration system that maintains the most up-to-date information on citizens and by sharing this information with interested public or private entities, the state eliminates the need for multiple databases.

Without a decision by the relevant authorities about the “owners” of specific sets of data, unnecessary overlap of processes are likely, leading to a wasteful duplication of spending on equipment and technology. Moreover, identical information will end up being stored in different formats in different registers, causing confusion and making further development of the system difficult. Different organizations will implement their

own development programmes and there will be little compatibility in the various IT architectures created.

3.2. Planning and division of responsibilities between authorities

The process of creating a population-registration system begins with a decision as to which institution or institutions should be responsible for registering this personal information, the division of responsibility between the institutions involved and the co-ordination of their activities.

Every OSCE participating State has its own administrative tradition and methods for the registration of life events. The administrative tradition determines which authorities—and at what level—are most suitable for the registration of specific personal data. This tradition brings with it the valuable expertise developed by the institutions responsible for the registration of certain information in the past and existing networks at the local level, complete with staff experienced in maintaining register information. Ultimately, the delegation of authority over the registration process between the central government and local governments will determine how centralized the process will be.

Local entities are involved in registration regardless of the degree of centralization of the system. In order to ensure that the registration system is efficient, it is important to determine the appropriate number and locations of local registration offices. In order to ensure that these local offices work effectively, they should be integrated into the framework of the broader population-registration system, and their activities should be co-ordinated by the authorities responsible for the overall system. Co-ordination and integration are vital, regardless of the level of centralization of the registration system.

Regardless of how centralized the system is, information should be shared efficiently between its different parts. Channels of communication should work in both directions: from local entities to the central body and vice versa. For this sort of communication to be efficient and effective, modern means of telecommunication should be used. For the purposes of sharing information and ensuring interdepartmental co-operation, specified representatives of other government bodies outside the system may also be granted access to the communications network.

3.3. Models of population registration

Population-registration systems come in different forms, but effective examples have in common their ability to keep the information in the register up to date and to provide safeguards against multiple registrations, the creation of multiple identities, unauthorized disclosure of personal information and other fraudulent activities. Different states have developed models tailored to their own administrative traditions. These models can be qualified according to how they address the following considerations:

- Division of responsibility between central and local levels of administration;
- Level of decentralization of data;
- Methods of communicating data between administrative levels; and
- Format of storage.

3.3.1. Division of Responsibility

A centralized system assumes the appointment of one central state authority responsible for the management, co-ordination and supervision of all population-registration activities in the state. This authority is responsible for the implementation of administrative procedures and the technical management of the entire network, including subsidiary offices. This responsibility extends to establishing and co-ordinating the work of the system's offices at the local level, supplying local registrars with written materials to guide their day-to-day work, co-ordinating registration procedures within the entire system, and supervising the work of local registration offices. This authority is also responsible for the co-ordination with other state authorities of activities related to population registration.

In a decentralized system, supervision of registration is usually carried out at the level of major administrative-territorial units. Decentralized systems are found in many countries that have a federal political system, a large territory or a large population. But even in these systems there is still a body at the national level responsible for ensuring compliance with minimum standards and for overseeing joint work with decentralized entities in order to ensure uniform practice and procedures. This model of population registration may be found in countries where different authorities are responsible for the registration of different specific types of personal information.

3.3.2. Data keeping

Data are stored by the legally appointed authority. If the registers are maintained in hard copies, they are kept at the local offices of the body of local self governance or the local branch of a state authority.

The introduction of computerized population registration provides for the centralization of data storage. In states where a single state authority is responsible for collecting all data-related population registration, computerization enables their storage in a central state register. Computerization also provides for the centralization of data storage in instances when the registration of specific sets of data is delegated to more than one state authority. In order to facilitate the efficient sharing of information among the relevant authorities, an existing authority or newly appointed agency is tasked with providing continuous storage of data. In this model, the authority in charge of data storage has no authority over collection and updating, but only provides the authorities responsible for registration with access to the data.

3.3.3. Format of storage

A population register is composed of numerous records, each of which contains information about an individual person, or data subject. As a rule, there should be only one record per recorded event.

Registers can be maintained in paper or electronic format. The following are some of the most common examples:

Book register

A book register comprises pre-printed, blank registration forms that are bound together as a book. Official records are manually entered in the book in order of their date of registration. In other cases existing records are update with most recent information.

Loose-leaf and card registers

Each vital event is recorded in a separate form. Loose-leaf and card registers are made up of separate pages or a card index that may be arranged in a variety of ways, e.g., numerically, alphabetically or chronologically.

Computerized register (digital database)

A computerized register stores records in digital format. One of the main principles in the design of the database is that, even though it can be used for multiple purposes, each record only needs to be entered once. While the practical design of the database depends on the software used, the computer-screen display looks much the same to the end user as records usually found in paper-based registers.

3.3.4. Communicating the data between administrative levels

Continuous population migration and change of civil status requires a population-registration system that allows information to be shared efficiently within the system,

whether for the purposes of collecting new statistical data or updating existing records in the registers. When a person moves from one location to another, for instance, information needs to be shared between two locations so that registration at the old place of residence is canceled when that at the new place of residence is established.

If registers are maintained in hard copy, then such information can be shared between the registers either *ex officio* or using certificates issued to citizens. In instances where data sharing relies on certificates, the individual needs to obtain a certificate of deregistration of his or her old place of residence and submit it to the new location in order to register at a new residence. In the *ex officio* model, a person needs only to register his or her new place of residence. The information about the new place of residence is then communicated automatically to the old place of residence, where the registration record is cancelled.

In computerized systems, the sharing of population-registration data is entirely *ex officio*, with all changes in the register immediately visible to the authorized users.

3.4. Multiple uses and sharing of data

Population registration is the result of a continuous process, whereby information about life events and place of residence that may have originally been recorded in different administrative systems is automatically linked on an ongoing basis.

The management of such a complex system requires the establishment of efficient data-sharing mechanisms, as well as precise co-ordination between the institutions responsible for registration. Every institution responsible for the registration of specific information has to ensure that data are updated regularly and in a timely manner, and that the registered data are correct and complete.

Every country that develops a population-registration system does so in line with domestic administrative traditions and procedures, legislation, technical capabilities, and the human and financial resources allocated to the task. Therefore, different mechanisms for sharing information between responsible institutions may be established. Here are some examples:

- Transfer of documents (or copies thereof) confirming the registration of specific information (e.g., vital events or change of place of residence) by post or courier. In most cases, the burden of transferring the documents is placed on the individual making the request;
- Transfer of registration data over a digital network;

- Online updating of the population register by the registering institution by means of entering information directly into the database; and
- Periodical data transfer ("batch data" transfer) carried out either online or using data carriers (i.e. compact disk, flash disk) from institutional registers to the population register.

4. Legal framework

4.1. Overview

One of the aims of a legal framework governing population registration is to achieve uniformity. The framework is developed to provide directly applicable regulations addressing the responsibilities of both citizens and administrative bodies in the process. It aims at eliminating existing divergent registration practices among different administrative bodies, resulting eventually in the creation of one uniform population-registration system. Once such a system is fully implemented, it can then evolve further to become the “informational heart” of a system that connects all segments of public administration. The development of a modern population-registration system can be viewed as a first and very important step in establishing a modern information and communication system to support the work of public administration.

A population-registration system can be successfully implemented regardless of how many administrative bodies are in charge of the registration of specific types of personal information from citizens. Whether one authority or more is tasked with collecting information remains a political decision. The main principles of population-registration legislation remain the same, regardless of delegation of authority. It is far more important when designing the system to take into account existing practices in population registration and the related administrative procedures. The existing system and procedures should, however, be reviewed in order to identify possible shortcomings.

4.2. General principles of population-registration legislation

Over time, population registration has developed in many countries to become an independent administrative task, with its own branch of public law. A legal framework aimed at underpinning effective and efficient population registration is based mainly on administrative procedures rather than on a regulatory law.

The legal framework regulates the collection, processing and disclosure of information about the population in a manner that respects individual rights and balances them with the public interest. Well-defined processes and the trust of data subjects are crucial to the accuracy of information stored in the system.

The two fundamental legislative principles for establishing and maintaining an efficient and uniform population-registration system are those of proportionality and of limiting access to information by administrative bodies for purposes stipulated by law. Adherence to these principles will ensure that only the necessary data are collected and used for the appropriate tasks.

One precondition is that the legislative authority should define the objectives of population registration. When doing this, it is important to adhere to the principle of the separation of powers. Population registration is part of a country's system of public administration and often forms its own branch of public administration. The access or rights to information enjoyed by other branches have to be defined, with general, system-wide access limited to basic information such as names, addresses and dates of birth. More specialized, specific information like health or financial data should not be universally accessible in the system. Each branch of state administration may access the population-registration system, but none should be granted access to information not related to its own tasks.

The proper application of these principles will significantly increase public trust in the system, thus increasing the accuracy and comprehensiveness of the data collected.

Even in a federal system where powers and responsibilities are significantly decentralized, the federal government should still consider to put in place a basic legal framework. This framework is necessary to ensure basic compatibility among the registration systems in the different federal sub-units.

Basic legislation should clearly define the relevant authorities, their tasks and responsibilities, relevant terms, categories used, the purpose of population registration, and the rights of data subjects. The following are the main features of such basic legislation:

- General provisions;
- Organization of registers (centralized or decentralized);
- General and specific obligations to register;
- Data sharing among public authorities;
- Protection of rights, including data protection; and
- Offences and sanctions.

4.3. General provisions

The basic legal act governing registration should always name one or more responsible administrative authorities. The main tasks, responsibilities and privileges of these administrative authorities should be described in a clear and simple manner. Regulations governing collection, processing and storage should specify each and every data item to be stored in the register. The relevant authorities should, however, be bound by law to use the data only in accordance with their intended purpose, which is specified in the law. An identifier associated with each data subject may be introduced in order to facilitate the efficient maintenance of the register

A population register is a valuable tool only if it is kept up to date. Therefore, the law should stipulate that registration is mandatory and that the relevant authority is responsible for continuously updating the register. If entities other than the population-registration authority are authorized to access data, these entities should be obliged to inform the population-registration authority of any inconsistencies, deficiencies or inaccuracies they discover.

The legislation should stipulate each type of personal information to be registered. Personal data collected on the basis of the population-registration law should always be kept confidential and not be disclosed in the absence of a specific legal act providing for this disclosure. The legal act should set out the specific, clearly described circumstances in which each particular type of data can be disclosed, and to whom. The regulations should identify special categories of data, and sensitive data in particular¹⁷. Procedures and rights related to the transfer or disclosure of information concerning special

¹⁷ In the European Union, “data-protection regulations” usually refers to “special categories of data”. However, the term “sensitive data” is more straightforward, even though it refers only to a subgroup of data being discussed here. Sensitive data are: racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership and data concerning health or sex life (closed list). Data relating to offences, criminal convictions or security measures, as well as a national identification number are considered special categories under Art. 8 of Directive 95/46/EC.

categories of data should be regulated explicitly and special safeguards to protect the data should be in place.

Main aspects:

- Determination of the administrative authorities responsible for population registration and clear delineation of responsibilities;
 - Description of administrative tasks;
 - Definition of registers;
 - Specification that the collection, processing, storing, updating and disclosure of personal data may only be allowed in accordance with the law;
 - Description of characteristics of stored data;
 - Requirement that data only be used for its intended purpose;
 - Stipulation that data be complete and correct; and
 - Specification of measures for data confidentiality.
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4.4. Centralized or decentralized registration

Whether population registration is the responsibility of a central state authority or is delegated in whole or in part to local authorities is a political decision. In either case, the legal principles governing population registration apply and the responsibilities of all bodies responsible for registration should be clearly regulated.

Depending on the size of the country in question, the registration offices at the local level can play a large role in increasing the acceptance and efficiency of the registration system. In this regard consideration should be given to transferring some of the registration responsibilities to the local authorities specifically with regards to verifying the collected information. The involvement of local authorities provides for ownership over the process to different political parties in power at the local level. This approach also eliminates concerns that the political force in power at the central level is able to control the whole registration process.

Local offices may be part of a centralized system (in which they collect data on behalf of a federal body responsible for the whole process) or of a decentralized system (whereby local offices collect and store data on their own territory, which they then may share in a centralized system—especially if the system is computerized). In a decentralized system, the responsible registration body processes local data on behalf of the local authorities, with the assumption that the data in the population register are kept separate from other local data and not shared for purposes other than those specified by law.

The responsibilities of all relevant authorities involved in the registration process and data maintenance should be clearly defined, reflecting either the decentralized or centralized organization of the registration and data-storage system. If a central authority processes data on behalf of a local authority, for example, this relationship should be provided for and regulated in the legislation.

4.5. General obligation to register

Maintaining an up-to-date register is much easier if the law establishes a general obligation to register. This obligation can either be imposed on data subjects, who would then be obliged to register actively with a specified authority or administration, or on state authorities, who are then required to collect the necessary data. A combination of the two is often most effective. When a child is born, for example, it makes perfect sense to impose a duty on the hospital to notify the relevant administrative body of the birth. In instances of a change of residence, it is often most effective to impose the duty to register on the person changing address.

As the backbone of administration and efficient public management, a population register should be of benefit not only to federal administrative bodies but also to those in local communities. As stated above, knowing where persons live is vital to providing them with public services in an effective and timely manner. The obligation to register and deregister one's place of permanent residence serves many administrative purposes. For example, this obligation will make it easier for local communities to count their inhabitants, which is useful when compiling voter lists and providing certain public services, such as schools and hospitals. This also means that planning and maintenance can be carried out according to actual needs instead of estimates.

If citizens are required by law to present proof of place of residence or registration in order to exercise certain rights or to obtain services, then the relevant authorities should issue certificates of place of residence to all those who register. The information to be included in the certificates should be specified in legislation.

Such certificates have become redundant in many countries where population-registration systems have been computerized. Where in the past citizens were required to present a residency certificate in order to exercise rights or gain access to services, it is now up to the administration requesting this information to obtain it directly from the population register. Such a system can only be established in those instances where access to computerized data is provided to entities other than population-registration authorities. Any exchange of information between population-registration authorities and other public or private entities, however, should be regulated by law. One

important condition should be a requirement that the consent of the data subject be obtained before any personal information can be shared. The principle of the division of responsibilities is also of great importance here, and the exchange of information should only be allowed to the degree necessary to carry out the administrative tasks set out in the law.

In many countries, place of residence is a core aspect of population registration reflecting the fact that legal writs and orders are served to a person's place of residence and not to the person him or herself. Population-registration legislation should contain a definition of an eligible place of residence, dwelling or habitation. This definition should include traditional understanding of a home in a given society including traditional shelters. Reference may be made to the geographical or cadastral system, and using landmarks to describe and identify an address should also be permitted.

Legislation should address cases where more than one place of residence is used and should establish the procedure for determining a person's main residence. This can be done either by providing a specific definition for the term "main residence" or by allowing the person concerned to formally indicate a main residence him or herself.

Every person who is required to register should provide all necessary data—either in writing or verbally—to the relevant public authority. If maintenance of the population-register maintenance is computerized, registration should be possible at the registration office in either a person's current or former place of residence. If the system is not computerized, regulations should be put in place to govern the *ex officio* exchange of information regarding the registration and deregistration of place of residence between the respective registration offices.

Legislation should also detail point-by-point all grounds for exemption from the obligation to register. Persons exempt from the obligation to register might include: employees of foreign diplomatic missions or consular offices and, under certain circumstances, their family members; persons who are exempt on the basis of certain international conventions; and those with only short-term residence or resident for military service or educational purposes.

Principles concerning registration:

- General obligation to register;
 - Registration and de-registration of residence;
 - Certification of notification of registration;
 - Definition of residence/dwelling/habitation;
 - Only one main address;
 - Collection of data ex officio;
 - Obligation to co-operate with the registration authority; and
 - Exemptions from the obligation to register
-

4.6. Special circumstances

Many systems do not provide for registration of special categories of the population, such as the homeless, long-term patients in hospitals, residents of retirement homes, or occupational travelers (e.g., in the case of seamen). If the registry serves as the basis for providing public services, benefits and rights, then it is important to ensure that everyone entitled to these is registered and also granted access. This is especially important if the register relies on legally recognized addresses only, as there may be residents of the country unable to have their place of residence recognized as such. Any legal framework should contain regulations providing registration for those without a permanent place of residence or legally recognized address.

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- Special circumstances include:
 - Special regulations for persons travelling permanently;
 - Homeless persons; and
 - Hospitals, hotels, asylums, retirement homes.
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4.7. Data sharing among public authorities

An efficient registration system relies on the provision of accurate data, which depends on public trust in the system. In order to gain the public's trust, data should only be used in accordance with the purpose for which they were originally collected. This fundamental principle should also be applied when personal data is transferred or shared among public authorities. Thus, the transfer of data should be regulated in line with sectoral competencies and the principle of the division of responsibilities. Every transfer of data from the population register to another sector (e.g., to health or tax services) should be regulated concerning the purpose of the transfer, the recipient and the data categories to be transferred. In civil registration, data transfers can include a person's name, birthday and/or address without special restrictions. Further

special category information, including national identification number and place of employment, should only be subject to transfer if the purpose of collection justifies the proposed use of the data by the recipient and the transfer is provided for by law.

In principle, every data transfer between public authorities should be based on a legal regulation explicitly stating the category of data items eligible for transfer. An internal identifier should not be transferred or disclosed. If, however, data are transferred from the population register to public authorities outside of the government sector (e.g., the health, taxation or police authorities), then such a transfer should be properly explained and should constitute an exception to standard procedure. In particular, any data transfer between the population register and the police should be regulated by law and in detail (in keeping with the principle of the division of responsibilities). The same is true for data transfers to the private sector, which should be limited to certain data items (such as name and address), and never include sensitive data. A population-registration system will generally receive broader public acceptance if it adheres to the principle of the division of responsibilities and employs procedures that will ensure transparency.

The transfer of computerized population-registration data creates numerous possibilities within the framework of computerized public administration. While what has become known as "electronic government" or "e-government" can increase administrative efficiency and improve the provision of public services, administrative decisions reducing or curtailing the rights of citizens, such as a decision to refuse to provide information, should not be automated. The automated transfer of data between public authorities should be subject to regulations stipulating the purpose of transfer, the name of the data-receiving authority, the responsibilities of public authorities and the data items to be transferred. Sensitive data should not be transferred at all. It is of the utmost importance that the data recipient be unambiguously authenticated in the population register and that the data transfer be encrypted, especially if the transfer takes place via the Internet. Information on the party who accesses any specific set of data and the date when the data were accessed should be logged and stored for a set period. This data should only be used and analyzed for data-protection purposes and should only be accessible to certain personnel.

Public authorities receiving the data should also be bound by law to only use, process, store or disclose data in accordance with the purpose for which they were originally stored. The legitimate interests of data subjects should always be respected by the recipient, as well as by the relevant authority or administration.

There might be a legitimate interest within the private sector in receiving registry information, usually limited to names and addresses. Sensitive data should not be

considered for disclosure unless the data subject provides his or her explicit consent. The experience in some OSCE participating States has clearly shown that making information available to the private sector in a well-organized and regulated manner has helped reduce the number of instances in which the private sector collects and processes such information without any state oversight. The vast majority of data subjects usually accept a transparent system of registry information that operates in accordance with public rules and regulations. Providing data subjects with the right to opt not to share their personal information with the private sector increases this level of acceptance and should be done in order to comply with privacy standards.

Registration should always be free of charge in order to keep the registry up-to-date; otherwise, some people might not register. Other services provided by the registration authority may be subject to fees. Fees should cover, but not exceed, the actual costs incurred.

4.8. Protection of rights

The data subject's interests should not be infringed by the collection, processing or use of the data other than for their intended use. Personal data need to be given comprehensive protection.¹⁸ Sector-specific regulations concerning data protection may be integrated into population-registration legislation in order to clarify specific rights.

Data subjects should be entitled to receive information, free of charge, concerning data about them that has been stored or disclosed and about the updating of incorrect data or the addition of missing data. They should also be able to ensure that unnecessary or unlawfully collected data have been deleted.

If data are incorrect or incomplete, the relevant authorities should be required to correct and complete the data upon receiving an application for them to do so from the data subject. If data are stored that are no longer necessary for the purpose for which they were originally collected or the data was unlawfully obtained, they should be deleted. A register can be efficient only if it stores no more than the data necessary to fulfill the register's legal purpose.

¹⁸ A data-protection act provides for the protection of the individual right to decide which information about an individual can be disclosed. Sector-specific regulations in a population-registration law on the protection of an individual's right to such informational self-determination may complement or constrain general rights laid down in the data-protection act.

Information about deceased individuals should be marked within or deleted from the main register, or transferred to an archive register. If an archive register is established, it should be subject to legal regulations concerning the responsible authorities and the disclosure and use of data.

Protective rights:

- Data subjects' interests and rights;
 - Freedom of information;
 - Correction of data; and
 - Deletion and storage of data.
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4.9. Regulatory offences

Violations of population-registration legislation may be subject to regulatory fines. In any case, the elements of any action that can be considered an offence should be established and clearly described in law.

5. A statewide register: population registration and information technology

The use of information technology in the population-registration system can facilitate the establishment of a state-wide register and the integration of all the data maintained in individual registers. In practice, a state-wide register is a system of electronically maintained registers (databases) that stores population-registration data in a central location. Depending on the model of population registration used, the authority in charge of maintaining the statewide register should provide access to data in the register for initial input and subsequent updating only to the authorities designated by law for these purposes.

Information technology should be viewed as a tool for integrating existing registers and increasing efficiency in the sharing of data. That said, the efficiency of the overall system depends primarily on the legislative and administrative framework governing the registration process. In instances where the existing framework provides for the continuous registration of vital information, information technology will significantly enhance the efficiency of data sharing within the system. But the use of information technology will not resolve problems regarding the communication and sharing of data between responsible authorities if there is no legislative and administrative framework establishing precise and adequate procedures.

5.1. The role of information technology in population registration

Information technology provides tools that can improve the management and sharing of information stored in registers. Where implemented properly, these tools can provide

instant access to any data in any of the registers. Thus, once updated, information is made immediately available to all system users. The use of information technology also brings other benefits, for example:

- Registration in the population-register database can be performed directly from remote locations using the digital network, and a specific database can be created for every type of recorded event and for every registration authority. Certificates, if necessary, can be printed directly from the population register at any registration location;
- An electronic system may employ additional safeguards against possible multiple registrations in different administrative communities and provide a wide range of options for recognizing, determining and eliminating cases of double registration;
- Information technology provides an opportunity for immediate data transfers and exchanges between individual registers or responsible institutions;
- An electronic system can ensure that information is made available to various institutions as defined by law. However, only the institution legally responsible for maintaining specific personal data can be authorized to add new or amend existing data;
- An electronic system allows for the identification of every work station (and even of each individual employee if work stations are shared) where registration is performed, and it also allows for keeping records of all operations performed in the register from each specific workstation operated by a registration employee;
- An electronic system can keep a record of all cases in which personal data stored in the system have been accessed and can provide such information to data subjects upon request.

5.2. Administrative arrangements

In instances where one authority is made responsible under the law only for registering personal information, a state-wide register can be created through a system of databases maintained centrally by that authority. Local subsidiaries of the authority are given direct access to the central database for the purpose of adding, updating, archiving and deleting data. Access is provided through direct Internet-like, encrypted online communication between the main office and its local subsidiaries.

In many participating States, registration responsibilities are delegated to more than one authority, with each authority responsible for the registration of a specific set of personal data. There are two general approaches among existing practices for the aggregation of data into a single population register collected by different registration authorities:

- An existing registration authority is tasked with hosting the population register and stores and maintains data collected by all registration authorities. It provides access to the register to the responsible registration authorities for the purpose of the collection, updating and deletion of information in the register. Each authority can add, update and delete only that information for which it is responsible under the law; or
- A new agency is established specifically for the purpose of storing and maintaining the information in the population register. The responsibility of this authority is limited to data storage and the provision of access to information to other authorities responsible for the registration of specific events. However, the right to add, update, archive and delete personal data is granted only to the authorities stipulated by law to register specific data.

5.3. Technical arrangements

Running a computerized state-wide register assumes the use of an integrated information system supported by the appropriate technical infrastructure. This information system is designed to support the existing population-registration process on the basis of the administrative and legal framework in place, and it should be viewed as a tool that facilitates the existing registration process rather than as an instrument that dictates how registration should be conducted.

Any information system supporting a population-registration system should be based on the following components:

- A data-processing network comprised of a server, users' work stations, structured cables or a wireless system of information transmission, switched networking equipment and additional devices for users (network printers, scanners and other devices) that ensure interaction among the components and individual databases that make up the system;
- Software for the server and work stations (operating systems, database-management systems, main and additional backup registration systems) that ensures the input, storage, editing, processing and extraction of data in the required forms and types; and
- A telecommunications system that ensures the establishment of channels of communication and data transmission between remote data-processing networks, including the central register, all local registers, information providers and users incorporated into the general system of population registration.
- Adequate power supplies that provide for uninterrupted operation of even the most remote registration offices. This requirement is crucial in the instances where

the uninterrupted power supply could be guaranteed and it requires securing of electricity generators as well as adequate fuel supplies for their operation.

Such an information system can be efficient and operational only when all the components are put in place and thoroughly tested. It should be designed in such a way as to make hardware and software upgrades possible.

5.4. Data collection and updating

5.4.1. Initial data collection

The maintenance of a state-wide register employing significant information technologies assumes that all the necessary data exist in electronic (i.e. digital) format. However, in the process of developing a national population register, it may be the case that not all information available has been digitized. Furthermore, if the information that already exists has been stored by more than one authority, it may be that each follows a different method of data keeping.¹⁹ In order to ensure efficient data processing in the state-wide register, all key stakeholders that store citizens' personal information have to participate in the process of planning the transformation of existing information into a format compatible with the design of the national population register. This process should lead to:

- A uniform, state-wide standard for writing basic personal data and format for digitizing data, in order to ensure a functioning registration system and the promotion of fluid data sharing between (and common use of) different systems; and
- A common solution for identifying different people in different systems. The most convenient solution is to develop an unambiguous identification system using personal codes provided by the national population-registration system.

During the initial data-collection process, the data can be obtained from existing records available in paper or digital formats.

Digitizing paper records is a time-consuming and expensive task that requires good co-ordination and proper planning from the very beginning. There is also a high risk of error involved. The transfer of historical data to digital format can be performed in one of two ways, depending on the type of data:

¹⁹ For instance, some authorities may keep name and surname in one field in the database, while others may use separate data fields for name and surname.

- *Active data*: Data needed in the course of everyday administration (e.g., to produce personal documents or for decision makers). During the transfer, every single entry on the original paper document is entered in the register and classified; or
- *Passive data*: Historical data or data that are rarely needed for decisions or other purposes. The original paper document is scanned, making sure that headings are clearly defined in order to allow the right digital copy to be retrieved later from the digital archive and, if needed, for the original document to be found.
- In cases where the data already exist in digital format, it should be determined what rules governed the transfer of this information from paper-based records to digital format. This is important in order to determine what needs to be done to convert the data into a form compatible with the design of the national population-register database. An example of questions of this type is whether data subjects' given and family names are entered in one or in two separate fields and, if the former, in what order they are written.

5.4.2. Updating and sharing of data

The updating of information in any particular register should be done in accordance with existing administrative procedures. For the purpose of updating records in the state-wide register, the national authority is only provided with access to that population-register information for which it is responsible under the law.

Apart from a basic set of personal data, a Personal Identification Number (PIN)²⁰ for each data subject has been introduced in many computerized population-registration systems. Along with providing for the accurate identification of a person in the register, it also facilitates the processing of data.

Once entered in the national register, the newly updated information is immediately available to all those users of the system who are authorized to view the data. This is one of the main benefits of an electronic state-wide system, as the exchange of documents—whether *ex officio* or on the initiative of the person for whom the information is being updated—is no longer necessary in order to update personal

²⁰ The introduction of an unambiguous personal identification number (PIN) as an identifier for individuals included in the population-registration system requires special consideration. Avoiding the use of PINs as the only information used to gain access to the records of an individual should be considered (this is viewed by some societies as an attempt to reduce an individual to a number) and legal transactions should require more than the simple entry of a PIN.

records. Furthermore, an electronic system may employ many automatic safeguards to prevent incorrect entries or other potential mistakes by staff working with the registry.

The most common model for digital-registration systems involves a single authority as custodian, responsible only for data storage and providing access to the system to authorities responsible for the registration of specific personal information. Regulations should define which authority has access to which data, and whether that access is "read only" or includes the authority to amend information.

5.5. Auxiliary databases

The management of digital data differs significantly from that of information stored on paper. A state-wide electronic register is comprised of different electronic registers (i.e. databases) between which personal information is linked through the use of a common identifier.

The operation of the main register can be supported by a number of auxiliary databases providing relevant information. Auxiliary databases could include:

- A register of existing addresses to ensure against the entry of non-existent or incorrect addresses;
- A register of the most commonly used names that, once compiled, can prove a useful tool in avoiding spelling errors which may lead to multiple records or analysing problematic records; and
- A register of the administrative divisions of the state.

5.5.1. Address system

The quality of the population-registration system greatly depends on the accuracy of the information about addresses in the register. This, in turn, depends on the address system in place.

In order to provide accurate information about place of residence, modern population registers rely on a country's address system. Decision makers often assume that a sufficient system of recording addresses has been established if post offices are functioning and letters are reaching their addressees. But letters may be delivered even in cases where the address information contains nothing more than a description of the building to which it should be sent. This does not qualify as a functional system of addresses for other purposes.

One general principle that should be followed is that every address should be unique. It should also be possible to express each as a standard set of address components and codes. The codification of address components is necessary for registration in the address register, if such a register exists, and for the registration of place of residence in the population register.

Regardless of whether an address register exists, an institution should be established that is responsible for the management of address components and their codification. Furthermore, states should choose one body to define and implement a functioning address system taking into account land allocation and zoning. The body has to decide how to number buildings and dwellings and even how and in what order street addresses are written. This authority also has to develop procedures for informing the population of decisions taken. Any new data concerning any address component should be transferred to, and encoded by, the responsible institution and added to the address system.

There is clearly a relationship between the address system and postal addresses, including postal codes. Since residents are likely to provide a postal address when registering their place of residence, it is important to clarify this relationship before collecting data from the public.

5.6. Disclosure and access to data from external institutions

Specific data collected and maintained for the purpose of population registration may be made available to other state authorities or to commercial entities. State authorities responsible for health, education and social services have a strong interest in maintaining up-to-date information on those who use their services. Some authorities have developed their own registers for this purpose. But such an approach is redundant, and not cost-effective, if the information can also be accessed from the population register. Commercial entities may be interested in access to information in the population register, for similar reasons.

The administrative and legislative framework determines which authorities can access data in the register and to whom they can disclose that data.²¹ Access to data or the disclosure of data to any other entity may be permitted only if the legal provisions

²¹ For the EU member states, the European Parliament has adopted the "Directive on the re-use of public sector information" (Directive 2003/98/EC), European Commission website, <http://ec.europa.eu/information_society/policy/psi/docs/pdfs/directive/psi_directive_en.pdf>.

for such access or disclosure are in place. If an entity (whether public or private) is granted access, technical arrangements should be in place so that that entity can view only the information that it is permitted to view by law. The law may establish that, for the purpose of accessing any additional information that it is not ordinarily accessible by law, the entity would need to seek the consent of the individual whose data are the subject of the request.

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These guidelines are not intended to define norms or standards. Instead, they elucidate the main principles governing the establishment and maintenance of functional models of population registration in democratic societies. They describe criteria for developing efficient population-registration systems that correspond to the actual needs of participating States and their citizens. They outline the characteristics of such systems, highlighting good practices in the OSCE region, while taking account of the various administrative traditions of the participating States.

