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the Act of 18 July 2017 (Federal Law Gazette I p. 2745)

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Federal Act on Registration

Federal Act on Registration of 3 May 2013 (Federal Law Gazette I p. 1084), as last amended
by Article 11 of the Act of 18 July 2017 (Federal Law Gazette I p. 2745)

The Act was adopted by the Bundestag with the approval of the Bundesrat as
Article 1 of the Act of 3 May 2013, I 1084. In accordance with Article 4, first
sentence, in the version of Article 1 no. 3 of the Act of 20 November 2014, I 1738, it
enters into force on 1 November 2015; in derogation from this provision, Sections 55
to 57 of the Act enter into force on 26 November 2014 in accordance with Article 4,
second sentence in the version of Article 1 no. 3 of the Act of 20 November 2014, I
1738.

Chapter 1 General provisions

Section 1 Registration authorities

Registration authorities shall be the authorities so designated by *Land* law.

Section 2 Tasks and powers of the registration authorities

- (1) The registration authorities shall register the persons residing in their area of
jurisdiction (residents) in order to be able to identify them and their places of
residence and verify this information.
- (2) To carry out their tasks, the registration authorities shall keep population
registers. These shall contain data collected from the data subject, transferred from
public bodies or otherwise officially known.
- (3) The registration authorities shall issue information from the population registers,
shall cooperate in accordance with this Act or other law with other public bodies to
carry out their tasks and shall transfer data.
- (4) The registration authorities shall be permitted to collect, process or use personal
data stored in the population register only in accordance with this Act or other law.
Data of persons not required to register may be collected, processed and used only
with consent which complies with the data protection law of the *Land* in question.

Section 3 Data storage

(1) To carry out their tasks pursuant to Section 2 (1) and (3), the registration authorities shall store the following data and remarks necessary to verify their accuracy in the population register:

1. surname,
2. previous names,
3. given names, indicating name usually used,
4. doctoral degree,
5. religious name, stage or pen name,
6. date and place of birth, including country for persons not born in Germany,
7. sex,
8. no entry,
9. regarding the legal representative
 - a) surname,
 - b) given names,
 - c) doctoral degree,
 - d) address,
 - e) date of birth,
 - f) sex,
 - g) date of death and
 - h) blocks on releasing information pursuant to Section 51 and conditional blocks on releasing information pursuant to Section 52,
10. current nationalities,
11. legal membership of a religious community under public law,
12. current addresses, previous addresses in the registration authorities' area of jurisdiction and address of the last sole or principal residence and last secondary residences outside the registration authorities' area of jurisdiction, indicating principal and secondary residence including country for persons moving to Germany from abroad and last address in Germany; for persons moving abroad, also the address abroad, including the country,
13. date moved in, date moved out, date last moved out of a residence in Germany and date last moved to Germany from abroad,
14. marital status including date and place of marriage or registration of partnership, if applicable, including country if abroad,
15. regarding spouse or registered partner
 - a) surname,
 - b) given names,
 - c) name at birth,

- d) doctoral degree,
 - e) date of birth,
 - f) sex,
 - g) current addresses in the registration authorities' area of jurisdiction and address of the last sole or principle residence outside the registration authorities' area of jurisdiction,
 - h) date of death and
 - h) blocks on releasing information pursuant to Section 51 and conditional blocks on releasing information pursuant to Section 52,
16. regarding minor children
- a) surname,
 - b) given names,
 - c) date of birth
 - d sex,
 - e) address in Germany,
 - f) date of death,
 - g) blocks on releasing information pursuant to Section 51 and conditional blocks on releasing information pursuant to Section 52;
17. issuing authority, date of issue, date of expiry and serial number of the national identity card, temporary national identity card or substitute identity card, of the recognized and valid passport or passport substitute as well as the blocking code and blocking sum of the national identity card,
- 17a. the serial number of the arrival certificate pursuant to Section 63a (1) no. 10 of the Asylum Act, including date of issue and length of validity,
18. Blocks on releasing and transferring information,
19. date and place of death, including country for persons who died abroad.
- (2) In addition to the data listed in subsection 1, the registration authorities shall store the following data and remarks necessary to verify their accuracy in the population register:
- 1. to prepare and conduct elections and voting at national and local level, the fact that the data subject
 - a) is not eligible to vote or be elected,
 - b) as a Union citizen (Section 6 (3), first sentence, of the European Elections Act) shall automatically be entered in an electoral register in Germany for European parliamentary elections; the territorial community or constituency in the country of origin where the person was last listed in an electoral register shall also be stored,
 - c) as a German living abroad, shall receive a reminder of elections to the German Bundestag and elections of the members of the European Parliament from the

Federal Republic of Germany; the data subject's current address abroad shall also be stored when provided by the data subject,

2. for the process of creating and applying electronic criteria for the deduction of wages tax pursuant to Section 39e (2), second and third sentences of the Income Tax Act
 - a) membership of a religious community which collects taxes, and the date of officially joining and leaving this community,
 - b) marital status,
 - c) date of marriage or registration of partnership or dissolution of marriage or partnership and
 - d) the identification numbers or temporary processing reference
 - aa) of the spouse or registered partner,
 - bb) of minor children whose sole or principal residence is within the same registration authorities' area of jurisdiction,
3. for purposes pursuant to Section 139b (2) of the German Fiscal Code
the identification number pursuant to Section 139b of the German Fiscal Code and, until it is stored in the population register, the temporary processing reference pursuant to Section 139b (6), second sentence of the German Fiscal Code,
4. for issuing passports and identity documents
the fact that there is reason to refuse to issue a passport, that a passport has been denied or revoked or an order pursuant to Section 6 (7), Section 6a (1) or Section 6a (2) of the Act on Identity Cards has been issued,
5. for procedures related to nationality law
the fact that German nationality pursuant to Section 4 (3) or Section 40b of the Nationality Act has been acquired and that pursuant to Section 29 of the Nationality Act German nationality may be lost,
6. for purposes of tracing services
the address as of 1 September 1939 of those residents from the territories described in Section 1 (2) no. 3 of the Federal Expellees Act,
7. for procedures related to weapons law
the fact that a firearms certificate has been issued and the authority which provided this information, including the date on which the firearms certificate was first issued,
8. for procedures related to explosives law
the fact that an explosives permit or qualification certificate pursuant to Section 20 of the Explosives Act has been issued and the authority which provided this information, including the date on which the permit or certificate was first issued,
9. to answer questions from other authorities or public bodies concerning residence if the resident has moved out of the residence and the registration authority is not aware of a new residence,
the request for data transfer with the date of the request and the name of the requesting body for up to two years,

10. to check whether the information provided by the person required to register is correct, and to safeguard the right to information in Section 19 (1), third sentence and Section 50 (4)

the names and address of the owner of the residence and, if this is not the supplier of the residence, the name of the owner of the residence and the name and address of the supplier of the residence,

11. in a state of tension or defence for registration for military or alternative service

the fact that a resident has already been registered before others in his or her birth cohort.

Section 4 Sorting criteria

(1) The registration authorities may keep their registers with the help of sorting criteria. The sorting criteria may be based on the data listed in Section 3 (1) nos. 6 and 7. Appropriate technical measures shall be taken to keep the sorting criteria in order.

(2) If the registration authorities already process and use sorting criteria containing data other than those listed in Section 3 (1) nos. 6 and 7, they may continue to process and use them for a transitional period of six years following the entry into force of this Act.

(3) Sorting criteria may be transferred to public bodies and religious communities under public law when data are transferred. The recipient of the data may use the sorting criteria only in communicating with the relevant registration authority; onward transfer shall not be permitted. If sorting criteria contain personal data, they may be transferred only if the personal data contained in the sorting criteria may also be transferred to the recipient.

(4) Subsection 3, second and third sentences shall apply accordingly to the onward transfer of sorting criteria within the administrative unit to which the registration authority belongs.

Section 5 Purpose limitation

(1) The registration authorities may process or use the data described in Section 3

(2) only for the purposes given there. They shall take technical and organizational measures to ensure that these data are processed or used only in accordance with the first sentence.

(2) The data described in Section 3 (2) may be processed or used with the data described in Section 3 (1) only as far as necessary to carry out the relevant task. Section 34 (3) and (4) shall remain unaffected on the condition that

1. the data referred to in Section 3 (2) no. 1 may be transferred only to the bodies responsible for preparing and conducting the elections and voting referred to there, and
2. the data referred to in Section 3 (2) nos. 2 and 3 may be transferred only to the Federal Central Tax Office. The date of the dissolution of the marriage or registered partnership referred to in Section 3 (2) no. 2 (c) may also be transferred to the official statistics.

The data referred to in the second sentence, nos. 1 and 2 may also be transferred to the registration authorities pursuant to Section 33.

Section 6

Accuracy and completeness of the population register

- (1) If the population register is inaccurate or incomplete, the registration authority shall on its own initiative correct or complete (update) it. Those public bodies to which inaccurate or incomplete data have been transferred in the context of regularly occurring data transfers shall be informed without delay of such corrections and updates.
- (2) If the public bodies referred to in subsection 1, second sentence, do not carry out tasks of official statistics and are not religious communities under public law, they shall inform the registration authorities without delay if they have specific reason to believe that the transferred data are inaccurate or incomplete. Public bodies to which registration data have been transferred at their request shall inform the registration authorities when they have such specific reasons. Legal obligations of secrecy, especially tax secrecy pursuant to Section 30 of the German Fiscal Code, as well as professional or special official secrecy shall not prevent them from doing so as long as they inform the registration authorities only that they have specific reason to believe that the transferred data are inaccurate or incomplete.
- (3) If the registration authority has specific reason to believe that the population register contains inaccurate or incomplete information on a specific person or a number of persons identified by name, it shall investigate the matter on its own initiative.
- (4) When forwarding data and remarks pursuant to Section 37, subsection 1, second sentence and subsection 2 shall apply accordingly.

Section 7

Confidentiality of registration data

- (1) Persons employed by registration authorities or other bodies acting on their behalf shall be prohibited from collecting, processing or using personal data without authorization.
- (2) When taking up their duties, the persons referred to in subsection 1 shall be informed by their employer of their obligations pursuant to subsection 1 and shall agree in writing to maintain the confidentiality of registration data. Their obligations shall continue after their employment ends.

Chapter 2

Rights of protection

Section 8

Legitimate interests of the data subject

The collection, processing or use of personal data shall not be permitted to harm the legitimate interests of the data subject. Legitimate interests are harmed in particular if the collection, processing or use constitute a burden for the data subject disproportionate to the data's suitability and need for the purpose intended. No examination will be conducted as to whether the legitimate interests of the data subject will be harmed if the collection, processing or use is required by law.

Section 9

Rights of the data subject

With regard to the registration authority, in accordance with this Act the data subject has a right to the following free of charge:

1. information pursuant to Section 10,

2. correction and completion pursuant to Section 12,
3. deletion pursuant to Sections 14 and 15,
4. notification pursuant to Section 45 (2),
5. blocks on transfer pursuant to Section 36 (2), Section 42 (3), second sentence, and Section 50 (5), as well as blocks on releasing information pursuant to Section 51 and conditional blocks on releasing information pursuant to Section 52,
6. declarations pursuant to Section 44 (3), second sentence.

Rights of the data subject pursuant to other provisions shall remain unaffected.

Section 10

The data subject's right to information

(1) The registration authority shall provide the data subject the following information on request:

1. stored data and remarks concerning the data subject and their source,
2. the recipients of regularly occurring data transfers and the type of data to be transferred, and
3. the purposes and legal basis for storing and regularly transferring data.

In the case of data transferred through automated retrieval or automated provision of information from the population register pursuant to Section 49 (1), the data subject shall be informed on request in the individual case of the type of data transferred and the recipients. This shall not apply if the body retrieving the data is one of the authorities listed in Section 34 (4), first sentence. The information pursuant to the second sentence shall be provided to the data subject only within the retention period for logging data pursuant to Section 40 (4).

(2) The information may also be provided electronically through data transfer via the Internet. In this case, it is necessary to ensure that state-of-the-art measures also for encryption and authentication are taken to ensure data protection and data security, in particular with regard to the confidentiality and integrity of the data stored in the population register and sent to the data subject.

(3) The identity of the person requesting the information shall be checked using the electronic identification function pursuant to Section 18 of the Act on Identity Cards or using an identity confirmation service pursuant to Section 6 (1) of the De-Mail Act of 28 April 2011 (Federal Law Gazette I p. 666) in the applicable version in conjunction with secure log-in pursuant to Section 4 (1) of the De-Mail Act. Alternatively, the identity of the person requesting the information may be checked using a qualified electronic signature.

Section 11

Restrictions on information

(1) Information pursuant to Section 10 shall not be provided if

1. it would endanger the proper performance of tasks for which the registration authority is responsible,
2. would threaten the public security or order or otherwise be detrimental to the welfare of the Federation or a *Land*,
3. would jeopardize criminal investigations, or

4. the data or the fact of their recording, in particular due to the overriding legitimate interests of a third party, must be kept secret by law or due to the nature of the data and therefore the data subject's interest in receiving the information must not take precedence.

(2) Nor shall information be provided

1. if the data subject shall not be permitted access to a civil status register pursuant to Section 63 (1) and (3) of the Civil Status Act,
2. in the cases of Section 1758 of the Civil Code, or
3. with regard to data concerning the legal representative, spouse, registered partner or minor children, if for these persons a block on releasing information pursuant to Section 51 or a conditional block on releasing information pursuant to Section 52 has been entered.

(3) Information about the source of data shall be permitted only with the consent of the body providing the data, if the data were provided to the registration authority by

1. the police forces of the Federation and the *Länder*,
2. public prosecutors,
3. public prosecutors at local courts,
4. the domestic intelligence agencies of the Federation and the *Länder*,
5. the Federal Intelligence Service,
6. the Military Counterintelligence Service,
7. the Customs Investigations Service,
8. the main customs offices or
9. the tax authorities where they perform law enforcement tasks.

The same applies to information about the recipient of the data if they are transferred to the authorities listed in the first sentence. Consent may be refused only on the conditions described in subsections 1 and 2.

(4) No reasons for refusing to provide information shall be given if providing the reasons in law and in fact on which the decision is based would undermine the intended purpose of refusing to provide the information. In this case, the data subject shall be referred to the body responsible for overseeing compliance with data protection law at the registration authority. The notification from this body to the data subject shall not permit any conclusions to be drawn concerning the information held by the controller unless the latter agrees to the provision of more extensive information.

(5) If no information is provided to the data subject, at his or her request the information shall be provided to the body referred to in subsection 4, second sentence. If the responsible supreme *Land* authority determines in the individual case that this would threaten the security of the Federation or of a *Land*, the *Land* data protection commissioner shall be informed in person.

Section 12 **Correction and completion of data**

If stored data are inaccurate or incomplete, the registration authority shall correct or complete the data at the request of the data subject. Section 6 (1), second sentence, shall apply accordingly.

Section 13 Data storage

(1) After a resident has died or moved away, the registration authority shall continue to store the data listed in Section 3 (1) nos. 1 to 10, 12 to 16, 18 and 19 to carry out its tasks. In these cases, it may also store the data pursuant to Section 3 (2) nos. 1 and 2 in the population register. If a resident moves away, the registration authority shall also store the fact pursuant to Section 3 (2) no. 5.

(2) Five years after the end of the calendar year in which the resident died or moved away, the data referred to in subsection 1 shall be retained for 50 years and secured using technical and organizational measures. During this time, the data shall no longer be processed or used. This shall not apply to the surname and given names, previous names, date and place of birth including country, if other than Germany; current and previous addresses; date moved out, date and place of death including country for persons who died abroad. The second sentence shall not apply if

1. the data subject has provided written consent to processing and using the data, or
2. it is essential to process or use the data
 - a) for scientific purposes,
 - b) to remedy a need for evidence,
 - c) to carry out the tasks of the authorities referred to in Section 34 (4), first sentence,
 - d) for voting purposes pursuant to Section 3 (2) no. 1,
 - e) to carry out the procedure under nationality law pursuant to Section 3 (2) no. 5 of this Act and to Section 29 (6) and Section 30 of the Nationality Act.

Section 14 Deletion of data

(1) The registration authority shall delete data if they are no longer needed for its tasks. The same shall apply if the data were stored unlawfully.

(2) Data referred to in Section 3 (2) no. 6 shall be deleted immediately after their transfer to tracing services. Data referred to in Section 3 (1) no. 11 and subsection 2 no. 2 shall be deleted at the end of the calendar year after the year in which the resident died or moved away. Other data of residents who have died or moved away which are not retained pursuant to Section 13 (1) shall be deleted 30 days after the resident has moved away and the response has been evaluated, or after the resident's death.

(3) If deleting the data would be impossible or would involve a disproportionate effort due to the specific mode of storage in the population register, the data shall be blocked.

(4) The registration authority shall delete data stored pursuant to Section 3 (1) no. 17a as soon as the length of validity has been exceeded by more than three months.

Section 15 Storage and deletion of remarks

Sections 13 and 14 shall apply accordingly to remarks stored to establish the accuracy of the relevant data.

Section 16
Offering data to archives

(1) After the retention period referred to in Section 13 (2), first sentence has expired, before deleting them the registration authority shall offer to turn over the data and remarks stored to verify their accuracy to the archives designated by *Land* law in accordance with the relevant provisions of archival law.

(2) Within the retention period referred to in Section 13 (2), first sentence, the registration authority may offer to turn over the data and remarks to the archives designated by *Land* law, as far as the performance of the registration authority's tasks pursuant to Section 13 (2), second and third sentences, continues to be ensured. Until this period has expired, the archive may process and use the data and remarks turned over to it only in accordance with Section 13 (2), second to fourth sentences.

Chapter 3
General registration requirements

Section 17
Registration, deregistration

(1) Anyone who moves into a residence shall register with the registration authorities within two weeks of moving in.

(2) Anyone who moves out of a residence and does not move into another residence in Germany shall deregister with the registration authorities within two weeks of moving out. Deregistration shall be possible no more than one week before moving out; the population register shall be updated as of the moving-out date.

(3) Registration or deregistration for persons under 16 years of age shall be the obligation of the persons into or out of whose residence the persons under 16 years of age move. Newborns born in Germany shall be registered only if they live in a residence other than that of their parents or mother. If a caregiver or guardian who may decide on the place of residence has been appointed for an adult, registration or deregistration shall be the obligation of this caregiver or guardian.

(4) The registry offices shall inform the registration authorities without delay of children for whom they have issued birth certificates and of every change in a person's civil status.

Section 18
Certificate of registration

(1) The registration authority shall provide the data subject a registration certificate on request. A simple registration certificate shall contain the following data:

1. surname,
2. previous names,
3. given names, indicating name usually used,
4. doctoral degree,
5. religious name, stage or pen name,
6. date and place of birth, including country for persons born outside Germany,

7. current addresses, indicating principal and secondary residence.
- (2) An expanded registration certificate may be issued on request which may contain the data referred to in Section 3 (1) except for information about blocks on providing and transferring information. The registration certificate referred to in subsection 1 may also contain fewer data.
- (3) Section 10 (2) and (3) shall apply accordingly to registration certificates issued electronically.
- (4) Section 11 (2) shall apply accordingly.

Section 19 **Cooperation by the supplier of the residence**

- (1) The person supplying the residence shall be obligated to cooperate with registration. The person supplying the residence or someone authorized by him or her shall confirm in writing or pursuant to subsection 4 electronically within the period given in Section 17 (1) that the person required to register has moved in. He or she may contact the registration authority to find out whether the person required to register has done so. The person required to register shall provide the person supplying the residence with the information necessary to confirm that the former has moved in. Confirmation pursuant to the second sentence may be provided only by the person supplying the residence or someone authorized by him or her.
- (2) If the person supplying the residence or the person authorized by him or her refuses to provide confirmation, or if the person required to register does not receive confirmation on time for other reasons, the person required to register shall inform the registration authorities of this without delay.
- (3) The confirmation of the person supplying the residence shall contain the following data:
 1. name and address of the person supplying the residence and name of the owner, if different,
 2. date moved in,
 3. address of the residence, and
 4. names of the persons required to register pursuant to Section 17 (1).
- (4) If confirming electronically, the person supplying the residence shall receive from the registration authority a reference number to be given to the person required to register to use when registering. Section 10 (2) and (3) shall apply accordingly. The registration authority may provide for additional ways to authenticate the person supplying the residence as long as they correspond to the state of the art.
- (5) The registration authority may require the owner and the supplier of the residence, if they are not one and the same, to provide information concerning persons currently living at his or her residence or who lived there in the past.
- (6) It shall be prohibited to offer or make available to a third party the address of a residence for the purpose of registration pursuant to Section 17 (1) if the third party neither moves into the residence nor intends to do so.

Section 20 **Definition of residence**

A residence as defined in this Act is any closed space used for living or sleeping. Accommodation on board a Navy ship shall also be considered a residence.

Caravans and barracks ships shall be regarded as residences only if they are stationary or rarely moved.

Section 21
Multiple residences

- (1) If a resident has multiple residences in Germany, one of these residences shall be his or her principal residence.
- (2) The principal residence shall be the residence used most by the resident.
- (3) All other residences of the resident shall be secondary residences.
- (4) Whenever registering or deregistering, the person required to register shall inform the registration authority of any additional residences in Germany and which one is the principal residence. For every change of principal residence, this person shall inform the registration authority responsible for the new principal residence within two weeks. If the person required to register moves out of one of his or her secondary residences in Germany and does not move into another residence, this person shall inform the registration authority which is responsible for the sole or principal residence.

Section 22
Determining the principal residence

- (1) The principal residence of a resident who is married or in a registered partnership and does not permanently live separately from his or her family or registered partner shall be the residence used most by the family or registered partner.
- (2) The principal residence of a minor resident shall be the residence used most by the persons entitled to care and custody of the minor; if they live separately, the principal residence shall be the residence of the person entitled to care and custody which is used most by the minor resident.
- (3) In case of doubt, the residence used most shall be the one where the resident's personal relationships are focused.
- (4) If the residence status of a resident who is married or in a registered partnership pursuant to subsections 1 and 3 cannot be established without doubt, then the principal residence shall be the residence pursuant to Section 21 (2).
- (5) At the request of a resident living in a facility for persons with a disability, the residence pursuant to subsection 2 shall remain his or her principal residence until he or she has reached the age of 25.

Section 23
Fulfilling the general requirement to register

- (1) Unless otherwise stipulated below, the person required to register shall fill out and sign a registration form and present it to the registration authority with his or her national identity card, temporary national identity card, substitute national identity card, recognized and valid passport or passport substitute and the confirmation from the supplier of the residence or the reference number pursuant to Section 19 (4), first sentence. If the population register is automated, no registration form shall be needed if the person required to register appears in person at the registration authority and confirms the accuracy and completeness of the data collected by the registration authority by signing a printout.
- (2) Section 10 (2) and (3) shall apply accordingly to registration in electronic form.
- (3) The registration authority for the new place of residence shall be authorized to request from the registration authority for the previous place of residence data

stored pursuant to Section 3 (1) nos. 1 to 18 and to provide these data in written or electronic form to the person required to register (pre-filled registration form). The person required to register shall review the information for accuracy, correct any inaccurate information and add any missing information. He or she shall sign the corrected, pre-filled registration form and return it to the registration authority for the new place of residence. Section 10 (2) and (3) shall apply accordingly to electronic transmission.

(4) The person required to register shall supply his or her surname, given names, date of birth and previous address for the pre-filled registration form. The registration authority for the new place of residence shall send these data to the registration authority for the previous place of residence in order to request the data pursuant to Section 3 (1) nos. 1 to 18. The registration authority for the previous place of residence shall send the requested data to the registration authority for the new place of residence without delay.

(5) Spouses, registered partners and family members having the same previous and current addresses and moving dates should use the same registration form. Registration pursuant to subsections 1 and 2 by one of the persons required to register shall suffice. Subsections 3 and 4 shall apply accordingly if the person required to register provides assurance that he or she is authorized to receive the data of the other persons required to register. He or she shall be informed that obtaining such data without authorization is a criminal offence pursuant to Section 202a of the Criminal Code.

(6) In derogation from subsections 1 and 2, persons for whom an arrival certificate pursuant to Section 63a of the Asylum Act has been issued and who have moved into a reception centre may be registered using an automated procedure by copying the data from the Central Register of Foreigners pursuant to Section 18e of the Act on the Central Register of Foreigners.

(7) Persons who have moved abroad may deregister in writing or, applying Section 10 (2) and (3) accordingly, electronically. In case of electronic deregistration, the person required to deregister may confirm his or her identity by providing his or her surname, given name, date of birth and serial number of the national identity card or passport last stored in the population register pursuant to Section 3 (1) no. 17.

Section 24

Data collection, confirmation of registration

(1) When registering, deregistering or changing the principal residence, the data referred to in Section 3 (1) nos. 1 to 18 and (2) no. 2 (a) to (c), nos. 5, 6 and 10 may be collected from the person required to register. The same shall apply to the remarks necessary to verify the accuracy of these data.

(2) The person required to register shall receive free of charge a written confirmation of registration or deregistration (official confirmation of registration). This confirmation shall contain only the following data:

1. surname,
2. given names, indicating name usually used,
3. doctoral degree,
4. date of birth,
5. date moved in or out,

6. date of registration or deregistration,
7. address and
8. sole residence, principal or secondary residence.

Section 25

Cooperation by persons required to register

At the request of the registration authority, the person required to register shall

1. provide information necessary to keep the population register in good order,
2. present the necessary documents to verify the information, and
3. appear in person at the registration authority.

Section 26

Exemption from the registration requirement

The following persons shall be exempt from the registration requirement pursuant to Section 17 (1) and (2):

1. members of a foreign diplomatic mission or foreign consular representation and family members living with them in the same household, if the persons do not have German nationality, are not permanently resident in Germany and are not in gainful employment;
2. persons for whom this exemption has been stipulated in international treaties.

Exemption from the registration requirement pursuant to the first sentence, no. 1 shall apply only on the basis of reciprocity.

Section 27

Exceptions to the registration requirement

(1) There shall be no grounds for a registration requirement pursuant to Section 17 (1) and (2) if a person who is registered at a residence in Germany moves into collective accommodation or other officially provided housing in order to

1. perform compulsory military service pursuant to the Compulsory Military Service Act or voluntary military service pursuant to the Act on the Legal Status of Military Personnel;
2. perform national volunteer service pursuant to the Federal Volunteer Service Act;
3. perform civilian alternative service pursuant to the Act on Civilian Alternative Service;
4. perform a service pursuant to Chapter 4 of the Act on the Legal Status of Military Personnel;
5. serve in the Bundeswehr as a career service member or temporary career volunteer or serve as a federal or state police officer, unless residing at the accommodation for more than 12 months;
6. take part as a public service employee in courses or specialized studies for initial or advanced training.

(2) Anyone who is registered in Germany pursuant to Section 17 or 28 and moves to a residence for a stay of no more than six months shall not be required to register or deregister at this residence. Anyone who has not moved out of this residence after six months have elapsed shall register with the registration authority within two

weeks. For persons who otherwise live abroad and are not registered pursuant to Section 17 (1), this obligation shall apply after three months have elapsed.

(3) The exception to the registration requirement pursuant to subsection 2 shall not apply to

1. ethnic German resettlers from the countries of the former Soviet Union and their family members, if they are assigned a place of residence pursuant to Section 8 of the Federal Expellees Act; or
2. asylum applicants or other foreigners residing temporarily in a reception centre or other assigned housing.

To meet the registration requirement pursuant to subsection 2 in conjunction with the first sentence, no. 2, the body responsible for keeping records of persons at the reception centres may submit the necessary data to the registration authority in the form of a list. A copy of the record kept pursuant to foreigners law may be submitted instead of a list. In both cases, the information may be submitted in electronic form.

(4) The execution of a court decision on detention shall not be grounds for registration requirements pursuant to Section 17 or 28 if the person concerned is registered at a residence in Germany. For a person who is not registered at a residence in Germany and whose stay is longer than three months, the management of the detention facility shall report the person's admittance, transfer and release to the registration authority responsible for the site of the detention facility within two weeks; the person concerned shall be informed. The information sent to the registration authority shall contain the data to be included on the registration form as far as they are known to the detention facility. This information shall take the place of registration pursuant to Section 23 (1).

Chapter 4

Special registration requirements

Section 28

Special registration requirements for sailors on inland waterways and the high seas

(1) Anyone who moves to an inland vessel which is entered in a register of ships in Germany shall register with the registration authority of the place where the vessel's home port is located. The provisions on the general requirement to register shall apply accordingly. Registration and deregistration may be done at a different registration authority or with the water police, which shall forward the data to the responsible registration authority.

(2) The owner of a seagoing vessel authorized to fly the federal flag shall register the captain and the crew of the vessel at the start of employment or training. The owner shall deregister these persons when the employment or training ends. Section 24 (1) shall apply accordingly. The registration authority at the owner's headquarters shall be responsible. The persons to be registered shall provide the owner with the necessary information.

(3) The requirement to register pursuant to subsections 1 and 2 shall not apply to persons who are registered at a residence in Germany pursuant to Section 17 (1).

(4) The registration authority may ask vessel owners for information about persons currently or previously residing on their vessels.

Section 29

Special registration requirement for commercial accommodations

(1) Anyone staying in institutions for the purpose of commercial reception of persons (commercial accommodations) for longer than six months shall be subject to the requirement to register pursuant to Section 17 or 28. Anyone who is not registered at a residence in Germany shall register with the registration authority within two weeks as soon as his or her stay exceeds three months.

(2) Persons staying in commercial accommodations shall sign a special registration form on the day of their arrival which contains the data listed in Section 30 (2). The number of accompanying family members shall be given on the registration form. In the case of groups of more than ten persons travelling together, the requirement in the first sentence shall apply only to the group leader, who shall give the number of persons in the group and their nationalities.

(3) Foreigners staying in commercial accommodations shall be listed by name on the registration form pursuant to subsection 2 and shall verify their identity by presenting a valid identity document (recognized and valid passport or passport substitute) to the management of the commercial accommodation when registering.

(4) Persons spending the night in tents, caravans, motor caravans or water vessels at commercially operated sites shall not be subject to the requirement to register pursuant to Section 17 (1) and (2) as long as they are registered in Germany pursuant to Section 17 or 28. Anyone who is not registered pursuant to Section 17 or 28 shall register with the registration authority within two weeks as soon as his or her stay exceeds three months. Subsections 2 and 3 shall apply accordingly.

(5) Subsections 2 and 3 shall not apply to

1. residential institutions providing youth or adult education, basic or advanced training if persons are accommodated for those purposes;
2. company or club accommodations if only company employees or club members and their family members are staying there;
3. youth hostels and mountain huts, institutions of public or publicly recognized youth work providers in temporary use; or
4. institutions of religious communities under public law.

Section 30

Special registration forms for commercial accommodations

(1) The management of commercial accommodations or institutions pursuant to Section 29 (4) shall have on hand a supply of special registration forms and shall see to it that the persons concerned meet their obligations pursuant to Section 29 (2) to (4).

(2) Subject to subsection 3, the registration forms shall contain only the following data:

1. date of arrival and planned departure,
2. surname,
3. given names,
4. date of birth,
5. nationalities,
6. address,

7. number of persons travelling together and their nationalities, in the cases of Section 29 (2), second and third sentences, and,
8. in the case of foreigners, serial number of the recognized and valid passport or passport substitute.

In the case of foreigners, the management of the commercial accommodation or institutions pursuant to Section 29 (4) shall check the information on the registration form against the information in the identity document. Any discrepancies shall be noted on the registration form. If foreigners do not present a valid identity document, this shall be noted on the registration form.

(3) *Land* law may stipulate that additional data may be collected using the registration form to collect tourist and resort taxes.

(4) The management of commercial accommodations or institutions pursuant to Section 29 (4) shall retain the filled-out registration forms for a year starting from the day of arrival and shall destroy them no later than three months after the retention period has ended. The registration forms shall be presented to the authorities determined by *Land* law and the authorities referred to in Section 34 (4), first sentence, nos. 1 to 5 and 9 to 11 for inspection on request to carry out their tasks. The registration forms shall be kept out of reach of unauthorized persons.

Section 31

Restrictions on use

The data collected pursuant to Section 30 (2) may be processed and used by the authorities referred to in Section 34 (4), first sentence, nos. 1 to 5 and 9 to 11 as necessary to carry out their tasks. The data may also be processed and used to investigate the fate of missing persons and accident victims, to collect tourist and resort taxes, to issue local guest passes and to compile accommodation and tourism statistics.

Section 32

Special registration requirement for hospitals, care homes and similar institutions

(1) Anyone admitted to or moving to a hospital, care home or other institution serving persons with disabilities or in need of care or for the purpose of residential education shall not be required to register as long as he or she is registered at a residence in Germany. Anyone who is not registered at a residence in Germany shall register within two weeks as soon as his or stay has exceeded three months. For persons unable to fulfil the requirement to register, the management of the institution shall inform the registration authority responsible for the site of the institution of their admittance within two weeks; the person concerned shall be informed. Section 17 (3), third sentence, shall remain unaffected.

(2) The responsible authority shall be given information from the files of the institutions referred to if the authority has determined that this information is necessary to prevent a significant and imminent threat, to prosecute criminal offences or to investigate the fate of missing persons and accident victims in the individual case. This information shall include the following:

1. surname,
2. given names,
3. date and place of birth, including country for persons born outside Germany,
4. nationalities,

5. addresses,
6. dates of admittance and release.

Chapter 5 Data transfer

Sub-chapter 1 Data transfer between public bodies

Section 33 Data transfer between registration authorities

(1) When a person has registered with a registration authority, this authority shall inform the registration authority responsible for the previous place of residence and those responsible for the person's other residences by sending them the data referred to in Section 3 (1) nos. 1 to 18 of the person in question (response). For persons moving to Germany from abroad, the registration authority responsible for the latest residence in Germany shall be informed as the registration authority responsible for the previous place of residence. The data shall be transmitted without delay and no more than three working days after registration; Section 10 (2), second sentence shall apply accordingly.

(2) The data transmitted shall be processed by the registration authority responsible for the previous place of residence without delay. The registration authority responsible for the previous place of residence shall inform the registration authority responsible for the new place of residence without delay, and no more than three working days after receiving the response, about the facts referred to in Section 3 (2) nos. 1 and 2 (d), nos. 3, 4, 5, 7, 8 and 11, and whether the data referred to in the first sentence differ from the previous data (assessment of the response). If registration authorities in the same *Land* are involved, *Land* law may provide for more detailed regulations on the data transfer.

(3) If the data described in Section 3 (1) and (2) nos. 7 and 8 are updated, the registration authorities responsible for any other residences of the person concerned shall be informed without delay if the data are necessary for them to carry out their tasks. If a person required to register on whom data of the persons referred to in Section 3 (1) nos. 9, 15 and 16 are stored outside the responsibility of the registration authority dies or moves away, the registration authority responsible for these persons shall be informed of the update without delay.

(4) If the registration authority notes a block on releasing information pursuant to Section 51 in the population register, or if it lifts such a block, it shall inform the registration authority responsible for the last previous residence or the new residence and the registration authorities responsible for any other residences without delay. These registration authorities shall note the block on releasing information pursuant to Section 51 in the population register without delay and shall delete it when it has been lifted. The first and second sentences shall apply accordingly to conditional blocks on releasing information pursuant to Section 52, with the proviso that such blocks are not lifted.

(5) If any international treaties provide for sharing such information with bodies abroad, the agreements in these treaties shall take precedence over the provisions of subsections 1 to 3.

(6) Data transfers and information between registration authorities shall be free of charge.

Section 34

Data transfer to other public bodies

The registration authority may transmit the following data from the population register to another public body in Germany as referred to in Section 2 (1) to (3) and (4), second sentence, of the Federal Data Protection Act as far as necessary to carry out public tasks for which the registration authority or the recipient is responsible:

1. surname,
2. previous names,
3. given names, indicating name usually used,
4. doctoral degree,
5. religious name, stage or pen name,
6. current and previous addresses, principal and secondary residence; for persons moving to Germany from abroad, also the country and last address in Germany; for persons moving abroad, also the address abroad, including country;
7. date moved in, date moved out, date last moved out of a residence in Germany and date last moved to Germany from abroad,
8. date and place of birth, including country for persons born outside Germany,
9. sex,
10. regarding the legal representative
 - a) surname,
 - b) given names,
 - c) doctoral degree,
 - d) address,
 - e) date of birth,
 - f) date of death,
 - g) blocks on releasing information pursuant to Section 51 and conditional blocks on releasing information pursuant to Section 52;
11. current nationalities, including data stored pursuant to Section 3 (2) no. 5;
12. marital status including date and place of marriage or registration of partnership including country, if applicable;
13. blocks on releasing information pursuant to Section 51 and conditional blocks on releasing information pursuant to Section 52;
14. date and place of death, including country for persons who died abroad.

In addition to the data listed there, under the conditions of the first sentence the registration authority may also transfer information pursuant to Section 3 (1) no. 17, except for the blocking code and blocking sum of the national identity card, to the authorities described in subsection 4, first sentence.

(2) If data concerning a large number of persons not referred to by name are transferred, only the data referred to in subsection 1, first sentence, may be used to constitute the group of persons.

(3) The transfer of data in addition to those described in subsection 1, first sentence, or the transfer of remarks in the population register referred to in Section 3 (1) or (2) to other public bodies shall be permitted only if the recipient

1. would not be able to carry out its legally assigned task without the data, and
2. the data cannot be obtained from the data subject without unreasonable effort, or the nature of the task for which the data are required means that the data cannot be collected.

(4) If the following authorities request data and remarks pursuant to subsection 3, the registration authority shall not be required to examine whether the conditions of subsection 3 and Section 8 are met:

1. federal and state police authorities,
2. public prosecutor's offices,
3. public prosecutors at local courts,
4. courts, as far as they carry out tasks of law enforcement, prosecution or execution of sentences;
5. correctional authorities;
6. federal and state domestic intelligence agencies,
7. the Federal Intelligence Service;
8. the Military Counterintelligence Service;
9. the Customs Investigation Service;
10. main customs offices;
11. tax authorities, where they perform law enforcement tasks; and
12. the Federal Office of Justice, where it carries out tasks of enforcement assistance pursuant to Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties (OJ L 76 of 22 March 2005, p. 16), amended by Council Framework Decision 2009/299/JHA (OJ L 81 of 27 March 2009, p. 24), as well as tasks of sharing information from judicial records pursuant to Council Framework Decision 2009/315/JHA of 26 February 2009 on the organization and content of the exchange of information extracted from the criminal record between Member States (OJ L 93 of 7 April 2009, p. 23).

The requesting authority shall record the name and address of the data subject with a note indicating the reason for the transfer. These records shall be retained, secured using technical and organizational means and destroyed at the end of the calendar year following the year in which the record was made. The third sentence shall not apply if the data pursuant to the second sentence have become part of files or databases.

(5) If a block on releasing information pursuant to Section 51 (1) has been entered ex officio at the request of an authority referred to in subsection 4, first sentence, no. 1 and nos. 6 to 9, the data subject and the body that requested the block shall be informed without delay of every request for data concerning the data subject. If, after

hearing from the data subject, or, if this person is not available, after hearing from the body that requested the block, a threat pursuant to Section 51 (1) cannot be ruled out, a transfer in these cases shall not be permitted; the requesting body shall receive a notice which shall not permit any conclusions to be drawn as to whether any information on the data subject is available or whether a block on releasing information has been entered. In derogation from the first and second sentences, only the body that requested the block shall be informed of and heard from regarding requests for transfer from a body referred to in subsection 4, first sentence.

(6) Data transfers and information from registration authorities to other public bodies in Germany shall be free of charge. *Land* law on fees for data transfers from central collections of registration data or web portals at *Land* level shall remain unaffected.

Section 35

Data transfer abroad

In the context of activities which fully or partly fall within the scope of European Union law, Section 34 (1), first sentence shall apply in accordance with the applicable laws and agreements when data are transferred to

1. public bodies in other member states of the European Union,
2. public bodies in other states parties to the Agreement on the European Economic Area,
3. bodies and institutions of the European Union, or
4. bodies and institutions of the European Atomic Energy Community.

Section 36

Regularly occurring data transfers

(1) Data transfers to other public bodies which are carried out at regular intervals independent of requests (regularly occurring data transfers) shall be permitted as allowed by federal or *Land* law in which the reason for and purpose of the transfers, recipients and data to be transferred are specified.

(2) Data transfer pursuant to Section 58c (1), first sentence of the Act on the Legal Status of Military Personnel shall be permitted only if the data subject does not object. When registering and no later than October of each year, the data subject shall be informed in accordance with local custom of his or her right to object.

Section 37

Disclosure of data

(1) Under the conditions given in Section 34 (1), all of the data and remarks listed in Section 3 (1) may be disclosed within the administrative unit to which the registration authority belongs. Section 34 (3) shall apply accordingly to the inspection and disclosure of data and remarks pursuant to Section 3 (2).

(2) Setting up automated processes for transmitting data to other bodies within the administrative unit to which the registration authority belongs shall require the permission of the head of the administrative unit; he or she shall stipulate in writing which bodies are authorized to retrieve data and the necessary technical and organizational measures. The body authorized to retrieve data may utilize the possibility to retrieve data only as necessary in the individual case to carry out its tasks.

Section 38
Automated retrieval

(1) The registration authority may transmit the following data to another public body using automated retrieval procedures (basic official information):

1. surname,
2. previous names,
3. given names, indicating name usually used,
4. religious name, stage or pen name,
5. date and place of birth, including country for persons born outside Germany,
6. doctoral degree,
7. sex,
8. current addresses or future address, indicating principal and secondary residence.
9. date and place of death, and
10. conditional blocks on releasing information pursuant to Section 52.

(2) Retrieval shall be permitted only as far as the retrieving body must be aware of these data to carry out its tasks. If a block on releasing information pursuant to Section 51 has been entered in the population register, the retrieving body shall receive a notice which shall not permit any conclusions to be drawn as to whether any information on the data subject is available or whether a block on releasing information has been entered; in these cases, retrieval by the registration authority shall be treated like a request for data transfer pursuant to Section 34.

(3) The following additional data may be transmitted to the authorities listed in Section 34 (4), first sentence, using the automated retrieval procedure:

1. current nationalities,
2. previous addresses, indicating principal and secondary residence,
3. date moved in and date moved out,
4. issuing authority, date of issue, length of validity and serial number of the national identity card, temporary national identity card or substitute identity card, of the recognized and valid passport or passport substitute, and
5. data pursuant to Section 3 (2) nos. 7 and 8.

(4) The authorities listed in Section 34 (4), first sentence, may use the data pursuant to Section 34 (1) as selection data for retrieval; all other public bodies may use only the surname, previous names, given names, sex, date and place of birth including country for persons born outside Germany and the current or previous address. Phonetic searches shall be permitted for surnames, previous names and given names. If retrieval displays the records of multiple persons, the body authorized to retrieve data may use these data only to the extent necessary to carry out its legally assigned tasks. Data not needed shall be deleted immediately.

(5) Transfer of additional data and remarks using automated retrieval procedures pursuant to subsections 1 to 3 shall be permitted as allowed by federal or *Land* law in which the reason for and purpose of the transfers, recipients and data to be transferred are specified. The use of additional selection data pursuant to

subsection 4 shall be permitted as allowed by federal or *Land* law in which the reason for and purpose of the retrieval are specified.

Section 39
Procedures for automated retrieval

(1) When setting up a procedure for automated retrieval, the body authorized to retrieve data shall take appropriate technical and organizational measures to ensure that data can be retrieved only by authorized persons. Section 10 (2) shall apply accordingly. There shall be no doubt as to the identity of the retrieving body. Section 3 of the Act on Connecting the IT Networks of the Federation and the *Länder* – Act implementing Article 91c (4) of the Basic Law of 10 August 2009 (Federal Law Gazette I, p. 2702) in the applicable version shall remain unaffected.

(2) If automated retrieval pursuant to Section 38 (1) to (3) finds the records of different persons, identifiers may be created and transmitted. The data listed in Section 3 may not be processed or used to create these identifiers. The recipient of the data may transmit the identifier only to the registration authority.

(3) The public bodies listed in Section 34 (4), first sentence, and other public bodies specified in federal or *Land* law, in the case of central *Länder* collections of registration data, or if such do not exist, in the case of other bodies specified by *Land* law, or in the case of the registration authorities, shall ensure that data can be retrieved via the Internet or the network linking the Federation and the *Länder* at any time. Subsection 1, second to fourth sentences shall apply accordingly.

(4) The retrieving body shall be responsible for the lawfulness of each individual automated retrieval. The registration authority shall check the lawfulness of the retrieval only if there is reason to do so.

Section 40
Logging requirement for automated retrieval

(1) When using automated retrieval to access data of an individual, the registration authority shall keep a record of the following:

1. the body authorized to retrieve the data,
2. the data retrieved,
3. the time of retrieval,
4. the file reference of the retrieving authority, if extant,
5. the identifier of the retrieving person.

(2) If data concerning a large number of persons not further identified pursuant to Section 34 (2) are retrieved, the reason, criteria for retrieval and the number of matches shall be recorded.

(3) If the retrieving body is one of the authorities listed in Section 34 (4), first sentence, it shall record this information.

(4) The logging data shall be retained and secured for at least 12 months. They shall be deleted no later than the end of the calendar year following the year in which they were recorded. The logging data may be processed and used only for purposes of data protection monitoring and the resulting criminal proceedings, and purposes of safeguarding the operation of the register and releasing information to the data subject.

Section 41

Purpose limitation on transferred data and remarks

Unless otherwise specified by law, the recipients of data may process and use the data solely for the purposes for which the data were transferred or forwarded to them. In the cases of Sections 51 and 52, processing or using the transferred or forwarded data and remarks shall be permitted only if the possibility of harming legitimate interests of the data subject can be ruled out.

Section 42

Data transfer to religious communities under public law

(1) On the conditions listed in Section 34 (1), first sentence, the registration authority may transfer to a religious community under public law the following data at regular intervals to carry out its tasks but not for purposes related to labour law:

1. surname,
2. previous names,
3. given names, indicating name usually used,
4. doctoral degree,
5. religious name, stage or pen name,
6. date and place of birth, including country for persons born outside Germany,
7. regarding the legal representative
 - a) surname,
 - b) given names,
 - c) doctoral degree,
 - d) address,
 - e) date of birth,
 - f) sex,
 - g) date of death and
 - h) blocks on releasing information pursuant to Section 51 and conditional blocks on releasing information pursuant to Section 52,
8. sex,
9. current nationalities,
10. legal membership of a religious community under public law,
11. current addresses, indicating principal and secondary residence; the last previous address; for persons moving to Germany from abroad, also the last address in Germany; for persons moving abroad, also the address abroad, including country;
12. date moved in and date moved out,
13. marital status limited to whether the person concerned is married or in a registered partnership, including date, place and country of marriage or registration of partnership, if applicable,
14. number of minor children,

15. blocks on releasing information pursuant to Section 51 and conditional blocks on releasing information pursuant to Section 52;

16. date and place of death, including country for persons who died abroad.

(2) If members of a religious community under public law have family members who do not belong to the same or any religious community under public law, the registration authority may transfer the following data of these family members:

1. surname and given names,
2. date and place of birth,
3. sex,
4. membership of a religious community under public law,
5. current addresses and last previous address,
6. blocks on releasing information pursuant to Section 51 and conditional blocks on releasing information pursuant to Section 52; and
7. date of death.

(3) Family members as referred to in subsection 2 shall be the spouse or registered partner, minor children and the parents of minor children. The data subjects have the right to object to the transfer of their data; they shall be informed of this right when registering pursuant to Section 17 (1) and annually in accordance with local custom. The second sentence shall not apply if data are transferred for purposes of tax collection by the religious community under public law.

(4) Section 34 (5) shall apply accordingly to transfers pursuant to subsections 1 and 2.

(4a) The registration authorities may transfer the data referred to in subsections 1 and 2 and the data specified by *Land* law in accordance with Section 55 (2) to the religious communities under public law on a nationally determined cut-off date using an automated procedure for no more than 12 months in order to enable a one-time comparison for the purpose of inventory, primary data collection and subsequent data transfer. Objections pursuant to Section 42 (3), second sentence shall also be transmitted. The Federal Ministry of the Interior shall publicize the cut-off date in the Federal Gazette.

(5) Data transfer pursuant to subsections 1 and 2 shall be permitted only if the data recipient has taken sufficient data protection measures. An authority to be designated by *Land* law shall determine whether this is the case.

Section 43

Data transfer to tracing services

(1) The registration authority may regularly transfer the following data of persons from the regions described in Section 1 (2) no. 3 of the Federal Expellees Act to the tracing services to carry out their tasks under public law:

1. surname,
2. previous names,
3. given names, indicating name usually used,
4. date and place of birth, including country for persons born outside Germany,

5. current and previous addresses,
6. address on 1 September 1939.

(2) In addition to the data listed in subsection 1, the registration authority may use the automated retrieval procedure to transfer the following data to the tracing services to carry out their tasks under public law:

1. sex,
2. current nationalities,
3. date moved in and date moved out.

In addition to the data available to all public bodies pursuant to Section 38 (4), first sentence, the tracing services may also use the following data as selection data for retrieval:

1. for persons moving to Germany from abroad, also the country and last address in Germany; for persons moving abroad, also the address abroad, including country;
2. date moved in and date moved out,
3. current nationalities,
4. marital status,
5. date and place of death, including country for persons who died abroad.

Sub-chapter 2 Information from the population register

Section 44

Basic information from the population register

(1) If a person or a body other than those described in Section 34 (1), first sentence, or Section 35 requests information on another person, the registration authority shall be permitted to release only the following data on specific individuals (basic information from the population register):

1. surname,
2. given names, indicating name usually used,
3. doctoral degree,
4. current addresses, and
5. whether the person is dead.

If the data will be used for commercial purposes, these purposes shall be stated.

(2) Subsection 1 shall also apply when data on a large number of persons are requested.

(3) The release of basic information from the population register shall be permitted only if

1. the identity of the person on whom information is requested can be established unambiguously on the basis of the information provided in the request concerning the surname, previous name, given names, date of birth, sex or an address; and
2. the person or body requesting the information declares that the data will not be used for the purposes of

- a) advertising or
- b) buying and selling lists of addresses,

unless the data subject explicitly consented to the release of data for each of these purposes. Consent pursuant to the first sentence, no. 2 may be given to the registration authority as general consent to one or both of these purposes and revoked. If no general consent is on record with the registration authority, then consent shall be given to the person or body requesting the information. Consent to the person or body requesting information must be given separately and must refer explicitly to the release of information from the population register for each of these purposes. The person or body requesting information shall provide the registration authority with proof of consent on request. The registration authority shall conduct random checks to determine whether proof of consent is available. If the registration authority has reason to believe that the person or body requesting information has falsely claimed to be in possession of consent pursuant to the fourth sentence, the registration authority shall investigate on its own initiative. No information shall be released to the person or body requesting information until the investigation has been completed.

(4) The following shall be prohibited with regard to data from a population register:

1. using data commercially without indicating a purpose pursuant to subsection 1, second sentence, when requesting data;
2. using data for the purposes given in subsection 3, first sentence, no. 2 contrary to a declaration referred to there; or
3. obtaining data for purposes pursuant to subsection 3, first sentence, no. 2 while falsely claiming to have the necessary consent pursuant to subsection 3, third sentence.

Section 45

Additional information from the population register

(1) If credible evidence of a legitimate interest is provided, in addition to the data listed in Section 44 (1) of specific individuals, the following information from the population register may be released:

1. previous names,
2. date and place of birth, including country for persons born outside Germany,
3. marital status limited to whether the person concerned is married or in a registered partnership,
4. current nationalities,
5. previous addresses,
6. date moved in and date moved out,
7. surname, given names and address of the legal representative,
8. surname, given names and address of the spouse or registered partner, and
9. date and place of death, including country for persons who died abroad.

(2) The registration authority shall immediately inform the data subject of the release of additional information from the population register and the recipient of the data;

this shall not apply if the data recipient has provided credible evidence of a legal interest, in particular to assert legal claims.

Section 46
Group information

(1) Information from the population register on a large number of persons not referred to by name (group information) may be released only if doing so is in the public interest. The following data may be used to constitute the group of persons:

1. date of birth,
2. sex,
3. current nationality,
4. current addresses,
5. date moved in and date moved out,
6. marital status (single, married, divorced, widowed, in a registered partnership, registered partnership terminated, registered partner deceased).

(2) Apart from the membership of the group, the following data may be released:

1. surname,
2. given names,
3. doctoral degree,
4. age,
5. sex,
6. nationalities,
7. current addresses, and
8. legal representative, including surname, given names and address.

Section 47
Purpose limitation on information from the population register

(1) In the case of information from the population register pursuant to Section 44 for commercial purposes and of information from the population register pursuant to Sections 45 and 46, and in case of a block on releasing information pursuant to Section 51 (1), the recipient may use the data only for the purposes for which they were released. The data shall subsequently be deleted.

(2) If data were collected for the purpose of commercially identifying addresses for third parties, these data may not be reused.

Section 48
Information from the population register for public service broadcasters

As far as public service broadcasters are involved in journalistic activities, they shall not be regarded as public bodies as referred to in this Act.

Section 49
Automated information from the population register

(1) Basic information from the population register may also be released on data storage media which can be processed using automated means. Data storage media provided to the registration authority or the data transferred to the registration

authority shall be returned, deleted or destroyed without delay after the request has been processed.

(2) Basic information from the population register may also be released via the Internet using automated retrieval. The response to the person or body requesting information shall be sent in encrypted form.

(3) Basic information from the population register released via the Internet may also be released via one or more Internet portals. If a portal is not operated under public law, it shall require approval from the responsible *Land* authority. In particular, portals shall have the task of

1. registering those requesting information,
2. receiving requests for information and forwarding them to the registration authority or other portals,
3. receiving responses and forwarding them to registration authorities or other portals,
4. ensuring that fees and expenses are paid to the registration authorities, and
5. safeguarding data security.

Subsection 1, second sentence, shall apply accordingly.

(4) Information shall be released only if

1. the person or body requesting information identifies the data subject by surname or a previous surname and at least one given name (phonetic searches shall be permitted for surnames and given names), as well as an address or two other items of data, although data pursuant to subsection 5 nos. 5 and 9 may not be used in tandem, and
2. the identity of the data subject has been established unambiguously using an automated check of the data provided in the request against the data stored in the population register.

(5) The following data may be used to further describe the data subject pursuant to subsection 4 no. 1:

1. religious name,
2. stage or pen name,
3. date of birth,
4. place of birth, including country for persons born outside Germany,
5. sex,
6. surname and given name of the legal representative,
7. date moved to an address,
8. date moved away from an address,
9. marital status,
10. date and place of marriage or registration of partnership, including country if abroad,
11. surname and given name of spouse or registered partner,
12. date of death,
13. place of death, including country for persons who died abroad.

(6) Section 10 (2), second sentence and Section 40 shall apply accordingly.

Section 50

Information from the population register in special cases

(1) In connection with elections and voting at national and local level in the six months preceding the election or vote, the registration authority shall be permitted to provide political parties, associations of voters and other nominated candidates with information from the population register concerning data described in Section 44 (1), first sentence for groups of eligible voters if these groups are constituted on the basis of their members' age. The birth dates of the eligible voters shall not be provided. The person or body to whom the data are released shall be permitted to use these data only for advertising for an election or vote and shall delete or destroy them no later than one month after the election or vote.

(2) If elected officials, news media representatives or broadcasters request information from the population register concerning age or wedding anniversaries of residents, the registration authority may release the following information:

1. surname,
2. given names,
3. doctoral degree,
4. address, and
5. date and number of birthday or wedding anniversary.

Birthdays as referred to in the first sentence shall be the 70th birthday and every fifth birthday until the 100th birthday, then every birthday thereafter; wedding anniversaries shall be the 50th and every anniversary thereafter.

The following information on all residents aged 18 and over may be provided to publishers of address directories:

1. surname,
2. given names,
3. doctoral degree, and
4. current addresses.

The data provided may be used only for publishing address directories in book form.

(4) If the owner of the residence and, if different, the supplier of the residence, provide credible evidence of a legal interest, the registration authority shall provide them with information free of charge on the surname, given names and doctoral degree of the residents registered at his or her residence. At the request of the person authorized to receive the information, it may be provided using an electronic procedure; Section 10 (2) and (3) shall apply accordingly.

(5) The data subject has the right to object to the transfer of his or her data pursuant to subsections 1 to 3; he or she shall be informed of this right when registering pursuant to Section 17 (1) and annually in accordance with local custom.

(6) No information shall be provided pursuant to subsections 1 to 3 if a block on releasing information pursuant to Section 51 exists. Nor shall information pursuant to subsection 3 be released if a conditional block on releasing information pursuant to Section 52 has been entered.

Section 51

Blocks on releasing information

- (1) If there is reason to believe that providing information from the population register may result in a threat to the life, health, personal freedom or similar legitimate interests of the data subject or another person, the registration authority shall, on request or on its own initiative, enter in the population register a block on releasing information.
- (2) If, after hearing the data subject, a threat as referred to in subsection 1 cannot be ruled out, it shall be prohibited to provide information from the population register. If the data subject cannot be reached, in the cases in which a block on releasing information was entered by the registration authority at the request of an authority listed in Section 34 (4), first sentence, nos. 1, 6, 7, 8 or 9, the body at whose request the block on releasing information was entered shall be heard. If no information is provided, the person or body requesting information shall receive a notice which shall not permit any conclusions to be drawn as to whether any information on the data subject is available or whether a block on releasing information exists.
- (3) If a block on releasing information has been entered by the registration authority at the request of an authority referred to in Section 34 (4), first sentence, nos. 1, 6, 7, 8 or 9, the data subject and the body that requested the block shall be informed without delay of every request for information from the population register.
- (4) The block on releasing information shall be limited to two years. It may be extended automatically or on request. The data subject shall be informed before the block is lifted, if he or she can be reached. If the block was requested by an authority listed in Section 34 (4), first sentence, nos. 1, 6, 7, 8 or 9, this authority shall be informed if the data subject cannot be reached.
- (5) Nor shall information from the population register be released
1. if access to a civil status register pursuant to Section 63 of the Civil Status Act shall not be permitted, and
 2. in the cases of Section 1758 of the Civil Code.

Section 52

Conditional block on releasing information

- (1) The registration authority shall establish a conditional block on releasing information for the current addresses of persons registered to the knowledge of the registration authority as residents of
1. a correctional facility,
 2. a reception centre for asylum applicants or other foreign refugees,
 3. hospitals, care homes or other institutions serving persons with disabilities or in need of care or for the purpose of residential education,
 4. shelters against domestic violence, or
 5. institutions for the treatment of addiction.
- (2) In these cases, unless the conditions of Section 51 (1) to (3) are met, information from the population register may be provided only if harm to legitimate interests can be ruled out. The data subject shall be heard before releasing information from the population register.

Sub-chapter 3
Witness protection

Section 53
Witness protection

The provisions of the Witness Protection Harmonization Act of 11 December 2001 (Federal Law Gazette I, p. 3510) amended by Article 2 (12) of the Act of 19 February 2007 (Federal Law Gazette I, p. 122) in the applicable version shall remain unaffected by the provisions on data transfer and disclosure pursuant to Sections 34, 36 to 38 and 49.

Chapter 6
Administrative offences

Section 54
Provisions on administrative fines

- (1) Anyone shall be deemed to have committed an administrative offence who
1. in violation of Section 19 (6) offers a residential address or makes one available, or
 2. obtains data in violation of Section 44 (4) no. 3.
- (2) Anyone shall be deemed to have committed an administrative offence who, intentionally or negligently,
1. fails to register, to register correctly or within the required period, in violation of Section 17 (1), also in conjunction with Section 27 (2), second sentence or Section 28 (1), first or second sentence, in violation of Section 29 (1), first sentence, or subsection 4, second sentence, or Section 32 (1), second sentence;
 2. fails to deregister or to deregister within the required period in violation of Section 17 (2), first sentence;
 3. in violation of Section 19 (1), second sentence, fails to confirm, to confirm correctly or within the required period that a person required to register has moved in or moved out;
 4. provides confirmation in violation of Section 19 (1), fifth sentence;
 5. violates an enforceable order pursuant to Section 19 (5) or Section 25 or Section 28 (4);
 6. in violation of Section 21 (4), second sentence, fails to provide information, or does so incorrectly, incompletely or too late;
 7. in violation of Section 28 (2), first or second sentence, fails to register or deregister the captain or a crew member at all or within the required period;
 8. in violation of Section 29 (2), first sentence, fails to sign a special registration form at all or within the required period;
 9. in violation of Section 30 (1), fails to provide a special registration form;
 10. in violation of Section 30 (4), first sentence, fails to retain a filled-out registration form at all or for the required period;
 11. in violation of Section 30 (4), second sentence, fails to present a registration form at all or within the required period;
 12. uses data in violation of Section 44 (4) no. 1 or no. 2.

13. in violation of Section 47 (1), first sentence or (2) or Section 50 (3), second sentence, uses or re-uses data for a purpose other than the one given there.

(3) The administrative offence may be punishable in the cases of subsections 1 and 2 nos. 12 and 13 with a fine of up to fifty thousand euros, and in the other cases with a fine of up to one thousand euros.

Chapter 7

Other provisions, final provisions

Section 55

Regulatory powers of the *Länder*

(1) *Land* law may stipulate that data and remarks other than those listed in Section 3 shall be collected, processed and used to carry out tasks of the *Länder*.

(2) *Land* law may stipulate that further data in addition to those listed in Section 42 may be provided to religious communities under public law to carry out their tasks.

(3) *Land* law may govern the establishment, operation and tasks of central collections of registration data. In this case, Sections 4, 5, 6 (2), first and second sentences and Sections 7, 8, 10, 11 and 40 shall apply accordingly.

(4) *Land* law may specify the format for registration forms for registration pursuant to Section 17 (1) and (2), first sentence, for the simple registration certificate pursuant to Section 18 (1), the confirmation of registration pursuant to Section 24 (2) and the special registration form pursuant to Section 30 (1).

(5) *Land* law may govern regularly occurring data transfers pursuant to Section 36 (1) in the context of carrying out tasks of the *Länder*, as long as the reason and purpose of the transfer and the recipient and the data to be transferred are specified.

(6) *Land* law may govern the transfer of additional data and remarks pursuant to Section 38 (5), first sentence, in the context of carrying out tasks of the *Länder*, as long as the reason and purpose of the transfer and the recipient and the data to be transferred are specified.

(7) *Land* law may determine which additional data pursuant to Section 38 (5), second sentence, may be used as selection data for retrieval in the context of carrying out tasks of the *Länder*, as long as the reason and purpose of the transfer are specified.

(8) *Land* law may determine which other bodies pursuant to Section 39 (3) shall offer data for retrieval. Further, it may be stipulated that data within a *Land* may be retrieved in derogation from Section 39 (3) via networks within the *Land* which are secured in accordance with the state of the art.

(9) *Land* law shall not derogate from the provisions of Section 33 (1) to (3) and (6), Section 34 (6) and 39 (3), nor from the provisions of administrative procedure based on Section 56 (1).

Section 56

Authorization to issue statutory instruments

(1) The Federal Ministry of the Interior shall be authorized, via statutory instruments with the approval of the Bundesrat,

1. to stipulate the data to be transferred, their form and details concerning the transfer procedure in order to conduct data transfers pursuant to Section 23 (3) and (4) and Section 33 (1) to (3) necessary to update or correct the population registers;

2. to stipulate the data to be transferred, their form and details concerning the transfer procedure in order to conduct regularly occurring data transfers pursuant to Section 36 (1) necessary for the public body receiving the data to carry out its tasks;
3. to stipulate the conditions under which data may be retrieved in order to conduct automated retrieval pursuant to Sections 38 and 39;
4. to stipulate the format for the declaration of consent pursuant to Section 44 (3), fourth sentence and the procedure for giving consent to the person or body requesting information; and
5. to stipulate the conditions and the procedure for approving portals in order to provide information from the population register via portals pursuant to Section 49 (3).

(2) If the form and procedures for data transfers are to be determined in statutory instruments based on this Act, it shall be possible to refer to publicly accessible announcements of expert bodies. The date of the announcement, the reference and the source for the announcement shall be stated in the statutory instrument. The announcement shall be filed in the Federal Archives; the statutory instrument shall include a reference to this fact.

Section 57

Administrative provisions

The Federal Government may, with the approval of the Bundesrat, issue general administrative provisions to execute this Act and the statutory instruments issued on the basis of this Act.

Section 58

Reporting and evaluation

The Federal Government shall evaluate the application of Section 44 (3), first sentence no. 2, second to eighth sentences and subsection 4 in conjunction with Section 54 (1) no. 2 and subsection 2 nos. 12 and 13 as well as Section 56 (1) no. 4 on a scientific basis four years after this Act has entered into force and shall report on its evaluation to the German Bundestag and Bundesrat. To this end, the *Länder* shall collect statistical data and provide them to the Federal Ministry of the Interior no later than three months after the evaluation period has ended. If the Federal Government finds that legislative measures are advisable, the report shall contain a recommendation.