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Republic of Lithuania Law amending the Law on State Registers

13 August 1996 No. I-1490

Vilnius

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(Official Gazette 1996, No 86-2043; 2000, No 47-1345)

Article 1. Revised version of the Republic of Lithuania Law on State Registers

The Republic of Lithuania Law on State Registers is hereby amended as follows:

1.1.1.1."REPUBLIC OF LITHUANIA

LAW ON STATE REGISTERS

CHAPTER I

GENERAL PROVISIONS

Article 1. Purpose of the Law

1. This Law governs:

1) the setting up, management, reorganisation and liquidation of State registers (cadastres);

2) the system of State registers and the general principles of interaction between State registers;

3) the rights and duties of leading State register management bodies, State register management bodies, State register supervisory institutions, State register managers, State register data suppliers and recipients.

2. The transmission of State register data for use to persons, as provided for in this Law, is in compliance with the EU Directive specified in the Annex to this Law.

Article 2. Definitions

1. **“Geographic data”** means data that determine the geographic location of a registerable item in the system of geodesic coordinates.

2. **“Georeferential basis”** means graphic and attributive data concerning immovable objects (roads, railways, hydrography), the geodesic base and localities which are used together with ortophotographic maps and which are obligatory for all State registers in which geographic data are stored.

3. **“Integrated system of State registers”** (hereinafter referred to as the “system of registers”) means a totality of mutually associated State registers.

4. **“Classifier”** means a systematised list of registerable items or groups (classes) of such objects which is intended for grouping register data and which includes the codes and names, designed on a specific structural basis, of the said objects or their groups as well as the description of their properties.

5. **“Register data”** means the data defining a registerable item, as collected from the documents submitted for the registration of an object, supplemented by its identification code, data from associated registers and data on registration procedures.

6. **“Recipient of register data”** means a person or an associated register to which register data are delivered.

7. **“Publication of register data”** means the publication of register data in the media.

8. **“Register data supplier”** means a person supplying the register with the data and documents provided for in legal acts.

9. **“Provision of register data”** means the disclosure of data by transmission or otherwise making them available (except for publication in the media).

10. **“Processing of register data”** means any operation which is performed upon register data, such as collection, recording, accumulation, storage, classification, grouping, combination, alteration (updating or rectification), provision, publication, use, logical and/or arithmetic operations, retrieval, erasure or destruction and other operations.

11. **“Registration of registerable items”** means the evaluation of documents submitted for the registration of a registerable item, the adoption of a decision concerning its registration, the formation of register data, recording in a register and, in cases provided for by the law, the issue of a registration certificate.

12. **“Register management body”** shall be a legal person designated by the law or a Government resolution who performs the registration of registerable items, the processing and provision of register data and documents and who bears responsibility for the protection thereof.

13. **“Register manager”** means a legal person who performs separate register data processing functions which have been delegated by the leading register management body and which are not related to the adoption of decisions concerning the registration of objects and provision of register data.

14. **“Registerable items”** means persons, activities, objects and their locations, rights in rem, restriction of rights, legal facts, documents, territories, natural resources, cultural values, intellectual (industrial) property, means of communication and other statutory objects which are registered in registers.

15. **“Register supervisory institutions”** means State institutions designated by the law or a Government resolution to supervise the setting up, creation, management, reorganisation and liquidation of the register system and individual registers.

16. **“List of registers”** means a register wherein State and institutional registers are recorded and wherein information about the setting up and functioning of such registers is stored.

17. **“Associated registers”** means registers that include, in addition to their own data, the data of other registers for defining an object.

18. **“Leading register management body”** means a ministry or any other State institution or body designated by the law or a Government resolution within whose scope of competence falls a register and which methodically manages its creation and coordinates its functioning.

19. **“State register (cadastre)** (hereinafter referred to as the **“register”**) means a totality of legal, organisational and technical measures intended for the registration of registerable items designated by the law, the collection, accumulation, processing, systematisation, storage and provision to legal and natural persons of quantitative, qualitative, geographic and other data and documents.

20. **“Institutional register”** means a totality of legal, organisational and technical measures intended for the registration of registerable items designated by a decision of a State or municipal institution or body as well as for the processing of data concerning the registration of registerable items.

Article 3. Main Registers

The main registers are:

- 1) register recording legal entities;
- 2) population register;
- 3) real estate (including rights thereto) register;
- 4) registers of addresses relating to objects whose geographical position does not change;
- 5) registers of legal acts;
- 6) mortgage registers.

Article 4. System of Registers and General Principles of Interaction

1. The system of registers shall be based on the main registers whose data are used in associated registers. Registers integrated into a system may use data stored not only in the main registers.

2. The system of registers shall be based on interaction between registers. Register data shall be fit for use within the information infrastructure of the Republic of Lithuania as well as in international registers.

3. Interaction between registers shall be maintained when transmitting, updating or exchanging, subject to the procedure and conditions set out in the regulations of associated registers and contracts on the provision of data, the data received from associated registers, and also when using unique object identification codes designated by such registers to encode the data received from associated registers.

4. It shall be prohibited to repeatedly collect associated register data from primary sources or to verify them in any other way. Registered objects shall not be registered in other registers.

5. The register management body shall be responsible that the data it provides to an associated register correspond to the data recorded and updated in the register that it manages.

6. Where the register management body detects an error in the data supplied by an associated register, it shall notify thereof the register management body which has supplied the data; the latter, after having examined the indicated faults, shall rectify the register data not later than within three working days of receipt of the notification and shall immediately forward them to the associated register and notify register data recipients who were provided with erroneous data thereof. This time limit may be extended subject to the cases and procedure set out in the regulations of the notifying register.

7. Registers shall use international and national classifiers approved in accordance with the procedure established in legal acts. Where there are no approved classifiers necessary to operate a register, specific classifiers shall be created. The classifiers created shall form an integral part of the register data, therefore they shall be supplied together with register data to associated registers and other recipients of register data. Classifiers shall be managed in accordance with the procedure established by the Government.

8. Register data and the software used for the management of registers shall be owned by the State.

CHAPTER II

SETTING UP, REORGANISATION AND LIQUIDATION OF REGISTERS

Article 5. Procedure for Setting Up, Reorganising and Liquidating Registers

Registers shall be set up, reorganised and liquidated in accordance with the procedure provided for by this Law and the Government.

Article 6. Setting Up of Registers

1. The setting up of registers and the procedure of registration of registerable items shall be established by the law.

2. Registers shall be set up by the Government on the basis of its resolution in respect of setting up a register, approving register regulations and fixing the date of start of activity.

3. When setting up a register, in addition to the documents presented to the Government in accordance with the procedure laid down in the Government's rules of procedure, a calendar schedule for creating and setting up the register and an estimation of costs shall be also submitted.

4. The leading register management body must notify, in accordance with the procedure laid down in the register list regulations, the register list management body about the register which has been set up.

5. Institutional registers shall be set up by State or municipal institutions or bodies which, after having adopted a decision to set up an institutional register, must notify the register list management body thereof in accordance with the procedure laid down in the register list regulations.

Article 7. Funding of Registers

1. Registers shall be funded from the State budget, from other financial sources specified in legal acts and from charges collected for services provided. When defining the sources of and procedure for financing specific registers, account shall be taken of the register's purpose and availability and the most adequate and economically feasible means of its creation and funding shall be chosen.

2. Registers may be set up, created or developed not only from budgetary funds, but also from non-budgetary funds in accordance with the procedure established by the law.

Article 8. Creation of Registers

1. A register shall be created after the Government passes a resolution in respect of setting up a register, approving register regulations and fixing the date of start of its activity. The register shall be set up before the time limit specified in the Government resolution expires. Institutional registers shall be created after a decision is issued by the head of a State or municipal institution or body which sets up the register in respect of approving the regulations of an institutional register and fixing the date of start of its activity.

2. The leading register management body shall organise the creation of a register, supervise and execute its creation, and also assess the work performed.

3. The register operation scheme shall be worked out in compliance with register regulations. The scheme shall specify the register's internal organisation, exterior links and measures of maintaining such links. The register operation scheme approved by the leading register management body shall provide for the system of registration, the system of register data storage and protection, means of interaction with associated registers, and the system for the provision of register data.

4. The register operation scheme shall be set out in a technical specification. The technical specification shall be coordinated with register supervisory institutions.

5. Means of processing register data and draft register documents shall be worked out according to the technical specification.

Article 9. Reorganisation of Registers

1. A register may be reorganised by changing registerable items and the procedure for collecting and using register data, by combining and splitting registers, and also by transmitting their data to a register management body or several such bodies.

2. The decision to reorganise a register shall be adopted by the Government. The decision to reorganise an institutional register shall be adopted by the institution or body which has set up the institutional register.

3. The decision to reorganise a register shall specify the rights and duties of the register management body and the leading register management body during reorganisation, the legal acts to be amended, the procedure for transmitting register data and documents to the reorganised register, the validity of documents issued by the register, the procedure of notification of register data suppliers and recipients as well as other terms and conditions of register reorganisation.

4. Where there is a change of register management bodies during reorganisation, the register reorganisation shall be carried out by a newly designated leading register management body and register management bodies.

5. The leading register management body or a register management body authorised by it shall provide the register list management body with the particulars indicated in paragraph 2 of Article 11 of this Law within five working days after the decision to reorganise the register. The latter shall register data modifications without delay.

Article 10. Liquidation of Registers

1. The decision to liquidate a register shall be adopted by the Government. The decision to liquidate an institutional register shall be adopted by a State or municipal institution or body which has set up the institutional register.

2. The decision to liquidate a register shall specify the procedure for transmitting register data and documents to the State archives or the means and timeframes for their destruction, the legal acts to be amended, the procedure of notification of data suppliers and recipients as well as other terms and conditions of register liquidation. The procedure for transmitting register data and documents to the State archives or the means and timeframes for their destruction shall be set out in compliance with the Law on Archives and subject to the procedure established by the Lithuanian Archives Department under the Government of the Republic of Lithuania.

3. The leading register management body or a register management body authorised by it shall provide the register list management body with the particulars indicated in paragraph 2 of Article 11 of this Law within five working days after the decision to liquidate the register. The latter shall register data alterations or eliminate the register's registration without delay.

Article 11. List of Registers

1. The list of registers shall be established by the Government, which shall also approve its regulations.

2. The list of registers shall include registers, institutional registers and the following data:

- 1) name of the register;
- 2) identification code of the register;
- 3) date when the register was set up and date of the decision to set it up and approve its regulations;
- 4) basis and timeframes for the setting up, reorganisation and liquidation of a register;
- 5) name and code of the leading register management body;
- 6) names and codes of register management bodies;
- 7) names and identification codes of associated registers;
- 8) register data suppliers;
- 9) means of processing register data;
- 10) other data specified the register list regulations.

3. The leading register management body or a register management body authorised by it shall submit the data indicated in paragraph 2 above and any alterations thereof to the register list management body in accordance with the procedure laid down in the register list regulations.

4. The list of registers shall be managed by a Government authorised institution which coordinates the setting up and functioning of individual registers and the system of registers and supervises the management, reorganisation and liquidation of registers.

CHAPTER III

REGISTER MANAGEMENT BODIES

Article 12. Register management bodies

1. A leading register management body and a register management body (register management bodies) shall be designated by the law or a Government resolution in respect of every register. Where a register is managed by a leading register management body, the latter shall also be a register management body. The founder of an institutional register shall be its leading register management body.

2. The leading register management body shall methodically manage a register and perform other functions specified in register regulations.

3. The register management body shall perform the following functions:

- 1) registerable items;
- 2) ensure interaction with associated registers;
- 3) provide register data to register data recipients;
- 4) ensure adequate operation of the register and protection of register data and documents;
- 5) perform other functions specified in register regulations.

4. When performing its functions the register management body shall:

1) receive register data, documents and their changes from a register data supplier, verify the documents presented for registration, perform technical and logical control in respect of the data, adopt decisions to register an object or refuse its registration, accumulate, process, systematise, store and use register data, rectify mistakes in the register, issue register certificates, and perform other operations upon register data as specified in register regulations;

2) provide register data, record register data recipients, accept requests and issue replies thereto, keep records of data receipt and transmission (record data suppliers and recipients, the data transmitted, the time, content and objective of transmission);

3) perform other operations specified in register regulations.

5. Register data processing functions which are not related to the making of decisions on the registration of objects and supply of register data may be transmitted to register managers. Contracts on the processing of register data shall be concluded with register managers. Such contracts shall specify the register data processing functions which are transferred, means of their implementation, remuneration for the performance of the said functions and liability for inadequate performance thereof.

6. In order to avoid unfair competition, register management bodies and register managers, which are engaged in a commercial activity for the performance of which register data are legitimately used, shall receive the data of a processed or associated register under the same conditions as other data recipients.

Article 13. Rights and Duties of Register Management Bodies

1. The leading register management body shall have the right to:

1) draw up and adopt legal acts relating to the management of a register and the protection of register data;

2) organise the acquisition of computer hardware and software as well as the acquisition of communication facilities, establish their maintenance requirements, resolve issues of register upgrading and development;

3) transfer to register managers those register data processing functions which are not related to the making of decisions on the registration of objects and the supply of register data;

4) perform other operations specified in register regulations.

2. The leading register management body must:

1) coordinate the work of register management bodies and register managers, exercise supervision of such bodies in accordance with the established procedure;

2) ensure adequate work of register management bodies;

3) exercise supervision of compliance with register data protection requirements;

4) exercise control over the performance of annual and prospective register budgets;

5) examine and summarise proposals by register management bodies in respect of improving register operations;

6) ensure that the register is managed in compliance with this Law, register regulations and other legal acts;

7) plan annual and prospective register budgets;

8) provide information on register operations;

9) organise and coordinate the training of officials and other employees of register management bodies, draw up training and educational programmes and other methodological documents relating to training.

3. The leading register management body shall also be personal data administrator where personal data are processed in the register.

4. The register management body shall have the right to:

1) require that register data suppliers provide timely and duly executed register data, their changes and documents and that such data and documents correspond to associated register data and documents;

2) fix the timeframe for eliminating any faults where the register management body establishes that the data or documents supplied to the register are inaccurate or do not comply with the requirements laid down in legal acts;

3) set forth the principles and procedure for work organisation;

4) perform other operations specified in register regulations.

5. The register management body must ensure the following:

1) uninterrupted operation of the register;

2) register data are in full compliance with the data indicated in the documents provided to the register management body;

3) register data received from associated registers are constantly updated;

4) incorrect, inaccurate or incomplete data or their changes are immediately rectified, updated or supplemented;

5) register data recipients who were provided with incorrect, inaccurate or incomplete data are informed about the rectification of such data;

6) the register is managed in compliance with register regulations and other legal acts.

6. The register management body shall also be personal data manager where personal data are processed in the register.

Article 14. Processing of Register Data

1. The processing of register data shall be regulated by the law on relevant register, the Law on Legal Protection of Personal Data, register regulations and other legal acts, and also, in cases provided for in this Law, by contracts on the processing of register data.

2. Register regulations shall cover the purpose of the register, registerable items, register management bodies, their rights and duties, data processing, interaction with other registers, protection of register data, publication of register data and provision of register data.

3. The register data suppliers indicated in the register regulations shall provide data on registerable items to the register management body in accordance with the procedure laid down in register regulations.

4. Where data on registerable item are modified, the register data supplier shall notify the register management body of any such changes in accordance with the procedure laid down in register regulations.

5. Register data shall be recorded, modified or deleted on the basis of the data supplied for the registration of objects, any change of register data or crossing out of objects from the register. Where the object is crossed out from the register, the data shall be stored therein in accordance with the procedure established in legal acts.

6. Register data shall be deemed correct until contested in accordance with the procedure established by the law.

7. After having established that the documents or data received are inaccurate, the register management body shall notify the register data supplier and those register data recipients who have been delivered incorrect data about any such inaccuracies within the time limit specified in register regulations.

8. Information about registerable items and objectives, the register management body, a list of documents and data supplied to the register, the amount of such documents and data, register data suppliers and recipients, and also information provided to persons

about register management, their rights in respect of access to register data as well as the procedure of rectifying incorrect, inaccurate or incomplete data shall be made available, in accordance with the procedure laid down in register regulations, to any person within the premises of the register management body and on the web site, unless provided for otherwise by the laws.

9. Where a person whose data are recorded in the register requests to rectify incorrect, inaccurate or incomplete data, the register management body shall rectify such register data within the time limit indicated in the registration regulations after the receipt of the request and supporting evidence and notify the requesting person thereof.

10. A registerable item shall be considered as registered when the object-related data are entered into the register, the registerable item is designated with an identification code and, where provided for by legal acts, a registration certificate is issued.

11. Geographic data compiled on a georeferential basis in respect of registerable items whose geographic position does not change shall be stored and processed in the register.

CHAPTER IV

PROVISION AND USE OF REGISTER DATA AND DOCUMENTS

Article 15. Provision of Register Data and Document Copies

1. Register data and documents shall be public and shall be provided, taking account of the objectives of the setting up of a register, to register data recipients in accordance with the procedure established by the laws and register regulations and to the extent prescribed therein, unless provided for otherwise by the laws or register regulations.

2. The register management body shall provide register data as follows:

- 1) by automated means;
- 2) by issuing certificates or other documents;

3) by providing extracts from the register or other information which may be supplied in oral or written form as well as by e-mail and other means of communication;

4) by other means provided for in legal acts.

3. Register extracts, certificates and documents may be provided only by register management bodies.

4. The provision of register data and extracts from documents may be restricted in accordance with the procedure established by the law where it endangers or may endanger:

1) State security or defence;

2) investigation of criminal offences or misdemeanours;

3) public security;

4) State control and supervision;

5) important economic or financial interests of the State;

6) protection of the rights and freedoms of the data subject or any other person.

5. The provision of register data may not be restricted otherwise than provided for by the law. Where an exclusive right to use register data provided for in register regulations is required for the performance of functions of public administration subjects, the basis for granting such a right shall be updated at least once in every three years. Agreements on exclusive rights to use register data shall be transparent and made public.

6. Register data shall be provided to persons who have concluded a contract with the register management body and entitled, in accordance with the procedure established by the laws and other legal acts, to receive such data with the purpose of providing information services to third parties.

7. The confidentiality of register data and documents as well as the timeframe for the obligation of secrecy shall be set out in the laws.

Article 16. Use of Register Data

1. Every recipient of register data shall use register data only for legitimate and clearly defined purposes.

2. Personal data of natural persons shall be used in compliance with the Law on Legal Protection of Personal Data.

3. Registers may provide the data supplied by associated registers only together with their own data in accordance with the procedure laid down in register regulations.

4. After having received register data, legal and natural persons may use them only for the purpose, to the extent and in a manner specified when requesting the data. Data may be provided to third persons only in accordance with the procedure established in the contracts on the provision of data concluded with the register management body and the procedure laid down in register regulations. This provision shall not be applied where legal and natural persons use the register data received which concern only themselves.

5. Data on registered objects which are used by registers, legal and natural persons must correspond to the data contained in the main registers where the said objects are registered.

6. The recipient of register data may not modify the data received and must indicate the data source when using such data.

7. Public data stored in a register shall be delivered to persons using register data for providing information services to third persons in the form of an extract from the database covering all or some of the data stored therein where the recipient of register data so requests. The extract must be in conformity with the contract on the provision of register data. The contract shall specify the format of extracts, their content and the procedure of settlement of accounts. Personal data shall be provided according to the conditions set forth in the Law on Legal Protection of Personal Data.

Article 17. Charges for the Provision of Register Data

1. The provision of register data shall be charged, except for the exemptions provided for by this and other laws. The amount of charges and the procedure of their payment shall be established by the Government. Charges for the provision of register

data shall not exceed register administration costs, together with a reasonable return on investment.

2. Where register data are delivered to persons entitled in accordance with the procedure established by laws and other legal acts to receive such data with the purpose of providing information services based on register data to third persons, the Government shall set forth in the description referred to in paragraph 1 of this Article the amount of individual charges for the provision of register data as well as the procedure of their payment.

3. Charges for the provision of State register data shall be cost-oriented with regard to the register management body and differentiated according to the quantity of the data provided and the technical solutions used. Any kind of discrimination shall be prohibited if it is not related to the quantity of the data provided.

4. Registers shall provide register data free of charge in accordance with the procedure established in the laws and register regulations:

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

2) to associated registers – under data provision contracts;

3) to tax administration (except for the data from the Legal Entities' Register), law and order institutions – for the performance of their direct functions;

4) in other cases provided for by register regulations.

Article 18. Transmission of Register Data to Foreign Countries

1. Register data shall be provided to legal and natural persons of EU Member States in accordance with the same procedure as is established for the provision of such data to legal and natural persons of the Republic of Lithuania.

2. Register data shall be provided to legal and natural persons of third countries in conformity with the laws, other legal acts and international treaties of the Republic of Lithuania.

CHAPTER V

STATE SUPERVISION OF REGISTERS. PROTECTION OF REGISTER DATA AND LIABILITY

Article 19. Register Supervisory Institutions

1. The supervision of the setting up, creation, management, reorganisation and liquidation of the register system and individual registers shall be maintained by State institutions designated by the law or authorised by the Government.

2. Register supervisory institutions shall perform the following functions:

1) coordinate, in accordance with the procedure set out in the rules of procedure of the Government, the setting up of registers, and also coordinate draft laws and other legal acts regulating the operation of such registers;

2) lay down the requirements for combining registers into a register system, prepare draft laws regulating the operation of the register system, interaction between registers, the protection of register data and the provision of register data to register data recipients;

3) lay down and implement the general requirements for the formation and operation of the technical basis, computer software and technical measures relating to registers;

4) coordinate the regulations of registers that are being set up, calendar schedules for the creation of registers, conformity between technical specifications and register regulations, register creation projects and investment projects for the development of register infrastructure;

5) consult register management bodies and other institutions on issues concerning the creation of registers;

6) monitor the setting up, designing and functioning of State registers;

7) issue conclusions and recommendations on the use of register data in associated registers.

3. State or municipal institutions or bodies responsible for registers which fall within the scope of their competence shall draw up, coordinate and implement plans for

creating and developing register infrastructure, computer hardware and software as well as investment projects, register regulations and register creation projects.

Article 20. Protection of Register Data

1. The register management body and register managers shall bear responsibility for register data protection.

2. When processing register data, it shall be required to implement register data protection measures intended for ensuring the accuracy of register data and safeguarding them from accidental or unlawful destruction, alteration, disclosure, and also from all other unlawful forms of processing.

3. To ensure the protection of register data, register data protection regulations shall be drawn up and approved by the leading register management body in compliance with the general data protection requirements approved by the Government. These regulations shall specify appropriate register data protection measures, the requirements concerning safe processing of register data and the implementation thereof.

4. Register managers must ensure, in accordance with the provisions of register data protection regulations, appropriate administrative, technical and organisational measures governing data protection as well as compliance with such measures.

5. State officials and employees who process register data shall be bound by an obligation to safeguard the confidentiality of such data. The obligation to safeguard the confidentiality of data shall remain valid even after the termination of activity related the processing of register data.

Article 21. Liability

Register management bodies, other legal and natural persons shall be held liable for violating this Law in accordance with the procedure established by the law.

1.1.1.2.EU LEGAL ACT TRANSPOSED

Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information.”

Article 2. Implementation

The Government shall submit to the Seimas a draft of the legal amendments relating to compliance with this Law and shall approve the legal acts necessary to comply therewith within 6 months following the entry into force of this Law.

I hereby promulgate this Law adopted by the Parliament of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS