

## **Criminal Records Act**

(770/1993; amendments up to 505/2002 included)

### *Purpose of, and data in, the criminal records*

#### Section 1

- (1) The criminal records shall be maintained by the Legal Register Centre as provided in this Act. (1093/1999)
- (2) Data shall be gathered and stored in the criminal records, from where they shall be delivered for the imposition and enforcement of penal sanctions.
- (3) Data from the criminal records may also be delivered for the establishment and evaluation of a person's reliability or personal aptitude.

#### Section 2

- (1) On the basis of notices by courts of law, data shall be entered in the criminal records on decisions whereby a person in Finland has been sentenced to unsuspended imprisonment, community service, suspended imprisonment, a fine, community service or supervision supplementary to suspended imprisonment, juvenile punishment, a fine instead of juvenile punishment, or dismissal from office, or whereby sentencing has been waived under chapter 3, section 3, of the Penal Code (39/1889). However, no entries shall be made in the criminal records on the conversion of fines into imprisonment, nor on imprisonment imposed under the Civilian Service Act (1723/1991). Data on fines imposed on the basis of the provisions governing corporate criminal liability shall also be entered in the criminal records.
- (2) Furthermore, entries shall be made in the criminal records, as provided by Decree, on court decisions whereby a Finnish citizen or a foreigner permanently resident in Finland has been sentenced abroad to a sanction equivalent to one mentioned in paragraph (1).
- (3) The following data shall be entered in the criminal records: the person's name, personal ID code and nationality, as well as data on court decisions, offences of which the person has been convicted and penalties to which he or she has been sentenced, the serving of those sentences, and pardons. The equivalent data shall be entered in the criminal records on corporations and the corporate fines imposed on them. Instead of nationality, however, the domicile of a corporation shall be entered in the records; no entry shall be made of the payment of a corporate fine. (1639/1995)

*Delivery of information from the criminal records*

Section 3

The data in the criminal records shall be kept secret. Data in the records may be delivered as provided in this Act.

Section 4

- (1) Notwithstanding the secrecy provided in section 3 or some other Act, data about a person may be delivered from the criminal records (141/2001)
  - (1) to a court of law for the hearing of a pending case;
  - (2) to the public prosecutor for prosecution, consideration of charges or coercive measures;
  - (3) to the Criminal Sanctions Agency, the Probation Service and the Prison Service for the enforcement of a sentence and for the establishment of a person's aptitude, or to the appropriate official in the Ministry of Justice for the presentation of matters of pardon; (141/2001)
  - (4) to the Chancellor of Justice of the Government and the Parliamentary Ombudsman for the performance of their duties as overseers of legality; and
  - (5) to pre-trial investigation authorities for coercive measures.
- (2) Information from the criminal records shall be delivered to the authorities of a foreign state for dealing with criminal matters as provided in Article 13 of the European Convention on Mutual Assistance in Criminal Matters (TrS 30/1981), or as separately agreed upon or provided.
- (3) *Paragraph has been repealed.*
- (4) Data on a corporation shall be delivered to the authorities referred to in paragraph (1), except the Criminal Sanctions Agency, the Probation Service or the Prison Service. (141/2003)

Section 4a (1093/1999)

- (1) In addition to what has been provided in section 4, data on a person shall be delivered from the criminal records to a Finnish authority in matters concerning:
  - (1) passport, Finnish citizenship or a visa, permit or other measure referred to in the Aliens Act (378/1991),
  - (1a) a basic, extended or limited background check, as referred to in the Act on Background Checks (177/2002); (180/2002)
  - (2) a licence or approval by an authority, where the person's reliability is a prerequisite;
  - (3) selection of a person for training or a duty associated with national security, public order and safety, the administration of foreign affairs, the international relations of Finland, judicial administration, central banking or minting, where the person's special reliability is a prerequisite;
  - (4) security control; and
  - (5) the taking of a child into custody.
- (2) For weighty reasons, the Ministry of Justice may permit the delivery of information from the criminal records to an authority for the establishment and

evaluation of a person's reliability also in a matter other than one referred to in paragraph (1).

- (3) An authority shall notify a person about the fact that data about him or her can lawfully be requested from the criminal records for dealing with a matter referred to in paragraph (1). However, such notification shall not be needed if the person can otherwise be assumed to know about the request for the data.

#### Section 5

- (1) Data from the criminal records shall be delivered in the form of an extract, containing data on a person entered in the records, or stating that the criminal records contain no entries on that person. An extract with equivalent contents shall be delivered on a corporation. (1639/1995)
- (2) The Legal Register Centre may deliver data referred to in sections 4 and 4a from the criminal records to authorities for purposes provided in those sections also through data transfer, or by means of a technical user interface, when considered justifiable in view of the use of the data and the pertinent security precautions. (1093/1999)

#### Section 6

- (1) A private individual may obtain an extract on his or her own entries in the criminal records for purposes of acquiring a visa, work permit or residence permit, or for an equivalent reason. (505/2002)
- (2) In addition to what has been provided in paragraph (1), a private individual may obtain an extract on his or her own entries in the criminal records for taking on a job which regularly and to a substantial degree involves working with minors and for which an extract, in accordance with the Act on the Investigation of the Criminal History of Persons Working with Children (504/2002), is to be presented to the employer or authority. Such an extract shall contain data on decisions whereby the person has been convicted of an act of sexual indecency, referred to in chapter 17, section 18 or 19, of the Penal Code; a sex offence, referred to in chapter 20; homicide, referred to in chapter 21, section 1; murder, referred to in chapter 21, section 2; killing, referred to in chapter 21, section 3; aggravated assault, referred to in chapter 21, section 6; aggravated robbery, referred to in chapter 31, section 2; or a narcotics offence referred to in chapter 50 of the Penal Code. The extract shall contain data also on decisions whereby a person has been convicted of an equivalent offence under the legislation previously in force. The extract shall be delivered free of charge. (505/2002)
- (3) When requesting an extract referred to in paragraphs (1) and (2), the person shall indicate the purpose for which it is to be used. An extract referred to in paragraph (2) may only be delivered to the person concerned.
- (4) What has been provided for the protection of personal data applies to a person's right to inspect his or her personal data in the criminal records. Furthermore, a person on whom there are entries in the criminal records is entitled to know, on request, to whom and for what purpose data about him or her has been delivered from the computerised records in the course of the past year. A person competent to sign the name of a corporation is similarly entitled,

irrespective of the method by which the records are kept, to inspect and obtain information on behalf of the corporation, and the right to obtain an extract from the records regarding the corporation. (1093/1999)

#### Section 7

- (1) In addition to what has been provided in section 6(2), only a part of the data referred to in section 2 and stored in the records may be delivered in an extract from the criminal records, as provided in more detail by a Decree of the Government. (505/2002)
- (2) The purpose for which an extract from the criminal records is delivered shall be stated on it.

#### Section 8

Information from the criminal records shall be delivered to a State Party of the European Convention on Mutual Assistance in Criminal Matters, referred to in section 4(2), pursuant to Article 22 of that Convention. Furthermore, provisions on the delivery of data from the criminal records to another Nordic country shall be issued by Decree.

#### Section 9 (1093/1999)

The Legal Register Centre may deliver data from the criminal records for scientific research or compilation of statistics, or for official planning or investigation by an authority, if the delivery and use of such data does not jeopardize a registered person's privacy or his or her rights or interests, or national security.

#### *Deletion of data from the criminal records*

#### Section 10

- (1) Entries shall be deleted from the criminal records as follows:
  - (1) after five years, entries on suspended imprisonment, a fine, community service or supervision supplementary to suspended imprisonment, juvenile punishment, a fine instead of juvenile punishment, dismissal from office, and fines imposed on the basis of the provisions governing corporate criminal liability;
  - (2) after ten years, entries on imprisonment for at most two years, and community service; and
  - (3) after twenty years, entries on imprisonment of more than two and at most five years, and a waiver of sentencing under chapter 3, section 3, of the penal code  
calculated from the date when the final sentence was passed. (523/2001)
- (2) However, an entry on an individual penalty shall not be deleted if the criminal records contain data on the person which cannot yet be deleted under paragraph (1). Nevertheless, all data on a person shall be deleted from the criminal records after the person has died or reached the age of 90 years. A pardon shall have no effect on the deletion of data from the criminal records.
- (3) Data on sanctions ordered abroad shall be deleted, in so far as appropriate, in compliance with the principles referred to in paragraph (1).

*Miscellaneous provisions*

Section 11

A court of law or another authority shall not deliver an extract from the criminal records or any information contained therein to anyone except a party to the matter which the extract obtained concerns, or to another court of law or authority adjudicating the same case.

Section 12

More detailed provisions for the implementation of this Act shall be issued by Decree.

*Entry into force*

Section 13

- (1) This Act enters into force on 1 October 1993; it repeals Criminal Records Decree (740/1940), as later amended.
- (2) At the entry into force of this Act, the data provided by the preceding legislation shall be entered into the criminal records on persons who have been sentenced to a punishment referred to in section 2 or to imprisonment in a penitentiary.
- (2) What has been provided for the deletion of data from the criminal records in section 10 of this Act applies also to data in the criminal records at the entry into force of this Act. The data on imprisonment in a penitentiary shall be deleted from the criminal records as if it was a penalty of imprisonment of the same length.