

LAW OF THE REPUBLIC OF MOLDOVA

On State Dactyloscopic Registration

No. 1549-XV of 19.12.2002

“Monitorul Oficial” of the Republic of Moldova no. 14-17 of 07.02.2003

The Parliament adopts this organic law.

CHAPTER I GENERAL PROVISIONS:

Article 1. Objective of the law

This law sets goals, principles, types and basic requirements of state dactyloscopic registration, as well as the mode of keeping and using dactyloscopic information.

Article 2. Main notions

For the purpose of this law the following notions are defined:

State dactyloscopic registration - activity of authorised bodies regarding gathering, recording, keeping, classifying, systematising and providing dactyloscopic information, establishing and confirming identities;

Dactyloscopic information – data about the characteristics of the structure of the papillary design of human fingers and about establishing the person’s identity;

Material aid – dactyloscopic file, film or diskette on which magnetic or other kind of registration of dactyloscopic information is saved;

Information store – systematised totality of dactyloscopic information accumulated on material aids.

Article 3. Principles of state dactyloscopic registration

- (1) State dactyloscopic registration (hereinafter referred to as “dactyloscopic registration”) is carried out in accordance with the principles of legality, humanism and confidentiality, with the observance of human rights and freedoms laid down by the Constitution of the Republic of Moldova and other laws, as well as by the international treaties to which the Republic of Moldova is a party.
- (2) Dactyloscopic registration should not jeopardise peoples’ lives or infringe upon their honour and dignity.
- (3) Neither direct or indirect limitation of human rights and freedoms for reasons of race, nationality, ethnic origin, language, religion, sex, opinion, political membership, property, social origin, education, occupation, domicile or other reasons is allowed.

Article 4. Purposes of dactyloscopic registration

Dactyloscopic registration shall be carried out to identify persons for the purpose of defending legitimate rights and interests of natural and juridical persons in order to protect social and state interests.

Article 5. Legal framework of dactyloscopic registration

- (1) Bodies that carry out dactyloscopic registration issue, within their competence and in line with this law, normative acts that regulate activity of organising dactyloscopic registration, applying methods and modes of gathering, recording, keeping, classifying, systematising and providing dactyloscopic information.
- (2) In the event of any discrepancies between the provisions of the relevant international treaties to which the Republic of Moldova is a party and the provisions contained in this law, the international provisions are supreme to the national ones.

Article 6. Categories of the persons liable to dactyloscopic registration

Dactyloscopic registration may be carried out in respect of the following categories of people:

- a) nationals of the Republic of Moldova;
- b) foreign citizens residing on the territory of the Republic of Moldova and the ones seeking asylum on condition that they have submitted an application for political or other asylum or for refugee status (hereinafter referred to as “aliens”);
- c) stateless persons living on the territory of the Republic of Moldova and the ones seeking asylum on condition that they have submitted an application for political or other asylum or for refugee status (hereinafter referred to as “stateless persons”)

Article 7. Usage of dactyloscopic information

Dactyloscopic information obtained as a result of dactyloscopic registration is used:

- a) to search for and identify nationals of the Republic of Moldova, aliens and stateless persons who went missing;
- b) to establish identities of unknown corpses;
- c) to establish identities of incapable nationals of the Republic of Moldova, aliens and stateless persons due to health or old age, to provide data regarding their identities;
- d) to confirm identities of nationals of the Republic of Moldova, aliens and stateless persons;
- e) to exclude possibilities of forgery of identity documents;
- f) to prevent, discover or preliminary investigate offences, and prevent administrative offences.

Article 8. Types of dactyloscopic registration

- (1) Dactyloscopic registration can be voluntary or compulsory.
- (2) No one can be subjected to compulsory dactyloscopic registration with the exception of the categories of persons enumerated in art. 10.

Article 9. Voluntary dactyloscopic registration

Nationals of the Republic of Moldova, aliens and stateless persons have a right to voluntary dactyloscopic registration carried out in accordance with art.11.

Article 10. Compulsory dactyloscopic registration

- (1) The following categories of persons are subjected to compulsory dactyloscopic registration:
 - 1) citizens of the Republic of Moldova who work at:
 - a) bodies of interior;
 - b) armed forces;

- c) bodies of the Information and Security Service;
 - d) bodies of Protection and State Security;
 - e) bodies of the Department of Exceptional Situations;
 - f) bodies of the penitentiary system;
 - g) bodies of the General Prosecutor's Office;
 - h) bodies of the State Tax Inspectorate;
 - i) bodies of the Centre for Combating Economic Crimes and Corruption;
 - j) customs bodies;
- 2) crew members of state and private airships from the Republic of Moldova;
 - 3) drivers of auto means of transportation;
 - 4) citizens of the Republic of Moldova who leave to work abroad;
 - 5) citizens of the Republic of Moldova, aliens and stateless persons who for reasons of health or old age are incapable of providing data regarding their identities, if such data cannot be otherwise obtained;
 - 6) citizens of the Republic of Moldova, aliens and stateless persons against whom legal proceedings have been taken, or who have been accused or sentenced for their offences or subjected to administrative arrest;
 - 7) aliens and stateless persons who arrived in the Republic of Moldova seeking asylum who have submitted applications for political or other asylum or for refugee status.
- (2) All unidentified corpses are subjected to compulsory dactyloscopic registration.

CHAPTER II

CARRYING OUT OF DACTYLOSCOPIC REGISTRATION

Article 11. Carrying out of voluntary dactyloscopic registration

- (1) Voluntary dactyloscopic registration is carried out upon request submitted to the district body of interior.
- (2) Dactyloscopic registration of the persons recognised by a court to be incapable or with limited capability, as well as registration of minors is carried out upon written request in the presence of legal representatives.
- (3) Voluntary dactyloscopic registration is carried out by a body of interior.

Article 12. Carrying out of compulsory dactyloscopic registration

- (1) Compulsory dactyloscopic registration:
 - a) of the persons indicated in art. 10 para (1) points 1) and 2) is carried out by respective ministries, departments and services;
 - b) of the persons indicated in art. 10, para (1), points 3) - 5) and 7) and para (2) is carried out by bodies of interior;
 - c) of the persons against whom criminal proceedings have been taken or those subjected to administrative arrest is carried out by organs of criminal investigation or bodies that deal with contravention cases;
 - d) of convicted and detainees is carried out by bodies of the penitentiary system.
- (2) The persons enumerated in art. 10 para (1) points 1) – 3) are subjected to compulsory dactyloscopic registration upon being employed by the respective bodies or to respective positions or upon the receipt of a licence that permits driving means of transportation.
- (3) The list of positions held by the persons indicated in art. 10 para (1) point 1) and 2) shall be established by the Government.

- (4) A copy of the material aid with dactyloscopic information registered by one of the bodies enumerated in art. (1) is sent to the Ministry of Interior for it to be recorded, classified and kept, with the exception of the dactyloscopic information of the persons indicated in art. 10, para (1), point 1), letter c).
- (5) A copy of the material aid with dactyloscopic information sent to the Ministry of Interior includes:
 - a) name, surname, patronymic, personal code, nationality, sex, date and place of birth, domicile or residence, data regarding previous convictions of the person subjected to compulsory dactyloscopic registration;
 - b) reason and date of dactyloscopic registration;
 - c) name of the body that registered dactyloscopic information.
- (6) Dactyloscopic registration is carried out once.

Article 13. Basic requirements regarding gathering, recording, keeping, classifying, systematising and using dactyloscopic information

- (1) Dactyloscopic information is kept and used in conditions that exclude a possibility of its loss, deterioration, misrepresentation, or unauthorised access to it.
- (2) Keeping, systematisation and usage of dactyloscopic information from the material aids is carried out by bodies of interior in accordance with the procedure established by the Government.
- (3) The bodies indicated in art. 10, para (1), point 1), letter c) gather, record, keep, classify, systematise and use independently dactyloscopic information, form information stores under this law.
- (4) The bodies and persons indicated in art. 10, para (1) and (2) and in art. 14, para. (1) ensure state secret keeping of dactyloscopic information, and, heads of those bodies, as well as the indicated persons, bear administrative and criminal liability for violating rules of keeping and illegal usage of such information,.

Article 14. Right to obtain and use dactyloscopic information

- (1) Prosecutors, investigators, persons who carry out criminal investigations and the ones who carry out activity for the purposes provided in art. 7 have a right to obtain and use dactyloscopic information.
- (2) Use of dactyloscopic information about the persons indicated in art. 10 para (1), point 1) letter c) is carried out in conformity with Law no. 106-XIII of 17 May 1994 on State Secret.
- (3) Dactyloscopic information may be also provided to the states with which the Republic of Moldova has signed relevant treaties for the purposes provided in art. 7.

Article 15. Terms of keeping and ways of destroying dactyloscopic information

- (1) Bodies of interior keep material aids with dactyloscopic information:
 - a) of the persons indicated in art. 10 para (1), points 1) – 3), until the age of 80, or until confirmation of their death;
 - b) of the persons indicated in art. 10, para (1), points 4) – 7), with the exception of the cases provided in art. (3) and (4), until the age of 80;
 - c) of unidentified corpses until their identity is established, but no longer than 10 years.
- (2) The bodies indicated in art. 10 para (1) letter c) keep material aids with dactyloscopic information of their employees until their dismissal, after which the

mentioned bodies submit the material aids to the bodies of interior in accordance with this law.

- (3) Dactyloscopic information of the persons indicated in art. 10 para (1) point 5) is destroyed by the body of interior responsible for its keeping. In case of establishment of a person's identity, dactyloscopic information is destroyed upon written request or upon request of his/her legal representative.
- (4) Dactyloscopic information of the persons indicated in art 10 para (1), point 6) is destroyed within 30 days following closure of a criminal case or issuance of a court sentence of acquittal.
- (5) Dactyloscopic information accumulated as a result of voluntary dactyloscopic registration is destroyed by the bodies of interior responsible for its keeping.
- (6) As a ground for the destruction of the dactyloscopic information mentioned in para (5) serves an application submitted to a body of interior from:
 - a) citizens of the Republic of Moldova who have passed voluntary dactyloscopic registration;
 - b) legal representatives of the persons recognised by a court to be incapable or with limited capability, as well as minors.
- (7) A body of interior destroys the dactyloscopic information mentioned in para (5) and informs the applicants about it within 30 days.
- (8) Dactyloscopic information accumulated as a result of voluntary and compulsory dactyloscopic registration is destroyed upon the expiration of the term of keeping such information provided in this article.

Article 16 Financing of dactyloscopic information

- (1) Financing of the measures related to organising and carrying out dactyloscopic registration, as well as to recording, keeping and systematising dactyloscopic information is made from the budgets of ministries, departments and services that carry out compulsory dactyloscopic registration.
- (2) Compulsory dactyloscopic registration of the persons provided in art. 10, point 3) and 4) is charged.
- (3) Voluntary dactyloscopic registration is charged.

CHAPTER III

CONTROL AND SUPERVISION OF IMPLEMENTATION OF THIS LAW

Article 17. Duty control

- (1) Control over dactyloscopic registration is carried out by heads of bodies indicated in art. 12.
- (2) Actions of the persons mentioned in para (1) may be contested under the law.

Article 18. Prosecutor's supervision

Supervision of the execution of this law by the bodies authorised to carry out dactyloscopic registration or to use dactyloscopic information is carried out by the subordinate prosecutor.

Article 19. Dispute

Decisions and other actions of bodies and responsible persons that carry out dactyloscopic registration may be disputed under the law.

**CHAPTER IV
FINAL PROVISIONS**

The Government within 3 months:

- a) shall present proposals regarding adjusting the legislation in force to this law.
- b) shall bring its normative acts in line with this law;
- c) shall approve normative acts regarding organising and carrying out dactyloscopic registration, recording, keeping and systemising dactyloscopic information.

SPEAKER OF
THE PARLIAMENT

Eugenia Ostapciuc

Chisinau, 19 December 2002.
No. 1549-XV