



FORENSIC

# Disclosure of Criminal Records in Overseas Jurisdictions

Countries A-E

March 2009

ADVISORY

## ***Important Notice***

### *Disclaimer*

We have been instructed by the Centre for the Protection of National Infrastructure (CPNI) to undertake research into the availability of criminal records information in a number of countries including members of the European Union and EEA Member States, as well as a number of countries within the wider European area and certain selected countries outside this region.

The information contained in this report was compiled during December 2008 – January 2009. Although we have sought to identify any major pending changes to processes and procedures for disclosure of criminal records in the countries included in this report, it is possible that changes may have occurred since the date the research was undertaken.

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We have satisfied ourselves, so far as possible, that the information presented is consistent with other information which was made available to us in the course of our work in accordance with our terms of engagement. We have not however sought to establish the reliability of the sources by reference to other evidence.

### *Methodology*

This report sets out guidance on how to obtain criminal records disclosure on individuals in 54 countries. It includes 30 countries within the European Economic Area (EEA) and 11 countries within the wider European area. It also includes a number of countries outside the EEA/wider European region that were selected because of the number of nationals of these countries seeking employment in the United Kingdom.

Our research approach takes into account the following:

- This guidance focuses on practical, pragmatic measures to obtaining criminal records disclosure;
- It emphasises the needs of a UK-based employer to obtain criminal records from overseas jurisdictions;
- It seeks to draw attention to any practical, legal or social impediments to obtaining criminal records disclosure in overseas jurisdictions;
- Where possible, we have sought to obtain copies of the application form for criminal records disclosure (if applicable) and a sample of the criminal records disclosure. It has been possible to obtain sample disclosures for some, but not all, countries covered in this report.

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## 2 Albania

### 2.1 Introduction

The Office of Judicial Status administers a central electronic database of criminal record data on behalf of the Ministry of Justice. This database is called the Basic Electronic Register of Judicial Status (“BERJS”).<sup>1</sup> It contains information about criminal convictions and rehabilitation based on decisions of the Albanian criminal courts. Data is held on Albanian citizens, foreign nationals and stateless persons, and convictions remain disclosable for a period of between two and ten years.

Applications for criminal records disclosure must be made from within Albania. Overseas applications will not be accepted. Individuals or employers (with the written consent of the individual) should apply by post to a branch of the Albanian Post Office. The Office of Judicial Status does not accept direct applications. An individual may not authorise a third-party representative to apply for disclosure on his or her behalf. There is a processing fee of ALL 100 (approximately £0.70) for applications, payable in cash only.

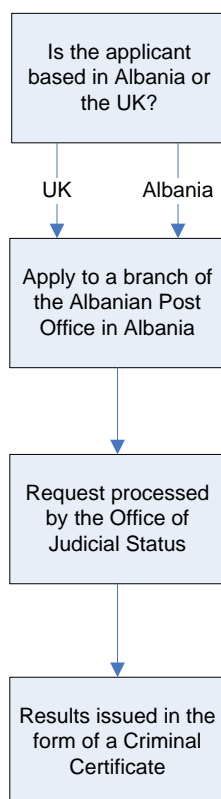
The Office of Judicial Status issues individuals and employers (with the consent of the individual) with a Criminal Certificate (“Deshmi Penaliteti”). This contains details of all unspent convictions. A Criminal Certificate is the only type of criminal record disclosure available in Albania. Local district courts and prosecution offices issue separate types of disclosure in relation to active trials and investigations.

The Albanian embassy in London does not accept applications for a Criminal Certificate.

A flowchart illustrating the steps for obtaining criminal records disclosure in Albania is provided below:

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<sup>1</sup> Regjistri Themeltar Elektronik i Gjendjes Gjyqesore.



## 2.2 Applying for disclosure

### 2.2.1 Who can apply for disclosure of criminal records?

Individuals and prospective employers (with the written consent of the subject) may apply directly for a Criminal Certificate. The subject's consent must be provided in the application form. Applications from other third parties (e.g. nominated representatives) will not be accepted.

### 2.2.2 Categories of criminal record disclosure certificate

The **Criminal Certificate** is the only form of criminal record disclosure available in Albania. A certificate contains information about all spent and unspent convictions. Within Albania, it is requested for employment purposes, and passport and firearms permit applications. Applications must be made from within Albania and results will be issued by post.

Certain Albanian employers (e.g. the police service) also require prospective employees to disclose their involvement in any active criminal trials or investigations. There are two types of disclosure issued for this purpose. They are:

- A **Judicial Attestation** ("Vertetim Gjyqesor"). Individuals may apply for a Judicial Attestation in person at their local District Court. Applications from employers or other third parties will not be accepted. The attestation is a hand-written statement of current

criminal trials initiated against the applicant. It is based on data held by the local issuing court only.

- An **Inquisitory Attestation** (“Vertetim Hetimor”). Individuals may apply for an Inquisitory Attestation in person at their local prosecution office. Applications from employers or other third parties will not be accepted. The attestation is a hand-written statement of current investigations initiated against the applicant. It is based on data held by the local issuing prosecution office only.

## 2.2.3 **What information is contained in a criminal record disclosure certificate?**

A Criminal Certificate contains details of unspent and spent convictions.

## 2.2.4 **The application process**

Applications forms for a Criminal Certificate are available from any branch of the Albanian Post Office. A copy of the form may also be downloaded from the website of the Centre for Official Publications (“Qendra e Publikimeve Zyrtare”). There is no English version of this website. The form is printed in Albanian only and can be reached via the link below:

<http://www.qpz.gov.al/><sup>2</sup>

A copy of the form is also included at [section 2.3.7](#).

The following information must be provided in the form:

- The applicant’s full name;
- The name of the applicant’s father and mother;
- The applicant’s date and place of birth; and
- A statement that the applicant does/does not have criminal convictions.

Where an application is made by the prospective employer, the name of the employer should be provided in the form. The subject of the disclosure is required to sign a declaration, authorising the prospective employer to make the application.

Completed forms should be signed and submitted to any branch of the Albanian Post Office, either in person or by post, together with valid identification (a passport, national ID card or birth certificate).

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<sup>2</sup> Note to CPNI: Please be aware that this website frequently fails to load.

### **2.2.5 Contact details**

The Albanian Post Office does not publish a full address list of local branches on its website. A list of contact telephone numbers for local post office branches may be found via the link below:

<http://www.postashqiptare.al/kreu.php?fq=mesi&gj=en&kid=16>

### **2.2.6 Costs of disclosure of criminal records**

The fee for a Criminal Certificate is ALL 100 (approximately £0.70), payable in cash by the applicant.

### **2.2.7 Communication of results and turnaround time**

A Criminal Certificate will only be issued in hard copy by post. Processing time is approximately one week. Neither the Office of Judicial Status nor the Albanian postal service provides a fast-track disclosure service.

### **2.2.8 Language**

Criminal Certificates are issued in Albanian only. A translation service is available at a cost of ALL 300-600 (approximately £2-4) and translations can be provided within 24 hours. There is a further service available for validating translated certificates as official copies (see below). Translated copies of a Criminal Certificate can be notarised at a cost of ALL 200-400 (approximately £1.35-2.70). Notarised copies can be provided within 24 hours.

The Albanian embassy in London does not provide a translation service.

### **2.2.9 Confirming authenticity and security measures**

The Legalisation Section of the Albanian Ministry of Foreign Affairs will legalise a Criminal Certificate with an apostille. The ministry's contact details are:

Ministry of Foreign Affairs  
Bulevardi "Gjergj Fishta" Nr. 6  
Tirana  
Albania  
Telephone: 00355 4 236 4090  
Fax: 00355 4 236 2084  
Fax: 00355 4 236 2085  
Internet: [http://mfa.gov.al/web/Ministry\\_of\\_Foreign\\_Affairs\\_of\\_Albania\\_1\\_2.php](http://mfa.gov.al/web/Ministry_of_Foreign_Affairs_of_Albania_1_2.php)  
E-mail: [info@mfa.gov.al](mailto:info@mfa.gov.al)

Legalisation can be carried out immediately. There is a fee of ALL 200 (approximately £1.35).

Dissemination of criminal records data in Albania is controlled by Ministry of Justice and governed by legislation. A Criminal Certificate will only be issued to the subject of the

check or to an employer with the subject's written consent. Disclosure will not be made to any other third party.

It is not possible for employers to contact the Office of Judicial Status directly to confirm the authenticity of a certificate.

Each Criminal Certificate contains a serial number, reference number, and the date of issue. It is authorised with the tax stamp and seal of the issuing authority.

## **2.3 Categories of conviction and governing legislation**

### **2.3.1 Types of criminal convictions disclosed**

Categories of criminal conviction in Albania are broadly similar to those in the UK:

- Violence against the person (“Vepra penale kunder personit”)
- Sexual offences (“Krime seksuale”)
- Burglary
  - Vjedhje e pasurise (“Theft of goods”)
- Robbery
  - Vjedhje me dhune (“Theft by use of violence”)
  - Vjedhje me Arme (“Theft by use of firearms”)
- Theft and Handling stolen goods
  - Vjedhje e pasurise (“Theft of goods”)
- Fraud and Forgery (“Mashtrimi dhe falsifikimi”)
- Criminal Damage
  - Shkaterrimi i prones (“Destruction of property”)
- Drug offences
  - Prodhimi dhe fabrikimi i substancave narkotike dhe psikotrope (“Manufacture and fabrication of narcotic and psychotropic substances”)
  - Prodhimi dhe shitja e narkotikeve (“Production and trade of narcotics”)
  - Trafikimi i narkotikeve (“Traffic in narcotics”)
- Motoring offences
  - Pengimi i qarkullimit te mjeteve te transportit (“Obstruction of means of transportation's circulation”)

### **2.3.2 Governing legislation**

Criminal record disclosure is governed by Law No. 9614, For the Electronic Certificates on Judicial Status, 21 September 2006. The provision of false information in an application for a Criminal Certificate is considered to be a criminal offence. An English version of this law is not published on-line.

### **2.3.3 Removal of conviction data**

In Albania, convictions are considered spent after 2, 5, 7 or 10 years if no recent convictions have been added. The length of time a judgment remains disclosable depends on the duration of the conviction. The relevant information is as follows:

- Convictions of 10-25 years 10 years
- Convictions of 5-10 years 7 years
- Convictions of 6 months to 5 years 5 years
- Convictions of 6 months or less 2 years

In the case of individuals aged between 15 and 18 years, discontinued charges and fines, where these are first-time offences, will cease to be disclosable after 1 year.

### **2.3.4 Good practice guidance**

There is no published guidance in relation to criminal record disclosure in Albania.

### **2.3.5 Pending changes in law or regulation**

We have identified no pending changes to the laws or regulations governing criminal records disclosure in Albania.

## 2.3.6 Sample disclosure

Nr. 00023552

REPUBLICA E SHQIPERISE  
MINISTRIA E DREJTËSISE  
Drejtoria e Përgjithshme e Burgjeve

Adresa: Rr. "Abdi Toptani" (pranë Torre Drin) Tel / Fax: 00355 4 22 82 92

Nr. \_\_\_\_\_ Prot. \_\_\_\_\_ Tiranë më 14/10/2008

**VËRTETIM  
I GJENDJES GJYQËSORE**

Në zbatim të nenit 484 të Kodit të Proccdurës Penale, të Republikës së Shqipërisë, nga verifikimet që iu bënë shënimeve në regjistrin gjyqësor pranë kësaj Ministrie rezultoi se shtetasi (emri, mbiemri) \_\_\_\_\_

i biri (e bija) i \_\_\_\_\_ dhe i \_\_\_\_\_

lindur më \_\_\_\_\_ në \_\_\_\_\_

**ËSHTË I**

**Spektori i Gjendjes Gjyqësore**

PULLE TAKSE 100

REPUBLICA E SHQIPERISE  
MINISTRIA E DREJTËSISE  
DREJTORIA E PJERGJITHSHME E BURGJEVE  
TIRANE

2.3.7

Sample application form

<b>FORMULAR VETËDEKLARIMI</b>	
<b>Të dhënat e vetëdeklaruesit:</b>	
Mbiemri, Emri	
Atësia/Amësia	
Datëlindja	
Vendlindja	
Dokumenti i identifikimit <small>(një kopje bashkëngjitur formularit)</small>	
<p>Deklaroj me vullnetin tim të lirë se jam: ? i/e padënuar. ? i/e dënuar</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p><b>DEKLARUESI VETËDEKLARIMIT</b></p> <p>-----</p> <p>Emër Mbiemër / Firmë</p> </div> <div style="text-align: center;"> <p><b>MARRËSI I</b></p> <p>Emër Mbiemër / Firmë / Vullë</p> </div> </div> <p><b><u>Autorizim:</u></b> Deklaroj se të dhënat e paraqitura në këtë formular janë të vërteta dhe</p> <p>autorizoj kontrollin e vërtetësisë së tyre nga</p> <p>-----</p> <p style="text-align: right;">Subjekti i autorizuar</p> <p>-----</p>	

## 3 **Australia**

### 3.1 **Introduction**

In Australia, there is no central repository of criminal record information. Australian police services maintain the most comprehensive collection of criminal history records, the format and components of which vary by State or Territory. Each police force maintains criminal records for individuals and organisations resident in Australia. The period of records maintained is likely to cover any living person<sup>3</sup>.

For overseas applications, the preferred route for disclosure is either:

- Application to the Australian Federal Police (“AFP”). The AFP provides a nationwide check against police records. An individual may apply for disclosure of criminal records to the AFP, a copy of which can be provided directly to the employer. However, organisations (with consent of the individual) can only apply for disclosure to the AFP where they submit a minimum of 50 requests per month; or
- Via an accredited agency of CrimTrac. CrimTrac is an Australian government agency established in 2000 to assist with the control and dissemination of criminal records and other police information. CrimTrac maintains a central index of names of “persons of interest”<sup>4</sup> to police. Some accredited agencies provide commercial services to clients including verification of criminal record history. CrimTrac also provides a nationwide check against police records. One of the claimed advantages of using the accredited agency route is speed of response. Most accredited agencies offering commercial services indicate an ability to process requests within a 48 hour period (this assumes that no match is found on the CrimTrac database and referral to local police forces for further investigation is not required).

Whether a request is made through the AFP or via an accredited agency to CrimTrac the process followed is the same:

- An initial check is conducted against the central database maintained by CrimTrac which provides summary information on names of “persons of interest” to the police;
- If a possible match is found, the request is referred to the relevant police force(s) for further investigation.

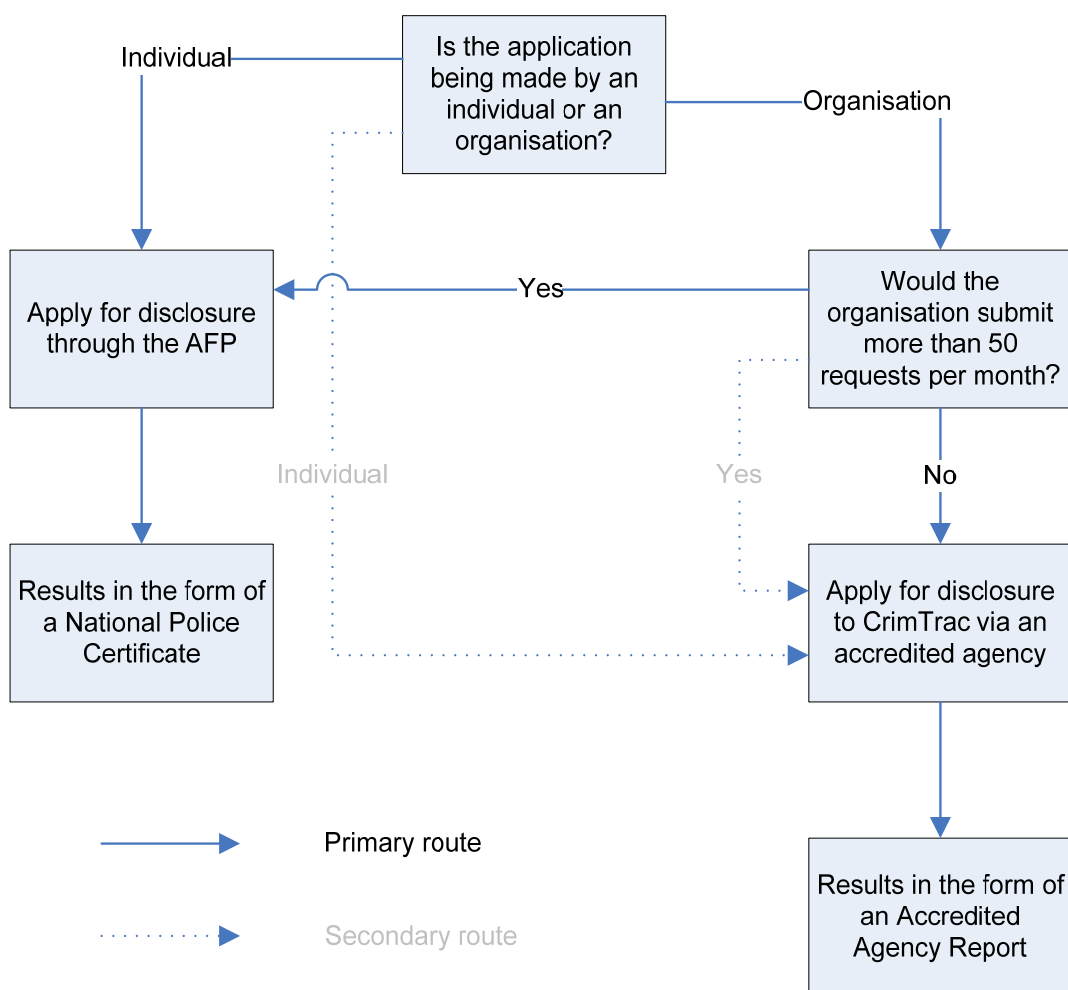
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<sup>3</sup> Source: Australian Federal Police.

<sup>4</sup> A “person of interest” is defined in published CrimTrac guidance as: “An individual for whom one or more Australian police services maintains a record of some kind”. It includes non-criminal activities such as licensed firearms holders or retailers. The CrimTrac database, known as External Agency Management System (“EAMS”) provides sufficient detail for CrimTrac to determine whether there is a match for a subject against local police records. EAMS does not however contain criminal records data which must be sought from the local police force.

The AFP provides a National Police Certificate. An accredited agency will obtain an Accredited Agency Report, details of which may be passed to the individual or employer concerned. The underlying data checked in both cases is the same.

A flowchart illustrating the suggested routes for obtaining criminal records disclosure in Australia is set out below<sup>5</sup>:



<sup>5</sup> Note that other routes, such as obtaining disclosure from local police forces, are potentially available although such options would not be preferred routes for individuals or organisations based in the United Kingdom.

## **3.2 Applying for disclosure of criminal records**

### **3.2.1 Who can apply for disclosure of criminal records?**

The AFP accepts applications for criminal records disclosure from individuals or from organisations where the monthly volume exceeds 50 requests (applications by an organisation require consent of the individual). If the monthly volume is less than 50 requests, an organisation should direct its request to an accredited agency of CrimTrac. An individual may elect to the AFP to provide a copy of the NPC directly to a prospective employer. In addition, it is possible to apply for criminal records disclosure via an organisation that itself meets the AFP's criteria, i.e. an organisation that processes more than 50 requests per month.

CrimTrac processes applications for disclosure of criminal records from accredited agencies<sup>6</sup>. A list of accredited agencies, some of whom provide commercial pre-employment screening services, can be found at the link below.

<http://www.crimtrac.gov.au/documents/NCHRCAccreditedAgenciesList.pdf>

It should be noted that although a number of accredited agencies do provide pre-employment screening services, the majority of accredited agencies are Australian government bodies.

### **3.2.2 Categories of criminal record disclosure certificate**

In Australia, the results of a National Criminal History Record Check ("NCHRC") are presented in the form of either:

- a National Police Certificate ("NPC") for individuals and organisations applying directly through the police services; or
- an Accredited Agency Report for accredited agencies applying through CrimTrac<sup>7</sup>.

A National Police Certificate, which is issued by the AFP (or by individual Australian police forces), is available in a number of formats, as described below<sup>8</sup>:

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<sup>6</sup> An accredited agency must conduct 500 or more NCHRCs within a 3 year period. They may request disclosure for their own use or in circumstances where they act as a "broker" between their own clients and CrimTrac.

<sup>7</sup> Note that CrimTrac, in its contracts, advises that "a NCHRC does not purport to be a complete and comprehensive search of all Australian police records. Its accuracy and coverage are contingent upon accurate identification of the Applicant and the quality of police records." CrimTrac does not currently provide National Police Certificates.

<sup>8</sup> The AFP issues a third category of check, although this is unlikely to be relevant to UK employers. It is known as a Name Only with ASIO Security Assessment – also known as an Ammonium Nitrate Police Certificate. This check is based on a search of the person's name and date of birth against police records nationwide, with an additional ASIO security assessment relating to politically-motivated violence. This type of certificate is most commonly sought by

- A **Name Only** Police Certificate is based on a search of the person's name and date of birth against the criminal records history held by police services nationwide. Name Only Police Certificates are most commonly sought for pre-employment screening purposes. They may also commonly be used for the purpose of seeking insurance cover, or to apply for a visa to work or reside in another country<sup>9</sup>.
- A **Name Only with Fingerprints** Police Certificate is the same as the Name Only Police Certificate, with an additional check against fingerprint records held by the police services nationwide. This type of certificate is most commonly sought by persons applying for visas to work or reside in another country, or for adoption purposes. It is applied for only where a specific legislative requirement exists.

There are three categories of Name Only check. The level of disclosure provided depends on the position being applied for:

- Standard Disclosure: spent convictions are excluded if older than 10 years<sup>10</sup>;
- Partial Disclosure: spent convictions are excluded if older than 25 years;
- Complete Disclosure: all offences are reported.

When applying for an NCHRC, applicants must indicate the reason for the check from a list of options. Only a single category: "Other: Pre employment/standard disclosure" is available to persons seeking employment outside Australia. In this context "other" refers to any geographical region outside the Australian Capital Territory or the Australian Commonwealth in which an individual is seeking employment. In practice therefore, a Partial Disclosure or Complete Disclosure is not available to persons seeking employment outside Australia.

### 3.2.3 **What information is contained in a criminal record disclosure certificate?**

NPCs are prepared in accordance with each State or Territory police force's practice. Interstate offences will be released in accordance with that State or Territory's spent convictions or rehabilitation legislation and policy. Information that may be considered for release includes the following:

#### Person information

- Identification including name, date of birth, aliases, previous names.
- Addresses.

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persons employed or seeking employment with companies where there is access to security-sensitive Ammonium Nitrate, most notably mining companies.

<sup>9</sup> This is limited to a small number of countries, as most countries require a fingerprint search as well as a name search.

<sup>10</sup> Spent offences less than 10 years old are disclosed.

#### Offender history information

- Charges.
- The court outcome of the charge(s) together with the dates, court and any sentence imposed.
- Pending matters.

#### Other information

- Specific departmental records.
- Outstanding warrants.
- Paedophile restraining orders.
- Other restraining orders.
- Diversions<sup>11</sup>.
- Cautions.
- Expiable matters<sup>12</sup>.

Information of an intelligence nature is not released. Traffic history information from some states and territories is not released.

### 3.2.4 **The application process**

#### Applications via the AFP

The AFP publishes a criminal records disclosure application form online. A link to the form is given below.

[http://www.afp.gov.au/\\_data/assets/pdf\\_file/90643/NPC-Application\\_form.pdf](http://www.afp.gov.au/_data/assets/pdf_file/90643/NPC-Application_form.pdf)

The AFP does not receive applications in-person and requests for criminal records disclosure must be made by post; they cannot be processed on-line.

When making a request for criminal records disclosure to the AFP, the AFP stipulates that the applicant must provide the following identification documents:

- A copy of an Australian driver's licence or other acceptable information (passport, full birth certificate<sup>13</sup>, certified marriage certificate).

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<sup>11</sup> Offences dealt with pre-court by the police relating to more minor offences such as stealing, criminal damage, unlawful use of a motor vehicle, etc.

<sup>12</sup> An offence where the local authority may issue an expiation notice themselves, rather than refer the matter to court. Examples include traffic violations or council by-law violations.

The AFP requires photographic ID or a certified copy of non-photographic ID<sup>14</sup>.

The applicant must also indicate on the application form previous names by which they have been known, including if relevant their maiden name. If the form is submitted by an individual under 18 years of age, the application must be signed by their parent or guardian.

An NCHRC involves the following steps:

- A search is made against the central index of names of persons of interest to police forces (EAMS), for potential matches against the subject;
- Where a potential match is located, this will be investigated by the relevant police force to determine if the matched name is that of the subject of the check<sup>15</sup>;
- Identifying and releasing any relevant criminal records data, subject to relevant Commonwealth, State or Territory spent conviction, non-disclosure or information release policies;
- Issuance of an NPC to the subject of the search, or an organisation nominated by them.

#### Applications via CrimTrac

Applications to CrimTrac must be made via an accredited agency. The exact requirements will be provided by the supplying agency but are likely to include the minimum requirements for identification set out at above.

Accredited agencies lodge criminal records disclosure requests to CrimTrac via encrypted e-mail. This is in the form of a batch data feed which is uploaded to EAMS for matching.

CrimTrac issues an Accredited Agency Report to those agencies that are accredited to access its data. The data accessed by CrimTrac is the same as that accessed by the AFP; that is criminal records data provided by each State or Territory police force in Australia.

The disclosure process via accredited agencies is twofold:

- An initial check is made against the EAMS database. Initial results will be communicated electronically to the accredited agency. Most commercial accredited agencies suggest that these initial results can be obtained within 48 hours.

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<sup>13</sup> This is not photographic ID and would require certification.

<sup>14</sup> The exact level of identification required is at the discretion of local police forces. Most follow the "100-point" check which is endorsed by AUSTRAC and is considered the minimum standard for determining identity. For a copy of this check, see the following link:

[www.austrac.gov.au/files/201\\_point\\_check.pdf](http://www.austrac.gov.au/files/201_point_check.pdf)

<sup>15</sup> When searching EAMS, a scored matching method is applied to minimise the potential for "false positive" results.

- A final report, which includes the results of any additional local investigations with relevant police forces where a potential match is located on the EAMS database are communicated in hard copy format. This report will indicate that no record is held or released, or a disclosable criminal history exists and a copy of that history will be attached.

#### Local Contacts

Individuals resident in Australia may only apply for an NPC through their local police service. A NCHCR can be obtained through each State or Territory police force in Australia. These are:

- Australian Federal Police (covering the Australian Capital Territory and Commonwealth);
- New South Wales Police;
- Victoria Police;
- Queensland Police;
- South Australia Police;
- Western Australia Police;
- Northern Territory Police; and
- Tasmania Police.

Detailed guidance on the method for applying for disclosure from each State or Territory police force is not included here, as UK employers are likely to elect to obtain criminal records disclosure on an Australian national via application to the AFP or to CrimTrac via an accredited agency<sup>16</sup>.

It should be noted that some police forces, such as Tasmania, offer a local criminal record check within their territory only, in addition to a nationwide check. Criminal records checks made by individual police forces may therefore not include all criminal records at a national level. For this reason, application to the AFP, which does include national criminal records, may be preferable.

#### Applications via the Australian High Commission in the UK

Under the Australian Privacy Act, the Australian High Commission in the United Kingdom cannot obtain confidential information on Australian citizens or residents of Australia from any Australian police force. Only the individual may obtain this information directly from the relevant police authority.

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<sup>16</sup> Northern Territory invites applications from overseas, however this would be inconsistent with AFP guidance which indicates that applications for overseas employment should be made to the AFP.

If a fingerprint check is required, local UK police authorities can assist with taking of fingerprints, for which a fee is payable. For individuals living in the London Metropolitan Police area, fingerprints can be taken at New Scotland Yard, Broadway, London SW1 (opposite St James' Park Tube station). Details can be found at: <http://www.uk.embassy.gov.au/lhlh/FAQsPoliceCh.html>

If applying from the UK, individuals or employers have the option of applying for criminal records checks either:

- Directly to the AFP by post, if applying as an individual; or
- Via an accredited agency which accesses information through CrimTrac.

### 3.2.5 **Contact details**

The AFP handles all applications for NCHRCs from individuals resident overseas. The AFP invites all applications for overseas employment. It also handles applications for employment with the Australian Commonwealth Government and checks required under the Commonwealth of Australia legislation (for example the Australian Securities and Investments Commission). The AFP's contact details are:

Australian Federal Police  
Criminal Records  
Locked Bag No. 1  
Weston ACT 2611  
Telephone: 02 6202 3333  
Internet: [www.afp.gov.au](http://www.afp.gov.au)

### 3.2.6 **Costs of disclosure of criminal records**

Costs for obtaining an NPC depend on the level of disclosure required, and the originator of the request. Details of costs are set out below (all figures quoted are Australian Dollars).

- \$43.00 (approximately £19) for each NPC Name Only application from a Government Department or an individual.
- \$49.00 (approximately £22) for each NPC Name Only application from a Non-Government organisation (for example, commercial entities such as brokers, migration agents, etc<sup>17</sup>).
- \$145.00 (approximately £65) for an NPC with fingerprints application where fingerprints are to be taken and processed by the AFP.
- \$105.00 (approximately £47) for an NPC with fingerprints application where fingerprints are supplied to the AFP upon application.

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<sup>17</sup> UK employers could theoretically apply however they would need to meet the AFP's volume criteria.

Payment should be made by cheque or money order made payable to the Australian Federal Police. The cheque must be from an Australian bank or a bank affiliated with an Australian bank.

Costs of disclosure undertaken through CrimTrac via an accredited agency depend on the commercial terms applied by the agency handling the request(s).

### **3.2.7 Communication of results and turnaround times**

Results of an NCHRC are communicated either in hard copy by post or collection.

The State or Territorial police forces in Australia advise that the turnaround time for an NCHRC is approximately 5 – 15 days from the date the application is received. However, the processing times for an NCHRC can vary, as this depends on the response time for records from other police forces nationally. If the request is urgent, it should be directed to CrimTrac, which provides a fast-track service.

Criminal record checks conducted via an accredited agency of CrimTrac are delivered to the relevant agency initially electronically and in hard copy format as a final report.

Where a request for an NCHRC is processed through an accredited agency, the turnaround time is dependent on the agency's terms. A number of commercial agencies in Australia that provide criminal records screening suggest turnaround times of under 48 hours for cases where no matches are found on the CrimTrac database<sup>18</sup>. Where a match is found, and the case is referred to local police forces for further investigation, these commercial agencies indicate a turnaround time of approximately four to ten working days.

CrimTrac offers an urgent NCHRC, which it defines as a check submitted by an accredited agency with the request that the NCHRC will be finalised within five business days and indicating that:

- Time is of the essence;
- The consequences of finalising the check as a routine NCHRC are unacceptable to the agency;
- Where CrimTrac is satisfied the request is urgent.

### **3.2.8 Language**

Criminal records disclosure in Australia is in English language.

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<sup>18</sup> Crimtrac claims to process 95 per cent of all routine checks within 10 working days and 95 per cent of all urgent checks within five working days. This is the turnaround time for the whole check. The 48-hour turnaround indicated by commercial organisation is the turnaround time for conducting the initial check against the EAMS database and receiving an initial report.

### **3.2.9 Confirming authenticity and security measures**

Each police force in Australia maintains a record of applications for criminal records disclosure. Details of the information stored are published in CrimTrac guidance<sup>19</sup>. Employers are able to contact the relevant police force to verify that an application for a criminal record check was made and that the information on the certificate matches that which was provided by the issuing police force.

Dissemination of criminal records data in Australia is controlled by the police forces and by CrimTrac. NPCs are issued only to applicants; the AFP will provide copies of NPCs directly to the individual and, if requested on the application form, to their respective employer.

It is a criminal offence in Australia to attempt to alter or adjust a criminal records disclosure, or to present a fraudulent copy of an NPC. The Criminal Records Section of the NPC should be consulted if there is any concern over the authenticity of the certificate presented.

Security features presented by AFP NPCs include an AFP emblem watermark that cannot be photocopied. AFP certificates are computer printed (including signatures).

Each police force in Australia maintains a record of applications for criminal records disclosure. Employers are able to contact the relevant police force to verify that an application for a criminal record check was made and that the information on the certificate matches that which was provided by the issuing police force.

Information provided by CrimTrac is released only to accredited agencies. The accredited agency is responsible for obtaining consent from the individual for release of criminal records information, recording it in an acceptable format and the secure storage of this data. Accredited agencies are required to comply with the Information Privacy Principles.

## **3.3 Categories of conviction and governing legislation**

### **3.3.1 Types of criminal convictions disclosed**

Criminal convictions in Australia mirror those major categories in the UK. Note that not all of these offences are necessarily disclosable:

- Violence against the person;
- Sexual offences;
- Burglary;
- Robbery;
- Theft and handling of stolen goods;

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<sup>19</sup> See <http://www.crimtrac.gov.au/>

- Fraud and forgery;
- Criminal damage;
- Drug offences;
- Motoring offences.

Further guidance on the interpretation of criminal records in Australia is available from the Australian Human Rights Commission<sup>20</sup>. This includes guidance on the following:

- When a criminal record might be relevant to employment;
- What an applicant or employee must disclose about their criminal record;
- How employers should make decisions about criminal records in relation to employment.

### **3.3.2 Governing legislation**

Whilst court records of criminal cases are a matter of public record in Australia, limitations apply in all jurisdictions as to what information can be legally reported or disclosed from these court records. Individuals are generally able to access their own police records through Freedom of Information legislation. Third parties may only undertake criminal records checks with the consent of an individual.

### **3.3.3 Removal of conviction data**

There is no obligation on Australian police forces to destroy criminal records information at any time. Criminal records information may not be disclosed where the conviction is spent.

General information on the laws governing criminal records checks (including provisions on privacy, limitations on disclosure, required disclosure) is provided in guidance published by CrimTrac<sup>21</sup>. According to CrimTrac, its systems operate in accordance with the Commonwealth Privacy Act 1988<sup>22</sup>.

The Act does not regulate state or territory agencies, except for the Australian Capital Territory (ACT). For information on privacy regulations in the states and territories please refer to the appropriate state or territory section below.

Most States and Territories have their own spent convictions legislation which limits the disclosure of criminal history information. The exceptions are South Australia and Victoria, which follow Commonwealth legislation. Where a criminal record exists within the jurisdiction of an Australian State or Territory, the spent convictions legislation of that State or Territory will be applied.

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<sup>20</sup> See [http://www.humanrights.gov.au/human\\_rights/criminalrecord/index.html](http://www.humanrights.gov.au/human_rights/criminalrecord/index.html)

<sup>21</sup> See <http://www.crimtrac.gov.au/>

<sup>22</sup> Also referred to as the Australian Federal Privacy Act.

Spent convictions legislation varies from jurisdiction to jurisdiction. However, in most cases, the rehabilitation period after which convictions are considered spent is 10 years (5 for juveniles) for less serious offences. More serious offences (e.g. those incurring a prison sentence of at least 30 months) may remain unspent.

Details of spent conviction regimes in each State/Territory are given below.

New South Wales:

- Criminal Records Act 1991 (Spent Convictions). This is available at: <http://www.austlii.edu.au/au/legis/nsw/consol%5fact/cra1991167/>
- The Commission for Children & Young People (CCYP) Act 1998 (NSW) authorises complete disclosure of sexual offence convictions on people wishing to engage in child-related employment.

Victoria

- In the Information Privacy Act 2000 (Vic), criminal records are classified as “sensitive information” requiring special protection because of the harm that can result from mishandling. Victoria does not yet have a purpose-built statutory framework for the proper categorisation, handling and controlled disclosure of criminal records. An administrative scheme of “police checks” is run by Victoria Police. (Victoria Police’s Information Release Policy is available on their website via the following link:  
[https://www.police.vic.gov.au/content.asp?Document\\_ID=692](https://www.police.vic.gov.au/content.asp?Document_ID=692)
- Criminal Law (Rehabilitation of Offenders) Act 1986 (spent convictions). This is available at the following link:  
[http://www.austlii.edu.au/au/legis/qld/consol\\_act/clooa1986356/index.html](http://www.austlii.edu.au/au/legis/qld/consol_act/clooa1986356/index.html)

Australian Capital Territory:

- The Spent Convictions Act 2000 is available at the following link:  
[http://www.austlii.edu.au/au/legis/act/consol\\_act/sca2000222/](http://www.austlii.edu.au/au/legis/act/consol_act/sca2000222/)

South Australia:

- South Australia does not have “spent” conviction legislation, but South Australia Police (SAPOL) has developed a policy based on the Spent Convictions provisions of the Crimes Act 1914 (Cth) and the State’s Information Privacy Principles. Details can be found at the following link:  
[www.dfc.sa.gov.au/pub/tabid/281/itemid/481/Child-Safe-Environments-frequently-asked-questions.aspx](http://www.dfc.sa.gov.au/pub/tabid/281/itemid/481/Child-Safe-Environments-frequently-asked-questions.aspx)

#### Western Australia

- Spent Convictions Act 1988. The guidance is available at:  
[http://www.slp.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_912\\_homepage.html](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_912_homepage.html)

#### Northern Territory

- Annulled Convictions Act 2003 (spent convictions). Guidance is available at:  
[http://www.austlii.edu.au/au/legis/tas/consol\\_act/aca2003228/](http://www.austlii.edu.au/au/legis/tas/consol_act/aca2003228/)

### 3.3.4 **Good practice guidance**

Good practice guidance on the interpretation of criminal records is available from the Australian Human Rights Commission here:

[http://www.hreoc.gov.au/Human\\_Rights/criminalrecord/summary.html](http://www.hreoc.gov.au/Human_Rights/criminalrecord/summary.html)

In addition, the Privacy Commissioner is responsible for ensuring the protection of private information relating to individuals. This includes investigating instances where information has been released improperly or incorrectly. An individual who believes the standards dealing with disclosure and use of old conviction information may have been breached may apply to the Privacy Commissioner for an investigation of the matter. The telephone number is 1300 363 992.

### 3.3.5 **Pending changes in law or regulation**

In November 2008 a draft uniform national legislation to deal with criminal records in Australia was announced. The Standing Committee of Attorneys-General has been working to harmonise Australia's criminal record laws. Currently, the spent convictions regime differs in each jurisdiction, for example Victoria and South Australia do not have legislative spent conviction schemes whereas other States or Territories do have such regimes.

### 3.3.6 **Sample disclosure**

It was not possible to obtain a sample criminal record disclosure from the AFP or Crimtrac.

## 4 Austria

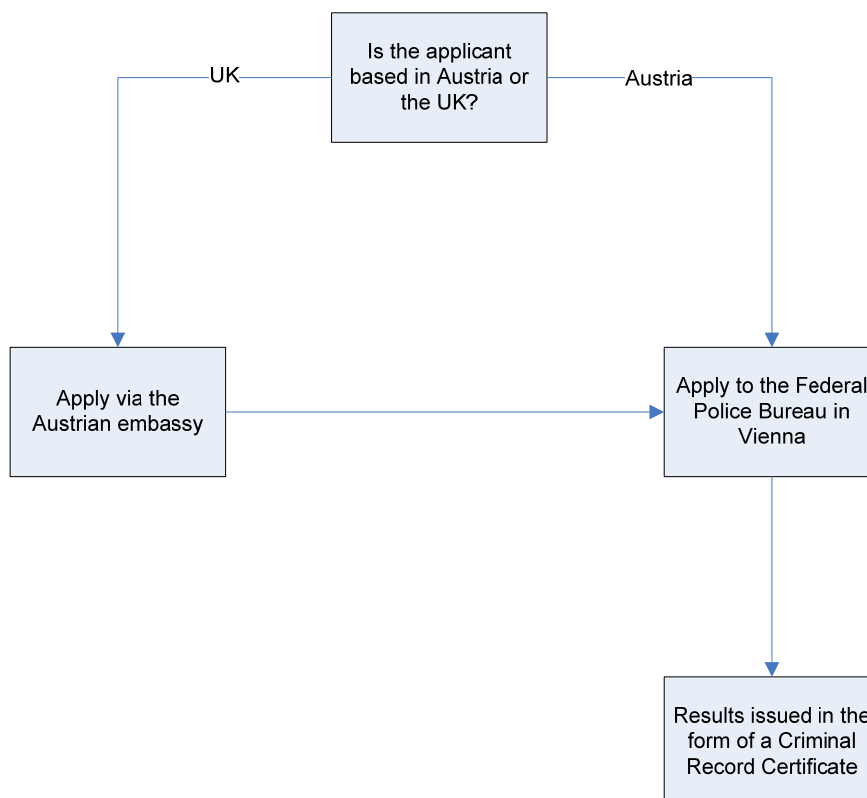
### 4.1 Introduction

In Austria, criminal records are maintained by the Register Division (“Strafregisteramt”) of Federal Police Bureau Vienna (“Bundespolizeidirektion Wien”). The Criminal Register is a nationwide and centrally managed database of criminal records, set up in 1968. It contains all criminal convictions or states the absence thereof on an individual.

The official term for the Austrian criminal records disclosure document is “Strafregisterbescheinigung” (criminal record certificate).

Applications made from the UK for criminal records disclosure must be made in person through the relevant Austrian consulate in London. The cost for this will be £39.30.

A flowchart illustrating the steps for obtaining criminal records disclosure in Austria is provided below:



## **4.2 Applying for disclosure of criminal records**

### **4.2.1 Who can apply for disclosure of criminal records?**

Any individual may file an application for his or her criminal record disclosure.<sup>23</sup> A third party that has been granted necessary authority may apply for disclosure on another person.

### **4.2.2 Categories of criminal record disclosure certificate**

In Austria, criminal record checks are available in two different forms depending on the purpose of the disclosure and the final addressee.

- A restricted disclosure (“Beschränkte Auskunft”); or
- An unrestricted disclosure (“Unbeschränkte Auskunft”).

Individuals making an application at the request of a future employer will be issued a restricted disclosure. These contain specific convictions of an individual that have yet not been expunged and may not include less serious convictions.

An unrestricted disclosure certificate is exclusively for specific state agencies, and, even then, is only issued in specific circumstances.<sup>24</sup> This type of criminal record certificate contains details of all unexpunged convictions and is typically issued to courts, security bodies, fire arm bodies, passport authorities and military intelligence services.

### **4.2.3 What information is contained in a criminal record disclosure certificate?**

According to Section 3 of the 1968 Criminal Records Act (“Strafregisteregesetz”), the Federal Police Bureau Vienna is notified through so-called “Strafkarten” (penalty cards) regarding all convictions issued by the Austrian courts. These penalty cards include the following information:

- Name and file reference of the first instance criminal court;
- First and family name and all former names of the subject, date and place of birth, nationality, residential address;
- First names of the subject’s parents;
- Date of the court order and its enforcement;
- Name of the criminal offence;
- Former convictions (if not expunged);

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<sup>23</sup> If applicants are younger than 14 years, they must have parental authorisation to apply for a criminal records certificate.

<sup>24</sup> Given that an unrestricted disclosure is only available to state bodies and not to commercial organisation we did not cover it in this document.

- Whether the offence was committed under the influence of drugs or alcohol;
- Reference to any known convictions in foreign courts.

The information released on a criminal record certificate will contain the following:

- Full name of the subject;
- Academic degree
- Date and place of birth
- Date and time of issuance
- All convictions by Austrian courts;
- All known legal decisions issued by foreign courts that refer to the above convictions.

Restricted certificates may not include less serious convictions.

#### **4.2.4 The application process**

##### *Application from outside Austria*

Persons living outside Austria need to apply via the diplomatic representation in their respective foreign country. Application must be made in person and requires the following documentation:

- [Application form](#) for a criminal record disclosure (“Antrag auf Ausstellung einer Strafregisterbescheinigung”);
- Passport or other photo identification;
- If relevant, previous names (for example, birth or marriage certificates).

The Consulate General will forward the application package to the Federal Police Bureau Vienna where the applicant’s details are fed into the criminal records database. Upon completion of this process the disclosure form can either be picked up at the Austrian consulate or be sent to the address indicated by the applicant. In case of the latter, applicants must provide a self-addressed and stamped envelope.

##### *Application from within Austria*

An individual may file an application for a criminal records disclosure at either a nearby Federal Police Bureau or a local town hall irrespective of where the individual is registered for residential purposes. The person must appear in person either upon filing the application or when picking up the disclosure document. If the applicant requests the criminal records disclosure to be sent to an indicated address, the applicant must apply in person when filing the application.

If an application is done via post the applicant must pick up the criminal record certificate in person for identification purposes.

Individuals may apply online using the Austrian citizen card (“Bürgerkarte”) which contains personal data and an e-signature. The fee can be paid electronically. The [on-line application process](#) requires special software to be installed. On-line applications are not possible without a “Bürgerkarte”.

There are fourteen Federal Police Bureaux in Austria to which an individual may apply to for a criminal record certificate.<sup>25</sup> If there is no Federal Police Bureau individuals may file an application at the office of the mayor in their town or municipality.<sup>26</sup>

#### 4.2.5 **Contact details**

Individuals applying from the UK need to do so via the Austrian consulate general in London. The address is given below:

The Austrian Embassy  
18 Belgrave Mews West  
London SW1X 8HU  
Telephone: 0044 (0)20 7344 3250  
Fax: 0044 (0)20 7344 0292  
E-mail: [London-ob@bmeia.gv.at](mailto:London-ob@bmeia.gv.at)

Applicants living in Vienna may apply to the Federal Police Bureau Vienna. The address is give below.

Bundespolizeidirektion Wien  
Wasagasse 22  
1090 Wien  
Telephone: 0043 313 10 0  
Fax: 0043 313044 9244  
E-mail: [bpdw.strafregisteramt@polizei.gv.at](mailto:bpdw.strafregisteramt@polizei.gv.at)

#### 4.2.6 **Costs of disclosure of criminal records**

The cost for obtaining a criminal record certificate via the Austrian consulate general in London is £39.30. This is to be paid in cash or by postal order.

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<sup>25</sup> These are located in Eisenstadt, Graz, Innsbruck, Klagenfurt, Leoben, Linz, Salzburg, Schwechat, Steyr, St Pölten, Villach, Wels, Vienna and Neustadt. The address for each can be looked up by entering the city name in the search box given [here](#).

<sup>26</sup> The relevant address can be found by entering the town name in the search box given in the [here](#).

The cost for obtaining a criminal record certificate in Austria is EUR 26.40. This sum comprises a request fee of EUR 13.20 and a certificate fee of EUR 13.20. There is an additional administrative fee of EUR 2.10. Municipalities are entitled to charge an additional fee ranging from EUR 0.36 to 0.73.

Prospective employees obtaining the criminal records certificate at the request of their future employer are not required to pay the “certificate fee”. In this case, the total cost will be EUR 15.30. No such discount is applicable to online applications.

Costs are payable in cash when filing the application in person. Credit cards are usually not accepted. For online applications, payment can be made by credit card or an “eps-online-transfer” via Raiffeisen Bank, Erste Bank, BAWAG/P.S.K., Hypo Oberösterreich, Hypo Salzburg, Hypo Steiermark, Hypo Niederösterreich, Hypo Tirol, Hypo Vorarlberg or Volksbanken).

#### **4.2.7 Communication of results and turnaround times**

Results of a criminal records disclosure are communicated in different ways:

- If the application is made overseas, the criminal record certificate is either to be picked up at the Austrian embassy or sent to the address indicated by the applicant. The Austrian consulate general is not liable if mail is lost during postal delivery.

There are a number of delivery options for applications made in Austria:

- If the person to whom the criminal record certificate refers applied for it in person the certificate may be sent to him/her by post. Delivery is through the RSa-Letter (RSa-Brief) which can only be handed out to the individual addressee.
- Criminal record certificates can be sent electronically, if the applicant is registered at an electronic delivery service. The current provider of such delivery services is “[Mein Brief.at](http://Mein.Brief.at)”. Certificates will only be issued electronically if they contain no convictions.
- If the application is filed at one of the Federal Police Bureaux and is made by the individual him/herself, the certificate can be issued immediately.

Public authorities advise that turnaround times for a disclosure application made from overseas may take several weeks.

From within Austria, turnaround times are usually shorter and may take around two weeks. If the public authority at which the application has been filed has direct access to the central criminal record database, turnaround may be immediate. Federal Police Bureaux issue the criminal records certificate immediately only if the applicant is present.

#### **4.2.8 Language**

Criminal records disclosure in Austria is generally in German. English has been added in 2007. Criminal record certificates which document offences, however, are handed out in German only.

#### **4.2.9 Confirming authenticity and security measures**

Security measures include the integration of the Austrian federal eagle and a red stamp of the respective public authority on the disclosure document.

Applicants must identify themselves and, if applicable, third parties have to prove their power of representation. The official taking the application is responsible for verifying the applicant's identity. In case of an online application, identification will be verified through the citizen card.

If employers have justified grounds to question the authenticity of the criminal record certificate, they must liaise with the Federal Police Bureau Vienna. The address is given at section 4.2.5 above.

### **4.3 Categories of conviction and governing legislation**

#### **4.3.1 Types of criminal convictions disclosed**

Criminal convictions in Austria mirror almost all of those major categories in the UK:

- Violence against the person (Körperverletzung);
- Sexual offences (Strafbare Handlungen gegen die sexuelle Integrität und Selbstbestimmung);
- Burglary (Diebstahl);
- Robbery (Raub);
- Theft and handling of stolen goods (Hehlerei);
- Fraud and forgery (Betrug und Fälschung)<sup>27</sup>;
- Criminal damage (Sachbeschädigung);
- Drug offences (Drogendelikte).

There are other categories of offences in Austria not covered in the above list. These include but are not limited to offences such as kidnapping, offences against the environment, cruelty against animals, treason and terrorism. For a detailed account of these offences please refer to the [Austrian Criminal Code](#) ("Strafgesetzbuch").

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<sup>27</sup> The Austrian Penal Code refers to different types of fraud and forgery. These are, for example, forgery of documents, forgery of securities and forgery of certificates.

#### **4.3.2 Governing legislation**

The Federal Central Criminal Register Act (“Bundeszentralregistergesetz”) from 1968 governs the disclosure of criminal records and regulates what type of information or convictions are to be included in Federal Central Criminal Register.

#### **4.3.3 Removal of conviction data**

Convictions are removed from an individual’s criminal record certificate once the offence is expunged. The expiry period depends on the degree of penalty and not on the type of offence. Expiry generally starts with the end of the penalty service. Time periods for expiration can range from three to 15 years. Lifetime imprisonments are not removed in any case.

After two years of the conviction’s expiry all data relating to the conviction and the individual is removed from the criminal records database pursuant to Section 12 of the Criminal Records Act.

#### **4.3.4 Good practice guidance**

The Austrian government has a [service-website](#) which provides some advice on the application process and provides relevant links. This only partly available in English and the relevant online guidance for obtaining a criminal record certificate is in German only.

There is no official body or organisation that would provide advice on the interpretation of criminal records information. Offences in criminal records, however, are listed with reference to the respective law and article to which they refer and can therefore be looked up. Foreign offences which differ from Austria’s criminal law code are explained in the criminal record certificate.

#### **4.3.5 Pending changes in law or regulation**

There were no pending changes to the Austrian criminal records disclosure regime at the time of publication.

#### 4.3.6 Sample disclosure

ausstellende Behörde

Behördenanschrift

PLZ, Ort

BEZUG: Aktenzahl, Geschäftszahl SB  
(REFERENCE NUMBER)

#### STRAFREGISTERBESCHEINIGUNG (CRIMINAL RECORD CERTIFICATE)

Familienname(n): Mustermann  
(Family Name)

Geschlecht: MÄNNLICH  
(Gender: MALE)

Vorname(n): Max  
(First Name)

Akad. Grad:  
(Academic Degree)

Geboren am: 01.01.1960  
(Date of Birth: DD.MM.YYYY)

Geburtsort: Test  
(Place of Birth)

Im Strafregister der Republik Österreich - geführt von der  
Bundespolizeidirektion Wien - scheint keine Verurteilung auf.

(No convictions are listed in the criminal records database of the  
Republic of Austria, kept by the Federal Police Directorate of Vienna.)

DVR: 0003506

Tagesdatum: 13.01.2009  
(Date)

Uhrzeit:  
(Time)

## **5 Bangladesh**

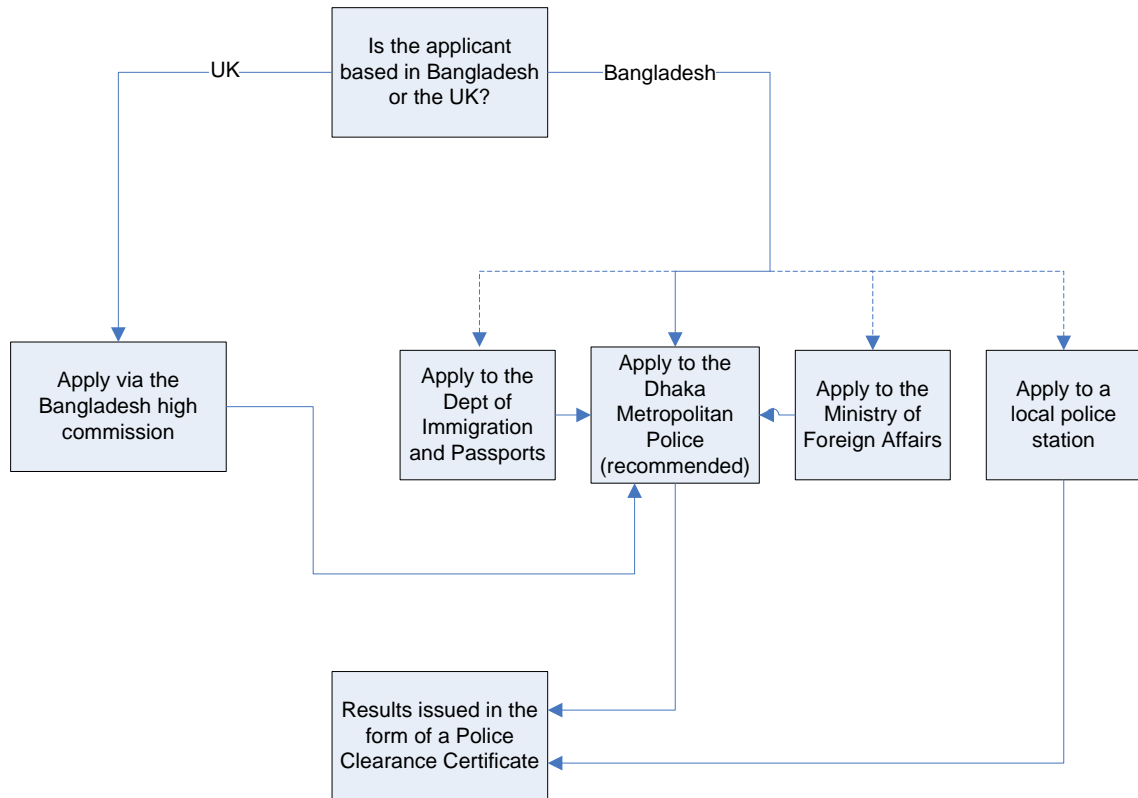
### **5.1 Introduction**

There is no central repository of criminal record information in Bangladesh. Criminal records are held at regional police stations across Bangladesh. Each police station maintains a database called the Village Criminal Note Book (VNCB). The database contains comprehensive and up-to-date information on localised criminal activity. However, records are not held electronically. Searches of criminal record information are conducted manually.

The headquarters of the Dhaka Metropolitan Police (DMP) offers a One Stop Service (OSS) for criminal records disclosure in Dhaka. The One Stop Service was introduced in 2007 to speed the process of criminal records disclosure.

Applications for criminal records disclosure are issued in the form of a Police Clearance Certificate (PCC). Individuals may apply directly for disclosure or may provide consent to a third party. A prospective UK employer cannot submit a direct application. However, applications for pre-employment screening services can be submitted via a government authority in Bangladesh.

A flowchart illustrating the steps for obtaining criminal records disclosure in Bangladesh is provided below:



## 5.2 Applying for disclosure of criminal records

### 5.2.1 Who can apply for disclosure of criminal records?

The Dhaka Metropolitan Police accepts applications from resident and non-resident nationals of Bangladesh, including foreigners who have lived in Bangladesh for more than one year.

Resident applicants may apply directly for criminal records disclosure at the Dhaka Metropolitan Police headquarters or local police station of the relevant residential area.

Non-resident applicants may contact the local police station of the relevant residential area via a family member or friend.

Foreign applicants (non-residents non-citizens) can contact the Dhaka Metropolitan Police headquarters, the Ministry of Foreign Affairs in Dhaka or the High Commission or Embassy of Bangladesh in the domiciled country.

A prospective UK employer can submit an application for pre-employment screening purposes only via a third party. This includes government bodies as follows:

- Department of Immigration and Passports (Ministry of Home Affairs), Dhaka

- Ministry of Foreign Affairs, Dhaka
- High Commission of Bangladesh, London, UK

These applications are likely to be routed through the Dhaka Metropolitan Police headquarters and not a local police station.

### **5.2.2 Categories of criminal record disclosure certificate**

There is only one type of criminal records disclosure in Bangladesh in the form of a Police Clearance Certificate. This is the standard term used nationally across the six administrative regions of Bangladesh (Dhaka, Barisal, Chittagong, Khulna, Rajshahi and Sylhet).

### **5.2.3 What information is contained in a criminal record disclosure certificate?**

The Police Clearance Certificate is a standard document containing criminal record information. It neither appears in different format nor is it issued on the basis of varying degrees of information.

The information contained in a Police Clearance Certificate includes the following:

- Name of applicant
- Results of check
- Name and rank of investigating officer
- Name of the issuing police station
- Name of the district
- Date of issue
- Certificate number

Where a criminal record has been identified, the certificate includes the following:

- Full particulars of father
- Type of crime
- Nature of offence
- Result of case
- Social Status
- Political involvement/activities
- Opinion on moral good standing
- Full name and rank of investigation officer
- Name of Magistrate and date of disposal (if relevant)

A Police Clearance Certificate reveals all historical and current criminal convictions relating to an individual.

#### **5.2.4 The application process**

There are four main routes for applying for criminal records disclosure. These are either via the Dhaka Metropolitan Police, including the local police station in the relevant residential area, the Ministry of Foreign Affairs in Dhaka, the Department of Immigration and Passports (Ministry of Home Affairs) or the High Commission of Bangladesh in the respective country of the applicant. The application form is not available online. It is obtainable from the counter at the relevant police station. Applications are submitted in person in both instances.

The application process is as follows:

##### The One Stop Service in the Dhaka Metropolitan Area

The one stop service was introduced in 2007 to speed up the process of criminal records disclosure for travel and employment purposes. It is only available in the area that falls directly under the administration of the police headquarters. As such, enquiries lodged at local police stations will be routed to the Dhaka Metropolitan Police headquarters.

According to guidance issued by the Ministry of Home Affairs, a deposit of BDT250 (approximately £2.50) should be deposited with the police commissioner or police superintendent at the Dhaka Metropolitan Police. Alternatively, the fee paid directly at the Central Bank of Bangladesh. A receipt should be obtained.

Application forms are simultaneously completed and submitted with the relevant supporting documentation, including a passport and receipt of payment. These are sent to the local police station of the applicant's residential area where the searches are conducted. The results of the enquiry are sent back to the Dhaka Metropolitan Police. The Police Clearance Certificate is reviewed, cleared and signed by the Deputy Police Commissioner and the Ministry of Foreign Affairs. A Police Clearance Certificate is issued with the relevant information.

This is the recommended route for requests for criminal records disclosure. Applications submitted via the Ministry of Foreign Affairs in Dhaka and the Department of Immigration and Passports (Ministry of Home Affairs) require the same application process.

Non-resident applicants may apply via the High Commission or Embassy of Bangladesh in their respective country of residence. The same application process is undertaken.

##### The local police station application process

According to guidance issued by the Ministry of Home Affairs, a deposit of BDT250 (approximately £2.50) should be deposited at the Central Bank of Bangladesh and a receipt obtained.

Application forms for criminal records disclosure are collected in person from the Officer in Charge (OIC) of a local police station. The application is then sent to a police station in the applicant's residential area (if relevant). The police undertake a detailed verification process on the basis of information provided on the application form. This includes searching applicants name against the index held in the Village Criminal Note Book.

A report is prepared showing the results of the criminal records check. A Police Clearance Certificate is issued.

#### **5.2.5 Contact details**

The Dhaka Metropolitan Police headquarters in Dhaka handles all applications for criminal record checks for individuals resident in Bangladesh and overseas. The contact details for the office are:

36 Shahid Cap. Monsur Ali Sarani  
Ramna  
Dhaka-1207  
Telephone: 00880 (2) 831 4128  
Fax : 00880 (2) 831 8210

Contact details for local police stations can be found online. A link is provided below:

[http://www.dmp.gov.bd/static/find\\_local\\_police.php](http://www.dmp.gov.bd/static/find_local_police.php)

Applications can also be submitted via the High Commission of Bangladesh in the UK. The contact details are:

28 Queens Gate  
London  
SW7 5JA  
Telephone: 0044 20 7584 0081  
Fax: 0044 20 7581 7477

#### **5.2.6 Costs of disclosure of criminal records**

The fee for processing each application for a Police Clearance Certificate is BDT250 (approximately £2.50). This is a standard fee payable by an individual in Bangladesh or abroad or a prospective UK employer. There is no online payment facility. Payment can only be made by cash or cheque. Cash payments are accepted at the office of the Police Commissioner in the Dhaka Metropolitan Police. A bank draft can be issued to the Central Bank of Bangladesh.

In cases where a government authority is a prospective employer, there is no charge for a Police Clearance Certificate. This is a separate and unrelated request to a PCC for a prospective UK employer.

### **5.2.7 Communication of results and turnaround times**

The results of a Police Clearance Certificate are produced in hard copy only. The applicant or the authorised person acting on behalf of the prospective employer is required to collect the results from the Dhaka Metropolitan Police. Police Clearance Certificates will not be sent by post or fax to the applicant.

Results are not communicated verbally or electronically. There is no online process for viewing a Police Clearance Certificate.

Under the guidelines of the one stop service, a Police Clearance Certificate will be issued within seven days. This is relevant to all applications for travel and pre-employment screening purposes. There is no added fee for this service.

There is no specific time-frame for applications that fall outside of the one stop service.

There is no fast-track system in place for the disclosure of priority cases.

### **5.2.8 Language**

Police Clearance Certificates are available in English.

### **5.2.9 Confirming authenticity and security measures**

There is no official process for an employer to verify a Police Character Certificate. A police officer with the rank of sub-inspector or above is accountable for the verification process.

The issuing authority maintains copies of all Police Clearance Certificates that are issued. Enquiries can be made at the relevant police station to cross-check against the information held in the Village Criminal Note Book. There are no other official security measures in place to prevent fraudulent records being produced.

There are a number of security features contained in a Police Clearance Certificate, including four seals which represent various government institutions. These are:

- The government of the Peoples Republic of Bangladesh;
- The relevant police commissioner, police superintendent, deputy police commissioner or deputy police superintendent;
- The issuing police station;
- The officer in charge responsible for verifying the information.

## **5.3 Categories of conviction and governing legislation**

### **5.3.1 Types of criminal convictions disclosed**

The following categories for conviction exist in Bangladesh.

- Violence against the person;
- Sexual offences;
- Burglary;
- Robbery;
- Theft and handling of stolen goods;
- Fraud and forgery;
- Criminal damage;
- Drug offences;
- Motoring offences.

### **5.3.2 Governing legislation**

Legislation was drawn under The Police Act No V of 1861 (amended) to provide guidelines for the implementation of the law. The legislation determines the procedures relating to the criminal records disclosure and the issuance of Police Clearance Certificates.

### **5.3.3 Removal of conviction data**

Technically, criminal convictions remain on record in the database for an indefinite period. However, in cases where there is ongoing court action, criminal records are generally not removed until proven innocent.

### **5.3.4 Good Practice Guidance**

No specific good practice guidance is available.

### **5.3.5 Pending changes in law or regulation**

As at February 2009, there are no pending changes in law or regulation that may affect criminal records disclosure in Bangladesh.

### **5.3.6 Other considerations**

Criminal records held in the Village Criminal Note Book are updated annually. As this is an irregular process, information is not likely to be reliable. This may affect levels of efficient criminal checking procedures.

## 5.3.7 Sample disclosure

<p style="text-align: center;"><b>GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH</b></p> <p style="text-align: right;">.....Police Station .....District</p> <p style="text-align: right;"><i>Dated</i>.....</p> <p>No.....</p> <p style="text-align: center;"><b>POLICE CLEARANCE CERTIFICATE</b></p> <p>The character and antecedents of Mr / Mrs / Miss..... ..... son of / daughter of / wife of..... (address)..... holder of Bangladesh International Passport No..... issued at..... on..... have been verified and there is no adverse information against him / her on record.</p> <p>This certificate is issued in pursuance of Ministry of Home Affairs Memo/ No. Nirdesh- 2/ 75 – Pt. 2152 – Bohi (1), dated the 19th May 1977.</p> <p><b>Seal.</b></p> <p style="text-align: right;"><b>Officer – in – Charge</b> .....<i>Police Station</i></p> <p><b>BGP Reference Number</b></p>
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## 6 Belarus

### 6.1 Introduction

In Belarus, a centralised database of criminal records, “the State United Database of Law Violation”, is maintained by the Ministry of Internal Affairs (“MIA”). The database collates records of criminal convictions from the seven regions across the country<sup>28</sup>.

For the purposes of pre-employment screening, individuals may request a “State United Registration System of the Law Violation” (Единая государственная система регистрации и учёта правонарушений). This document states whether an individual has any criminal records based on the information held in the database<sup>29</sup>.

Overseas applications have to be made in person (or via an authorised representative) through the relevant embassy or consulate office. In the case of the UK, this is the consular section of the Belarusian embassy in London. Applications from within Belarus have to be made in person (or via an authorised representative) at an office of the MIA. The MIA is headquartered in Minsk and there are also offices in each of the administrative centres within the six regions in the country.

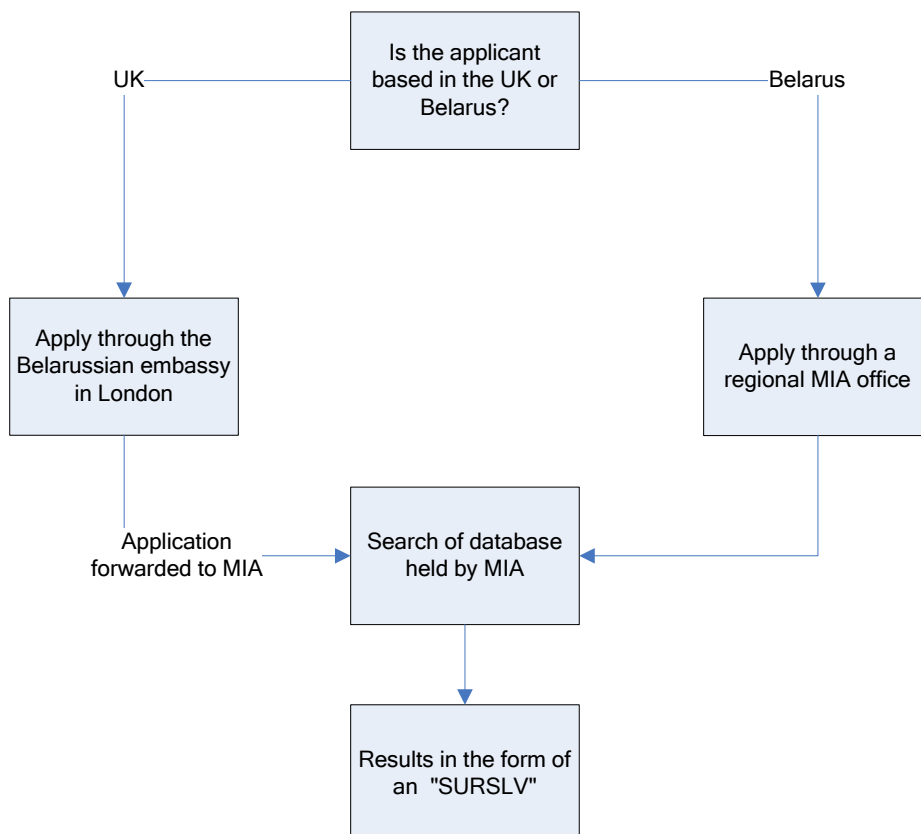
If no records are identified within the database, a certificate will be issued reflecting this. In instances where an individual is identified as having criminal record, full details of the individual’s criminal record history will be disclosed.

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<sup>28</sup> Belarus is divided into 6 regions (*Voblasts*) and Minsk, the capital city. Minsk is given special status as a separate ‘special administrative district’.

<sup>29</sup> For the purpose of this report, we have referred to this document as an SURSLV.

A flowchart illustrating the steps for obtaining criminal records disclosure in the Belarus is set out below:



## 6.2 Applying for disclosure of criminal records

### 6.2.1 Who can apply for disclosure of criminal records?

Applications for an SURSLV are accepted from individuals.

Overseas applications have to be made through an embassy/consulate office overseas. Applications from within Belarus have to be made in person at an office of the MIA. In both instances, applications from authorised representatives are accepted.

Applications from prospective employers within Belarus are accepted. This requires the authorisation of the individual in question. Applications from overseas prospective employers are not accepted.

## **6.2.2 Categories of criminal record disclosure certificate**

The only form of criminal records disclosure is an SURSLV.

## **6.2.3 What information is contained in a criminal record disclosure certificate?**

The SURSLV will provide details of any records that have been identified for that individual within the database held by the MIA. The SURSLV will also state if the individual has any spent convictions. If no records are identified, the SURSLV will state that the MIA does not have any information regarding convictions for this individual.

If criminal records are identified, the following information for each record will be provided:

- Date and place of the conviction (including name of the court)
- Reference to the name and number of the Article of the Criminal Code of Belarus under which the applicant has been convicted;
- Term and type of punishment (if applicable); and
- Date of discharge (if applicable).

The certificate will also state whether there is an ongoing case relating to an individual. If this is the case, the certificate will state “case of criminal prosecution”.

## **6.2.4 The application process**

There are two routes for application for a SURSLV for those based in the UK. These are as follows:

- Application through the Belarusian Embassy in London. Applications must be made in person either by the individual in question or by an authorised representative; and
- Application in person at an office of the MIA in Belarus. Applications must be made in person either by the individual in question or by an authorised representative.

In each case, the application form is the same. The form requires the following information: name and surname, date and place of birth, address, passport number, date of issue and the corresponding authority, all the changes to the personal details provided above within the past 15 years.

### Applicants residing in the UK

For individuals residing in the UK, application forms are available from the consular section of the Belarusian Embassy in London. The form is only available in hardcopy. Completed applications forms should be submitted to the consular section of the embassy. The application will then be forwarded to the MIA head-office for processing.

The applicant must also present their original passport. If the application is being made by an authorised representative, the original passport and a document reflecting the power of attorney are required.

#### Applicants in Belarus

Applications can be made within Belarus directly to the MIA head-office in Minsk, or through any of the regional MIA offices across the country. Each region has an MIA office.

Applications are accepted in person only. Application forms in hardcopy are available from any of the MIA offices. The completed application form should be submitted to the relevant office. Application forms are available online in the Brest region only<sup>30</sup>.

The applicant must also present their original passport. If the application is being made by an authorised representative, the original passport and a document reflecting the power of attorney are required. If the application is from a prospective employer from within Belarus, the authorisation of the individual in question is required.

Records are stored in both electronic and manual form.

#### **6.2.5 Contact details**

The address of the Belarusian embassy in London is:

Embassy of the Republic of Belarus  
Kensington Court  
London  
W8 5DL

Main Switchboard: 0044 (0)207 937 3288

Consular section: 0044 (0)207 938 3677

E-mail: [uk@belembassy.org](mailto:uk@belembassy.org)

Consular and visa section opening hours: Monday to Friday: 0900 - 12.30.

The address of the MIA head office in Minsk is:

Main Administration of Internal Affairs (Minsk City)  
Room 39  
24a Sverdlova Street  
Minsk  
Belarus

Telephone: 00375 (017) 229 40 27

Internet: <http://www.guvs.gov.by/analytic/> (Russian language only)

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<sup>30</sup> The application form can be accessed from the following link:  
[http://uvs.brest.by/new/index.php?option=com\\_wrapper&Itemid=37](http://uvs.brest.by/new/index.php?option=com_wrapper&Itemid=37)

The addresses for the regional offices of the MIA are (websites in Russian language):

Main Administration of Internal Affairs (Minsk Region)

Room 715

29 Kalvaruyska Street

Minsk

Belarus

Telephone: 00375 (017) 204 79 39

Internet: <http://www.uvd-mo.gov.by>

(Please be aware that this website frequently fails to load)

Main Administration of Internal Affairs (Brest Region)

28 Kommunisticheskaya Street

Brest

Belarus

Telephone: 00375 (0162) 27 53 62

Internet: [http://uvd.brest.by/new/index.php?option=com\\_wrapper&Itemid=37](http://uvd.brest.by/new/index.php?option=com_wrapper&Itemid=37)

(This is the region with the online application form)

Main Administration of Internal Affairs (Grodno Region)

Room 101

3 Akademicheskaya Street

Grodno

Belarus

Telephone: 00375 (017) 227 21 23

Internet: <http://www.uvd.grodno.by/iau.php>

Main Administration of Internal Affairs (Gomel Region)

Room 103

3 Kommunarov Street

Gomel

Belarus

Telephone: 00375 (0232) 70 42 77

Internet: <http://www.uvd.gomel.by/>

Main Administration of Internal Affairs (Mogilev Region)

25 Karla Marksa Street

Mogilev

Belarus

Telephone: 00375 (0222) 22 40 70

Internet: <http://www.uvd.mogilev.by/iau.htm>

(Please be aware that this website frequently fails to load)

Main Administration of Internal Affairs (Vitebsk Region)

41a Frunze Avenue

Vitbsk

Belarus

Telephone: 00375 (0212) 24 34 66  
Internet: <http://www.uvd.vitebsk.by/>

#### **6.2.6 Costs of disclosure of criminal records**

The cost for an application for a SURSLV is EUR 5.

For those applying from the UK, the payment can be made at the Belarusian embassy.

For those applying within Belarus, there is a fast-track option. This costs an additional EUR 5. (Fast track applications will be processed within three days of the application being received, as opposed to the standard 15 days).

For those applying within Belarus, payment should be made in cash in any branch of JSC “JSSB Belarusbank”. The payment form should be filled out as follows:

Payment purpose code ("код платежа"): 04611

Recipient (“получатель”): Tax inspectorate at the place of residence (“ИМНС по месту жительства”)

A receipt will be given on payment. The receipt should be provided by the applicant together with the completed application form and passport.

For online applications in the Brest region, the payment is still required to be made prior to the completion of the online form (the form requires the receipt number, date, and sum of payment).

#### **6.2.7 Communication of results and turnaround times**

The results of an application for an SURSLV are available in hard copy only.

Applications should take approximately 15 days to process by the MIA. For applications from overseas, additional time is required for the documents to be couriered to Belarus and then back to the country of application.

For those applying within Belarus, there is a fast-track option. These applications should be processed within three days.

These timeframes only a guide, and are dependent on there being no matches identified for the individual in question. If a match on the name of the individual is identified, this has to be investigated to establish whether it is the same individual. This process can add additional time to the turnaround time.

In the case of an overseas application, the Belarusian embassy in London will contact the applicant when the Notice of Conviction is ready for collection. For applications made within Belarus, the relevant office will notify the applicant when the Notice of Conviction is ready.

### 6.2.8 **Language**

The SURSLV is available in Russian or Belorussian language only.

For overseas applicants, the Belarusian embassy in London can stamp the document with an apostille stamp and translate it into English. There is a small fee for this service.

For applicants in Belarus, the document is valid within the UK providing that the document has an “apostille” stamp<sup>31</sup>. This can be obtained from the Consular Service of the Ministry of Foreign Affairs ([www.mfa.gov.by/en/consular](http://www.mfa.gov.by/en/consular)). The cost for this service is EUR 10.

The certificate should be translated by an authorised translator, with the translated copy being subject to legal notarisation. The MIA will provide details of authorised translators<sup>32</sup>. The Belarusian Chamber of Commerce and Industry is one of the most reliable sources of official translation.

For applications from UK citizens who live in Belarus, the certificate can be verified and translated by the British Embassy in Minsk. The address of the British embassy in Minsk is:

British Embassy  
37 Karl Marx Street  
Minsk  
220030  
Telephone: 00375 17 210 59 20  
E-mail: [britinfo@nsys.by](mailto:britinfo@nsys.by)

### 6.2.9 **Confirming authenticity and security measures**

Dissemination of criminal records data is controlled by the MIA. Only the MIA has access to the information held in the database. The release of information is based on a review of the application form and proof of the applicant’s identity.

The SURSLV is a landscape A4 document divided by a horizontal thin black line approximately two thirds up the page. Above the line is the address of the relevant MIA office responsible for processing the application. Below the line, is the official statement detailing whether any records have been identified. Beneath the statement is the signature of the head of the MIA office (or his deputy) that processed the application. The SURSLV is stamped with the circular state emblem of Belarus.

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<sup>31</sup> Documents issued by the state institutions of Belarus are valid in the UK providing the document has an "apostille" stamp on it under the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents.

<sup>32</sup> The MIA does not provide a translation service.

## **6.3 Categories of conviction and governing legislation**

### **6.3.1 Types of criminal convictions disclosed**

The following categories of conviction all exist in Belarus:

- Violence against the person (Преступление против человека);
- Sexual offences (Преступление против половой неприкосновенности или половой свободы)
- Burglary (Кража);
- Robbery (Грабёж);
- Theft and handling of stolen goods (Хищение);
- Fraud and forgery (Мошенничество и фальсификация);
- Criminal damage (Разбой; Причинение ущерба);
- Drug offences (Незаконный оборот наркотических средств); and
- Motor offences (Угон транспортного средства).

### **6.3.2 Governing legislation**

The disclosure of criminal records is governed by Law no.94 of the Republic of Belarus, “State United System of Registration of Law Violation Acts”. The law was enacted on 9 January 2006.

The Council of Ministers Regulation no.909 of the Republic of Belarus, “Provisions for the order of State United Registration System of Law Violation Acts”, provides further regulation. This was enacted on 22 February 2008. This covers: fees payable, prescribed details, lists maintained for the purpose of regulations, relevant authorities, evidence of identity.

### **6.3.3 Removal of conviction data**

Under Law no.94, criminal offences are stored for 100 years and administrative<sup>33</sup> [civil] offences are stored for 10 years. When this period of time expires, the records are permanently deleted from the database.

Under the criminal code of 1999, certain offences become spent convictions after a defined period of time. The individual is then considered to be a “rehabilitated person”. The period of time is measured from the date of completion of the sentence and is dependent on the sentence given for the original offence. Sentences can carry a fixed or

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<sup>33</sup> Administrative offences are outlined in the Code of the Republic of Belarus on Administrative Offences №194-3 dated April 23, 2003.

variable rehabilitation period and these periods can be extended if the person offends again during the rehabilitation period<sup>34</sup>.

All spent convictions are disclosed on the SURSLV.

#### **6.3.4 Good practice guidance**

There is no good practice guidance available in the English language.

#### **6.3.5 Pending changes in law or regulation**

At the time of publication, there were no pending changes in law or regulation relating to criminal records disclosure.

#### **6.3.6 Sample disclosure**

It has not been possible to obtain a sample disclosure for Belarus.

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<sup>34</sup> A general approximation for spent convictions is: crimes not considered socially dangerous (2 years); crimes that are socially dangerous (5 years); and crimes that are considered to be socially dangerous (10 years).

## 7 Belgium

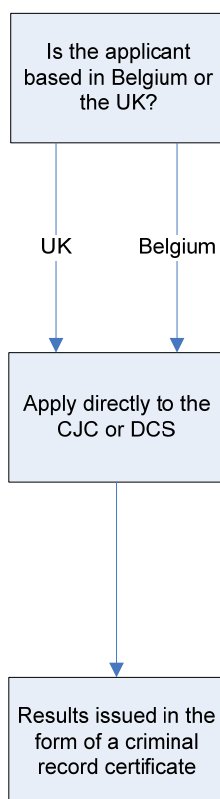
### 7.1 Introduction

Criminal records in Belgium are held both centrally in Brussels and locally in the 589 *communes* (districts) of Belgium. Belgians requiring a criminal records certificate to work in Belgium must apply to their local commune. For Belgians working abroad, the request for a criminal records certificate must be made with the central electronic register. This is maintained in Brussels by the Casier Judiciaire Central / Dienst Centraal Strafregister (“CJC / DCS”). The CJC / DCS is a department of the Ministry of Justice.

The criminal records certificate in Belgium is called an *extrait du casier judiciaire* (in French) or an *uittreksel uit het strafregister* (in Dutch). There are two types of certificate available to Belgians working in Belgium. There is only one certificate available for Belgians working abroad.

Applications for criminal records disclosure can be made by the individual or by a third party if provided with written consent by the individual. A prospective employer is a valid third party if authorised by the individual. Applications can be made in person or by post, fax or E-mail. Applications are always made to the CJC / DCS: applications cannot be made at a Belgian embassy or consulate.

A flowchart illustrating the steps for obtaining criminal records disclosure in Belgium is provided below:



## 7.2 Applying for disclosure

### 7.2.1 Who can apply for disclosure of criminal records?

Two separate entities can apply for the criminal record certificate. They are:

- The individual whose criminal record certificate it is;
- Any third party when given written permission by the individual.

A series of public institutions can also request an individual's criminal record certificate. They include: public administrative bodies, judicial authorities, and foreign governments in specific circumstances as defined in international agreements.

### 7.2.2 Categories of criminal record disclosure certificate

There is one certificate available to Belgians working abroad. This is called the *extrait du casier judiciaire* (in French) or the *uittreksel uit het strafregister* (in Dutch).

There are two types of criminal records certificates issued in Belgium for local employment purposes. They are the "Model 1" and "Model 2". The "Model 2" certificate is more detailed than the "Model 1" certificate. This is because it is generally issued in relation to employment dealing with children or vulnerable adults. However, if a Belgian national is applying for a certificate in order to work abroad, the certificate will carry the same level of detail as the "Model 1" certificate.

### 7.2.3 **What information is contained in a criminal record disclosure certificate?**

For Belgians working abroad, the criminal records certificate will contain a transcription of offences, if any. There are some exclusions. These relate to the removal of criminal record data when the period of rehabilitation has passed.

The certificate will also exclude some offences that would be included in a “Model 2” certificate in Belgium, for example if the applicant was applying for a job in relation to minors or vulnerable adults.

A criminal records certificate in Belgium will contain the following personal information:

- Full name
- Place of birth
- Date of birth
- Profession
- Nationality
- Commune
- Address
- ID number

### 7.2.4 **The application process**

There are several different methods of applying for this certificate: by post, by E-mail, by fax, or in person. With the exception of applications made in person, where the certificate is issued immediately, certificates are only delivered by post.

- **By post**

There is no application form when applying for a criminal records certificate. Applicants must write a letter including the following information:

- Full name
- Address
- Date and place of birth
- Reason for the request
- Signature of the applicant
- Photocopy of the applicant’s national ID card

Applications for requests made by post are sent to the CJC / DCS address given in the in the contact details below.

Certificates are sent by post to the address specified in the application.

- **By fax**

Applications can also be made by fax. The fax must contain the same details as for a postal application. Applications for a certificate are sent to the fax number given below.

0032 2 552 27 82

- **By E-mail**

Applications can also be made by E-mail. The E-mail must contain the same details as for a postal application. The applicant's ID card must be scanned and sent as an attachment in the E-mail. E-mail applications are sent to the following address:

[cjc-csr@just.fgov.be](mailto:cjc-csr@just.fgov.be)

- **In person**

For applications in person, the individual must present themselves at the CJC / DCS with their national ID card. It is also possible for the individual to give a third party written authorisation to demand the certificate on his or her behalf. In this case, the third party must take copies of both theirs and the individual's national ID card, in addition to signed written authorisation. The written authorisation should contain all the information requested for postal applications.

For applications in person, the certificate is issued immediately. The CJC / DCS is located at the following address:

115 boulevard de Waterloo  
1000 Bruxelles

## 7.2.5 **Contact details**

The contact details for the CJC / DCS are:

### *French-speaking*

SPF Justice  
DG Organisation judiciaire  
Casier Judiciaire Central  
115 boulevard de Waterloo  
1000 Bruxelles  
Telephone: 0032 2 552 27 47  
Fax: 0032 2 552 27 82  
Internet: [http://www.just.fgov.be/index\\_fr.htm](http://www.just.fgov.be/index_fr.htm)  
E-mail: [cjc-csr@just.fgov.be](mailto:cjc-csr@just.fgov.be)

### *Dutch-speaking*

FOD Justitie  
DG Rechterlijke Organisatie

Dienst Centraal Strafreger  
Waterloolaan 115  
1000 Brussel  
Telephone: 0032 2 552 27 48  
Fax: 0032 2 552 27 82  
Internet: [http://www.just.fgov.be/index\\_nl.htm](http://www.just.fgov.be/index_nl.htm)  
E-mail: [cjc-csr@just.fgov.be](mailto:cjc-csr@just.fgov.be)

#### **7.2.6 Costs of disclosure of criminal records**

Criminal record certificates in Belgium are issued free of charge.

#### **7.2.7 Communication of results and turnaround time**

Criminal record certificates are issued immediately for applications made in person. Certificates which are posted will incur postage time, but can be expected to be received within a few days. There is no available fast-track service.

#### **7.2.8 Language**

The criminal record certificate is issued in French, Dutch or German. Neither the Ministry of Justice nor embassies provide a translation service. A prospective employer would have to organise a translation for themselves.

#### **7.2.9 Confirming authenticity and security measures**

The criminal record certificate is issued with a stamp and signature from the CJC / DCS. The certificate also contains the date of issue. The certificate is valid for three months.

### **7.3 Categories of conviction and governing legislation**

#### **7.3.1 Types of criminal convictions disclosed**

Categories of criminal conviction in Belgium are broadly similar to those in the UK. Examples include:

Violence against the person	NL : geweld tegen personen FR : violence contre les personnes
Sexual offences	NL : sexuele delicten FR : les infractions sexuelles
Burglary	NL : inbraak FR : cambriolage
Robbery	NL : diefstal FR : vol
Theft and handling stolen goods	NL : heling FR : recel
Fraud and forgery	NL : namaak/vervalsing

Criminal damage	FR : contrefaçon de biens/falcification NL : vandalisme FR : vandalisme
Drug offences	NL : drugsdelicten FR : les infractions des drogue
Motoring offences	NL : verkeersdelicten FR : les infractions de traffic

### 7.3.2 Governing legislation

The *Loi relative au Casier judiciaire central* passed on 8 August 1997 forms the governing legislation regarding disclosure of criminal records in Belgium. The relevant legislation is published online in French and Dutch as follows. The text can be found via the following links:

French

<http://staatsbladclip.zita.be/moniteur/lois/2001/08/24/loi-2001009578.html>

Dutch

<http://staatsbladclip.zita.be/staatsblad/wetten/2001/08/24/wet-2001009578.html>

### 7.3.3 Removal of conviction data

An individual's convictions are permanently removed from the criminal registry once the individual has been granted "rehabilitation".

There is no set time frame for rehabilitation in Belgium. After a prison sentence has been served, the individual can apply for rehabilitation. This is accorded at the discretion of the courts and normally takes a minimum of several months.

### 7.3.4 Good practice guidance

We have not identified a good practice guide about applying for criminal records certificates in Belgium.

### 7.3.5 Pending changes in law or regulation

We have identified no pending changes to the laws or regulations governing criminal records disclosure in Belgium.

### 7.3.6 Sample disclosure

<div style="text-align: center;"> <b>MODÈLE</b> </div>		
Commune de ..... Province de .....		
<b>Certificat de bonnes conduite, vie et mœurs demandé pour accéder à une activité qui ne relève pas de l'éducation, de la guidance psycho-médico-sociale, de l'aide à la jeunesse, de la protection infantile, de l'animation ou de l'encadrement de mineurs</b>		
Le bourgmestre ou Madame / Monsieur <sup>1</sup> ..... agissant en vertu d'une délégation du bourgmestre. certifie que Madame / Monsieur <sup>2</sup> ..... né(e) à ..... le ..... détenteur (détetrice) de la carte d'identité n° <sup>3</sup> ..... exerçant la profession de ..... de nationalité <sup>4</sup> ..... fils (fille) de <sup>4</sup> ..... habitant la commune de ..... au ..... n° ..... depuis le .....	<b>OBSERVATIONS</b>	
Déclaration quant à la conduite <sup>5</sup> ..... Déclaration quant à l'activité <sup>6</sup> .....		

## 8 **Bosnia–Herzegovina**

### 8.1 **Introduction**

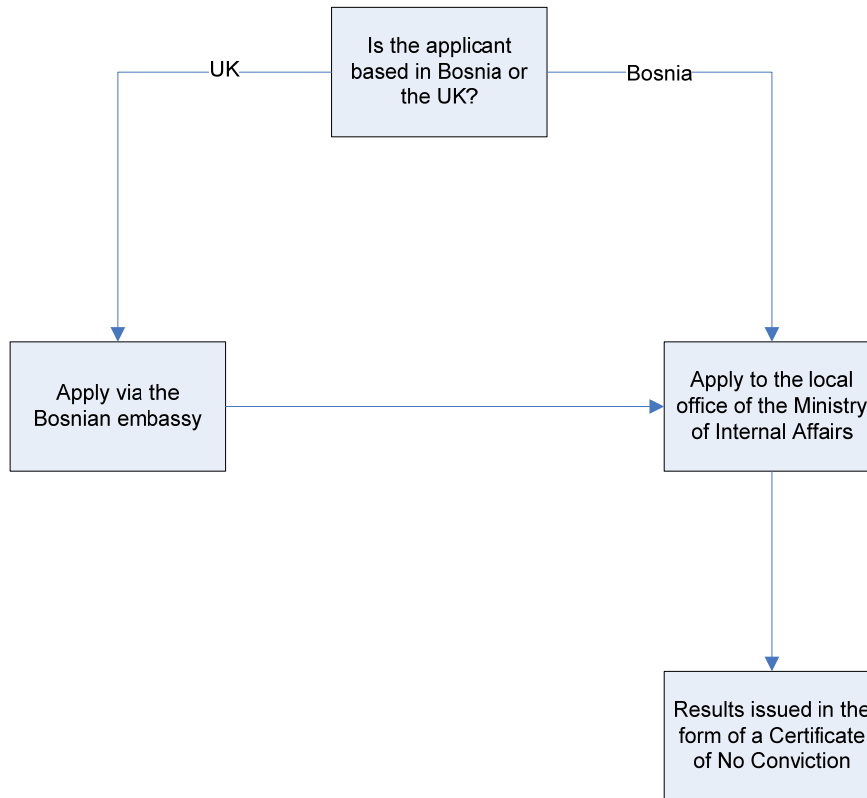
The criminal records of all Bosnian citizens are maintained locally at the regional offices of the Ministry of Internal Affairs or the relevant regional Municipal Court.

There is also a central database maintained by the Ministry of Justice. However, it only contains details in relation to the following categories of offences:

- Manufacturing and circulation of counterfeit money;
- Manufacturing and distribution of drugs and toxic materials;
- Human trafficking, production and distribution of pornographic materials;

Applications for Certificates of No Conviction (indicating whether or not a person has any criminal convictions) can also be made via a Bosnian embassy abroad. It is not clear if applications for Sentencing Certificates can be made through an embassy. This is a type of document issued by the Bosnian Municipal Courts and indicating any ongoing criminal proceedings against an individual. Applicants are advised to contact the Bosnian embassy directly to seek further advice.

A flowchart illustrating the steps for obtaining criminal records disclosure in Bosnia is provided below:



## 8.2 Applying for disclosure

### 8.2.1 Who can apply for disclosure of criminal records?

Individuals can apply directly in person at the regional Ministry of Internal Affairs office or Municipal Court where they were born.

In Bosnia, a prospective employer and third parties will be entitled to apply for disclosure of criminal records if they have the individual's written consent and his/her ID, Citizenship Certificate or Birth Certificate.

### 8.2.2 Categories of criminal record disclosure certificate

There are two types of criminal records disclosure issued in Bosnia. They are:

- A **Certificate of No Conviction** ("Potvrda o nekaznjavanju").
- A **Sentencing Certificate** ("Potvrda o kaznenom postupku").

### 8.2.3 What information is contained in a criminal record disclosure certificate?

A Certificate of No Conviction will state whether or not there is a conviction registered against the applicant's name. The title of this record remains the same regardless of whether or not there are any convictions registered against their name.

A Sentencing Certificate will state if there are any ongoing proceedings against the individual.

#### **8.2.4 The application process**

In order to obtain a Certificate of No Conviction, individual applicants complete an application form available at their regional Ministry of Internal Affairs office. The relevant region is determined by the applicant's place of birth. The applicant fills out the form in the presence of a Ministry of Internal Affairs official, presents a valid ID and pays an application fee.

The same application process is used when an application for Sentencing Certificate is made at the relevant Municipal Court.

If a third party (including prospective employer) is applying for criminal record disclosure, they must present the ID or birth certificate of the person whose criminal record will be disclosed. Additionally, they may be asked for the individual's personal details such as mother's maiden name. There is no requirement for this consent to be certified by a notary.

This application process applies both to Certificates of No Conviction and Sentencing Certificates.

Applications for Certificates of No Conviction can be submitted via Bosnian embassies abroad. If an individual wishes to apply for a Sentencing Certificate, he or she should contact the embassy directly for further details regarding the application procedure.

#### **8.2.5 Contact details**

The contact details of the regional offices of the Ministry of Internal Affairs are listed below:

MIA Unsko-sanskog kantona 00 387 37/223 223, [portparol@mupusk.gov.ba](mailto:portparol@mupusk.gov.ba)

MIA Posavskog kantona/zupanije 00 387 31/712 544 [mup.zupanije.posavske@tel.net.ba](mailto:mup.zupanije.posavske@tel.net.ba)

MIA Tuzlanskog kantona 00 387 35/255 877 [portparol@mupth.ba](mailto:portparol@mupth.ba)

MIA Zenicko-dobojskog kantona 00 387 32/449 249 [press@mupzdk.gov.ba](mailto:press@mupzdk.gov.ba)

MIA Bosansko-podrinjskog kantona 00 387 38 221 125 [mupbpk@bih.net.ba](mailto:mupbpk@bih.net.ba)

MIA Srednjobosanskog kantona 00 387 30/518-245 [mupsbk@bih.net.ba](mailto:mupsbk@bih.net.ba)

MIA Hercegovacko-neretvanskog kantona 00 387 36/383-232 [infomup@muphnb.ba](mailto:infomup@muphnb.ba)

MIA Zapadnohercegovackog kantona 00 387 39/830-803 [mup.zzh@tel.net.ba](mailto:mup.zzh@tel.net.ba)

MIA Kantona Sarajevo 00 387 33/664 211 [zornicjusuf@hs-hkb.ba](mailto:zornicjusuf@hs-hkb.ba)

MIA Livanjskog kantona 00 387 34/203 673 [muplivno@yahoo.com](mailto:muplivno@yahoo.com)

The link below contains a list of all municipal courts in Bosnia:

<http://www.mpr.gov.ba/en/str.asp?id=265>

The contact details of the Bosnian embassy in the UK are:

5-7 Lexham Gardens

London W8 5JJ

UK

Telephone: 020 73730867

E-mail: [embassy@bhembassy.co.uk](mailto:embassy@bhembassy.co.uk)

#### **8.2.6 Costs of disclosure of criminal records**

The fees for obtaining a criminal record in Bosnia are set up by each regional authority and vary between BAM 6 and 10 (approximately £4 at the time of publication).

Both cash payments and bank transfers are acceptable.

#### **8.2.7 Communication of results and turnaround time**

Both types of criminal records are issued in hard copy for collection.

In most instances, the expected turnaround for a request for criminal record disclosure is one day. However, this may vary between the different Bosnian regions.

#### **8.2.8 Language**

The criminal record is issued in Bosnian language only.

Currently, there is no official translation service available. The cost of translation services in Bosnia is about BAM 20 per page (approximately £9 at the time of publication).

#### **8.2.9 Confirming authenticity and security measures**

In Bosnia, there is no official procedure for confirming the authenticity of criminal disclosures. Upon a request the authorities will advise on a case-by-case basis.

We have seen an original Certificate of No Conviction but are not allowed to reproduce it. The security features include:

- The name of the issuing court in the top left hand corner;
- an identification number (“Broj”), which consists of four letters;
- the city and date of issuance;

- the word UVJERENJE (Certificate) which appears about halfway through in the text of the document;
- A round stamp containing the name of the issuing court with a coat of arms in the shape of a shield in its centre;
- The signature of the issuing officer;

The Certificate of No Conviction states that the person has no convictions within the past five years. The Certificate is issued to the named person for auditing purposes and can not be used for any other purposes.

Overall responsibility for verifying the identity of the applicant rests with the official processing the application. He/she is required to review the applicant's ID and supporting documentation (if applicable).

## **8.3 Categories of conviction and governing legislation**

### **8.3.1 Types of criminal convictions disclosed**

Categories of criminal conviction in Bosnia are broadly similar to those in the UK. A glossary of Bosnian terms and their English translations is provided below:

- “Zlocin protiv covjecnosti” – Violence against the person and sexual offences
- “Krada” – Burglary, robbery or theft
- “Prijevara u sluzbi” – Fraud and forgery
- “Unistenje i ostecenje tude stvari” – Criminal damage
- “Neovlasteni promet opojnim drogama” – Drug offences
- “Ugrozavanje javnog prometa zbog intoksikacije” – Motoring offences

Other major categories of offences include: Money Laundering, Money Counterfeiting, Tax Evasion, and Smuggling of Goods.

### **8.3.2 Governing legislation**

The Criminal Procedure Code of Bosnia and Herzegovina governs the disclosure of criminal records in Bosnia.

### **8.3.3 Removal of conviction data**

Under Bosnian legislation, a criminal conviction will remain on record, until a period of time specified in a legal act has elapsed. This period varies depending on the type of the offence.

A suspended sentence will be deleted from the criminal record after one year after the expiration of the probation period has elapsed.

A sentence imposing fines will be deleted from the criminal record after three years from the day on which the fine has been paid have elapsed.

A sentence of imprisonment of up to one year will be deleted from the record after five years from the day on which the punishment has been served has elapsed.

Criminal convictions are removed automatically from the record provided that the individual has not committed any other criminal offence.

Bosnian criminal records do not contain references to removed conviction data.

#### **8.3.4 Good practice guidance**

In Bosnia, there is no specific ‘best practice’ or good practice’ guide governing the disclosure of criminal records.

#### **8.3.5 Pending changes in law or regulation**

We identified no pending changes to the laws or regulations governing criminal records disclosure in Bosnia.

#### **8.3.6 Sample disclosure**

It has not been possible to obtain a sample disclosure for Bosnia.

## **9 Bulgaria**

### **9.1 Introduction**

The criminal records of Bulgarian citizens are maintained in Criminal Records Offices located at every Regional Court in Bulgaria, and the Central Office of Criminal Records at the Ministry of Justice.

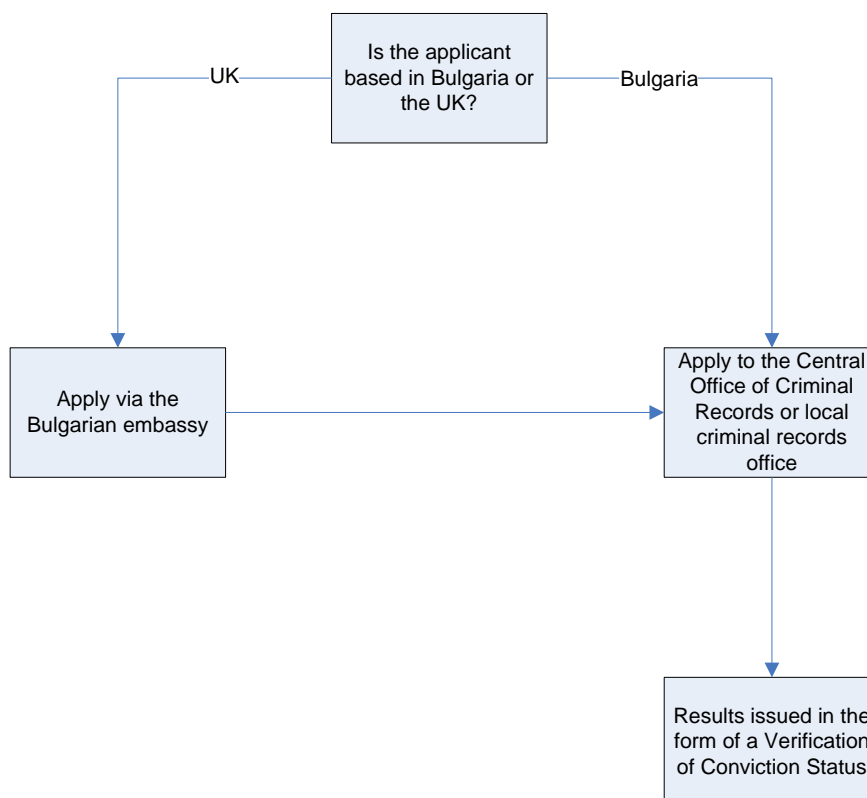
Individual Criminal Records Offices collate and keep records of the conviction status of individuals born in the relevant jurisdiction. Records are maintained for the following categories of individuals:

- those who have been convicted by the Bulgarian courts;
- those who have been subjected to administrative sanctions; and
- Bulgarian citizens convicted by a foreign court if the sentence will be served in Bulgaria.

The Criminal Record Offices issue Conviction Status Certificates and Verifications of the Conviction Status of the above categories of individuals.

The Central Office of Criminal Records collates and keeps records of the conviction status of individuals born abroad, as well as Bulgarian citizens convicted abroad. The Central Office of Criminal Records issues Conviction Status Certificates and Verifications of Conviction Status of these two categories of individuals.

A flowchart illustrating the steps for obtaining criminal records disclosure in Bulgaria is provided below:



## 9.2 Applying for disclosure

### 9.2.1 Who can apply for disclosure of criminal records?

Under Bulgarian law, any individual can apply directly to the relevant Criminal Records Office or the Central Office of Criminal Records. Applications can also be made through a Bulgarian embassy or consulate. The current legislation permits online applications but this option was not available at the time of writing.

Prospective employers can not apply for a Conviction Status Certificate. It can only be obtained by an individual and subsequently submitted to the employer.

The following categories of individuals can make an application on behalf of a third party for a Conviction Status Certificate:

- Relative of the concerned individual - i.e. the individual whose conviction status is being ascertained - provided that they have a power of attorney, issued specifically for the purpose of obtaining the certificate;

- Legal heir of the concerned individual (posthumously);
- Any third person explicitly authorized by power of attorney, certified by a notary.

The following categories of individual can make an application on behalf of a third party for Verification of Conviction Status:

- Bulgarian governmental and law enforcement bodies;
- Foreign judicial authorities;
- Foreign embassies in Bulgaria.

### 9.2.2 Categories of criminal record disclosure certificate

There are two types of criminal records disclosure issued in Bulgaria: Свидетелство за съдимост - Conviction Status Certificate and Справка за съдимост - Verification of Conviction Status.

- **A Conviction Status Certificate.** Only individuals (the “concerned individual”, i.e. the person whose criminal record shall be disclosed - Bulgarian or foreign citizen, relative or any third party with power of attorney) are entitled to apply for this type of disclosure. The Conviction Status Certificate contains the personal details of the individual, details of all convictions (if any) and the purpose of the certificate (for example employment). In case this certificate is issued for employment purposes, it will state also the exact position the concerned individual is applying for.
- **A Verification of Conviction Status.** This document can be issued only for official purposes at the request of governmental or law enforcement bodies, foreign judicial authorities or foreign embassies in Bulgaria for their citizens. The Verification of Conviction Status contains details of all convictions (if any), including convictions for which the concerned individual has been rehabilitated. The verification also contains information about all imposed administrative sanctions (if any).

### 9.2.3 What information is contained in a criminal record disclosure certificate?

A Conviction Status Certificate contains the following information:

- the individual’s full name, personal identification number, date and place of birth, nationality, names of the parents;
- details of all convictions (if any) in chronological order;
- the purpose of the certificate.

In cases where the certificate has been requested for employment purposes, it will also state the exact position (job title) to which the individual is applying. The certificate does not include convictions, for which the concerned individual has been rehabilitated. Convictions, for which the concerned individual has been rehabilitated, may be included in the certificate only if:

- The rehabilitation is *de jure* (i.e. originating from an act of legislation rather than a court decision); and
- The rehabilitation does not erase the consequences of the conviction.

The term of validity of the Conviction Status Certificate is six months from the date on which it was issued.

A Verification of Conviction Status contains the following information:

- the individual's full name, personal identification number, date and place of birth, nationality, names of the parents;
- details of all convictions (if any), including convictions for which the concerned individual has been rehabilitated.
- information about all imposed administrative sanctions (if applicable).

Under Bulgarian legislation, criminal convictions for certain categories of minor crimes can be replaced by administrative sanctions (fines). In some cases, in addition to a fine, the individual may be banned from practising his/her profession for up to three years.

No term of validity has been stipulated for Verification of Conviction Status.

#### 9.2.4 The application process

The Conviction Status Certificate can be obtained from the Criminal Records Office where the person was born or currently resides, or from the Central Office of Criminal Records.

To obtain a Conviction Status Certificate, the applicant completes an application form in hard copy. Online applications are not currently available. Sample application forms are provided at [section 9.3.7](#) (subject applicant) and [section 9.3.8](#) (third party applicant). The applications are submitted in person directly to the Criminal Records Office or the Central Office of Criminal Records. Together with the application form the applicant must present his/her ID card, the original of his/her birth certificate, as well as a receipt for a paid fee.

In case the applicant is an heir of the concerned individual he/she should also present an Heir Certificate. If the applicant is a third party, he/she should present a power of attorney, specifically authorising them to obtain a Conviction Status Certificate. The Criminal Records Office will compare the data from the application against the submitted documents. A search is then made of the electronic database of the Criminal Records Office/Central Office of Criminal Records. The Conviction Status Certificate is issued in a standard form on the same day or no later than 3 business days after the application has been submitted.

If there are no convictions, the Conviction Status Certificate or the Verification of Conviction Status will be signed and stamped by an official from the Criminal Records Office or the Central Office of Criminal Records.

If the Certificate contains convictions, they will be signed and stamped by the head of the Criminal Records Office or the head of the Central Office of Criminal Records.

To obtain a Verification of Conviction Status, the applicant body should file a request by fax or online to the relevant Criminal Records Office or the Central Office of Criminal records. This request should contain the following details:

- The individual's full name;
- The individual's personal identification number
- The individual's date and place of birth
- The individual's citizenship
- The names of the individual's parents - if known

#### 9.2.5 **Contact details**

The link below (in Bulgarian language only) contains a list of all Regional Courts where the Criminal Records Offices are located:

<http://www.juen.bg/linkove/link-ssistema.htm>

Central Office of Criminal Records

Ministry of Justice

1 Slavyanska Street

1040 Sofia

Bulgaria

Telephone: 00 359 2 92 37 355

Fax : 00 359 2 988 1142

Internet: <http://www.justice.government.bg/new/Pages/Registers/Default.aspx>

(both English and Bulgarian)

E-mail: [pr@justice.government.bg](mailto:pr@justice.government.bg)

In urgent cases and only for Verification of Conviction Status requests, the following contact details can be used:

Fax: 00 359 2 988 1142

E-mail: [pr@justice.government.bg](mailto:pr@justice.government.bg)

Bulgarian Embassy in London

186-188 Queen's Gate

London SW7 5HL

UK

Telephone: 00 44 207 584 9400

E-mail: [consul@bulgarianembassy.org.uk](mailto:consul@bulgarianembassy.org.uk)

#### **9.2.6 Costs of disclosure of criminal records**

The fee for a Conviction Status Certificate is BGN 5 (approximately EUR 2.60) if the application is made in Bulgaria. For persons born abroad who reside in Bulgaria the fee is BGN 2 (approximately EUR 1).

If the application is made via a Bulgarian Embassy abroad, the fee is EUR 20.

Acceptable types of payments are cash or bank transfer.

#### **9.2.7 Communication of results and turnaround time**

A Conviction Status Certificate will only be issued in hard copy for personal collection. Verification of Conviction Status will be issued in hard copy by post.

- **Conviction Status Certificate.** If the application is made directly to the Criminal Records Office or the Central Office of Criminal Records, the Conviction Status Certificate is issued immediately or no later than 3 business days after the submission of the application. If the application is made via a Bulgarian Embassy abroad, it would advise the applicant of the expected turnaround time. There is no fast track procedure.
- **Verification of Conviction Status.** The Verification of Conviction Status is issued on the day it was requested or no later than the next day after the request was submitted. The Central Office of Criminal Records issues the Verification of Conviction Status requested by an EU government body or judicial authority for the purpose of criminal or civil proceedings in another EU member state within 10 working days.

#### **9.2.8 Language**

In addition to Bulgarian, when a Verification of Conviction Status request is made by an EU member state or an application for a Conviction Status Certificate is made by a national of an EU member state other than Bulgaria, the verification or the certificate should be issued in their language.

If the results are not available in English, the services of certified translators and agencies can be used. They usually translate and certify the contents of official documents within 3-10 days. The cost is approximately EUR 20.

#### **9.2.9 Confirming authenticity and security measures**

In Bulgaria, there is no specific procedure for confirming the authenticity of criminal records. Most Criminal Records Offices would review a Conviction Status Certificate and advise on its authenticity.

The Conviction Status Certificate, issued by a Criminal Records Office, will contain the signatures of an official from the Criminal records Office. It also has a Registration Number located in the upper left corner under the name of the Criminal Records Office.

The Conviction Status Certificate states the date of issue and is stamped with two stamps - round and rectangular. Both stamps contain the name of the Regional Court and Criminal Records Office and the rectangular stamp contains also the inscription “ТАКСУВАНО” (“Fee Paid”).

The security measures of the Verification of Conviction Status are the same. If the Verification of Conviction Status is issued at the request of a foreign body, it will be signed by the head of the relevant Regional Court or a deputy. The official’s full name and position will be clearly stated in the document.

## 9.3 Categories of conviction and governing legislation

### 9.3.1 Types of criminal convictions disclosed

Categories of criminal conviction in Bulgaria are broadly similar to those in the UK. A glossary of Bulgarian terms and their English translations is provided below:

- “Престъпления против личността” - Crimes against the person
- “Разврат” – Sexual offences
- “Кражба” - Theft
- “Грабеж” – Robbery
- “Вещно укривателство” - Handling of Stolen Goods
- “Измама и Документни престъпления” - Fraud and Crimes Related to Documents
- “Унищожаване и повреждане” - Destruction and Damage
- “Престъпления свързани с употреба и пренасяне на наркотици” - Crimes Related to the Use and Distribution of Drugs
- “Престъпления по транспорта и съобщенията” - Transport and Communications Crimes

Other major categories of offence include Crimes Against the Republic, Crimes Against the Rights of the Citizens, Crimes Against the Economy, Crimes Against the Financial, Tax and Insurance Systems, Crimes Against Peace and Humanity.

### 9.3.2 Governing legislation

Disclosure of criminal records in Bulgaria is governed by *Regulation No 8/26.02.2008 for the Functions and Organization of the Activity of the Criminal Records Offices*. It was issued by the Minister of Justice and promulgated in the *State Gazette* (issue 24 of 4 March 2008). The relevant legislation is published online in Bulgarian only. It can be found via the following link:

<http://www.justice.government.bg/new/Pages/Legislation/Default.aspx>

### 9.3.3 Removal of conviction data

The Bulgarian Penal Code contains provisions on the removal of conviction data. This is known as ‘rehabilitation of individuals’. Under the Code, the rehabilitation erases the conviction and revokes other consequences associated with the conviction (if any). There are two kinds of rehabilitation - rehabilitation *de jure* (by enacting new legislation) and rehabilitation awarded by a court of law.

Rehabilitation *de jure* occurs in the following cases:

- When a person has been sentenced conditionally, provided that during the probation period this person has not committed another crime;
- When a person has been sentenced to up to three years imprisonment, or to probation, provided that in the course of three years following the expiry of sentence, this person has not committed any other crime punishable by imprisonment;
- When a person has been sentenced, jointly or severally, to a fine, public reprimand or deprivation of civil rights, provided that in the course of one year following the sentence this person has not committed another crime;
- When a person has been sentenced as a minor, provided that in the course of two years following the serving of the sentence this person has not committed another crime for which he/she was sentenced to imprisonment.

Rehabilitation *de jure* does not apply to individuals of age who have committed a crime after having been rehabilitated once.

In addition to rehabilitation *de jure*, any sentenced person may be rehabilitated by the court which has issued the sentence in the first instance, provided that in the course of three years following the expiry of the sentence he/she has not committed another crime punishable by imprisonment or a more severe punishment. In this case rehabilitation by court would be applicable if:

- the person has demonstrated good conduct; and
- the person has compensated any damages

The court may rehabilitate the person even if he/she has not compensated the damages, at its own discretion.

In Bulgaria, judgments will be removed from a criminal record after the sentence has been served and the following period of time has elapsed:

- |   |          |
|---|----------|
| • For life imprisonment without substitution or life imprisonment | 20 years |
| • For imprisonment of over 10 years                               | 15 years |
| • Imprisonment between 3 and 10 years                             | 10 years |

- Imprisonment between of less than 3 years 5 years
- All remaining cases 2 years

The rehabilitation process is not applicable to persons who have been convicted for committing ‘Grave Crimes Against the Republic’ and ‘Crimes Against Peace and Humanity’.

#### **9.3.4 Good practice guidance**

In Bulgaria, there is no specific ‘best practice’ or ‘good practice’ guidance governing the disclosure of criminal records.

#### **9.3.5 Pending changes in law or regulation**

We have identified no pending changes to the laws or regulations governing criminal records disclosure in Bulgaria.

### 9.3.6 Sample disclosure

**СОФИЙСКИ РАЙОНЕН  
СЪД  
БЮРО ЗА СЪДИМОСТ**  
Рег. №

ВАЖИ ЗА СРОК  
ОТ ШЕСТ МЕСЕЦА

Дата на издаване: **08.10.2008 г.**

**СВИДЕТЕЛСТВО ЗА СЪДИМОСТ**

**СОФИЙСКИ РАЙОНЕН СЪД**

УДОСТОВЕРЯВА, ЧЕ ОТ СПРАВКАТА, НАПРАВЕНА В БЮРОТО ЗА  
СЪДИМОСТ ПРИ **СОФИЙСКИ РАЙОНЕН СЪД**  
СЕ УСТАНОВИ, ЧЕ ЛИЦЕТО:

ЕГН:  
РОДЕН(А) НА:  
РОДЕН(А) В: **гр. София обл. Столична обл. София**  
ГРАЖДАНСТВО: **България**  
АДРЕС:  
  
МАЙКА:  
БАЩА:

**НЕ Е ОСЪЖДАНО**

НАСТОЯЩОТО ВАЖИ ЗА: "ЪРГ"

Служител Бюро "Съдимост": \_\_\_\_\_

**СОФИЙСКИ РАЙОНЕН СЪД  
БЮРО ЗА СЪДИМОСТ**  
**НЕ Е ОСЪЖДАНО**

Стр. 1 от 1

### 9.3.7 Sample application form (subject)

за друго лице	<b>Образец 2 – За издаване на свидетелство за съдимост</b>  <b>ДО</b> <b>МИНИСТЕРСТВО НА</b>  <b>ПРАВОСЪДИЕТО</b>  <b>ЦЕНТРАЛНО БЮРО ЗА</b>  <b>СЪДИМОСТ</b>  <b>М О Л Б А</b>
От ..... ..... .....	..... ..... .....
/пълномощник и/или наследник/	
ЕГН/ЛНЧ ..... .....	Адрес: ..... .....
<b>За издаване на свидетелство за съдимост на:</b>	
..... ..... .....	
/трите имена/	
..... ..... .....	
/трите имена по рождение/	
ЕГН/ЛНЧ ..... .....	роден/а/ ..... на ..... .....
В ..... държава ..... .....	гр./с/ ..... .....
Адрес в България: гр./с./ ..... общ. .... .....	
Обл. .... ул. .... № ..... вх. ...., ап. ....	
Гражданство: ..... .....	

### 9.3.8 Sample application form (third party)

<p>за друго лице</p>	<p><b>Образец 2 – За издаване на свидетелство за съдимост</b></p>
<p><b>ПРАВОСЪДИЕТО</b></p> <p><b>СЪДИМОСТ</b></p>	<p><b>ДО</b></p> <p><b>МИНИСТЕРСТВО НА</b></p> <p><b>ЦЕНТРАЛНО БЮРО ЗА</b></p>
<p><b>М О Л Б А</b></p>	
<p>От</p> <p>.....</p> <p>.....</p>	<p style="text-align: center;">/пълномощник и/или наследник/</p>
<p>ЕГН/ЛНЧ</p> <p>.....</p>	<p>Адрес:</p> <p>.....</p>
<p><b>За издаване на свидетелство за съдимост на:</b></p>	
<p>.....</p> <p style="text-align: center;">/трите имена/</p> <p>.....</p>	
<p>.....</p> <p style="text-align: center;">/трите имена по рождение/</p>	
<p>ЕГН/ЛНЧ</p> <p>.....</p>	<p>....., роден/а/ на</p> <p>.....</p>
<p>В</p> <p>.....</p>	<p>държава</p> <p>....., гр./с/</p> <p>.....</p>
<p>Адрес в България: гр./с./</p> <p>....., общ.</p> <p>.....</p>	
<p>Обл. ...., ул. ...., № .....</p> <p>вх....., ап. ....</p>	
<p>Гражданство:</p> <p>.....</p>	

## 10 Croatia

### 10.1 Introduction

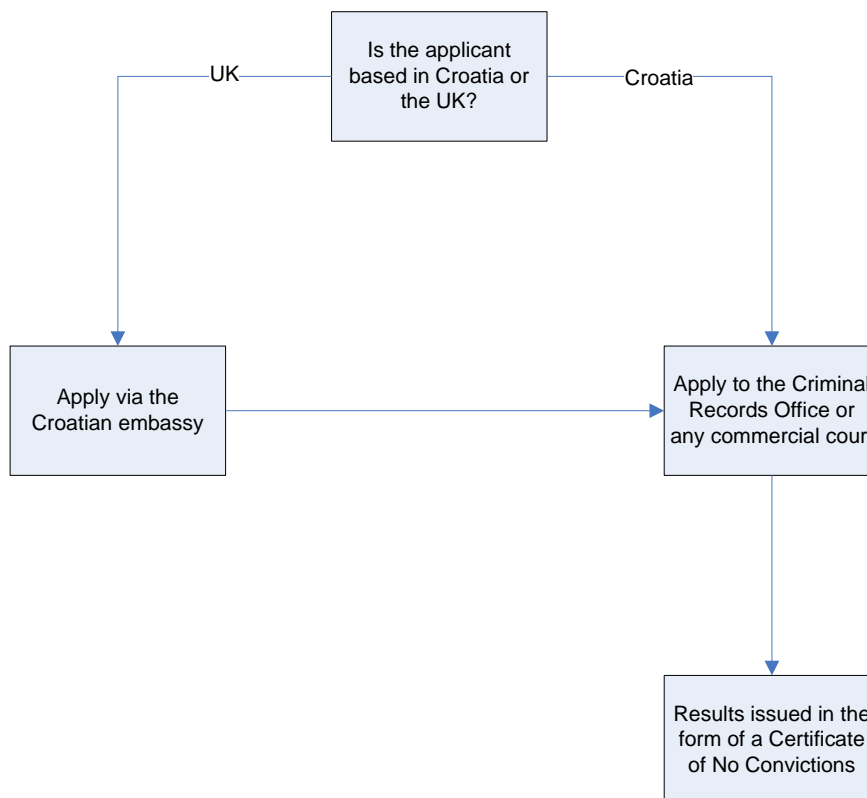
In Croatia, a central repository of criminal record information is maintained at the Criminal Records Section (*Odjel Kaznene Evidencije*) (CRS) in Zagreb. The CRS is based at the offices of the Ministry of Justice.

The CRS is ultimately responsible for processing all applications for criminal records information. However, applications can be filed in a commercial court of which there are approximately 13 across Croatia.

Applications for criminal records disclosure in the form of a Certificate of No Convictions (*Potvrda o nekaznjavanju*) (CNO) can be made to the CRS.

According to guidance issued by the Ministry of Justice, a UK prospective employer or third party can submit a request for criminal records disclosure of a prospective employee with the written consent of an individual.

A flowchart illustrating the steps for obtaining criminal records disclosure in Croatia is provided below:



## 10.2 Applying for disclosure of criminal records

### 10.2.1 Who can apply for disclosure of criminal records?

Residents, non-residents, citizens and non-citizens who have resided in Croatia for a significant period may apply directly for disclosure or may provide consent to a legally authorised representative.

Applications for a CNO are filed at the Ministry of Justice in Zagreb or a commercial court in any Croatian city.

Applications filed from overseas are also accepted at the Croatian embassy in London.

A legally authorised representative may apply for criminal records disclosure on behalf of an individual with the written consent of an applicant.

A prospective UK employer can apply for criminal records disclosure with the written consent of an individual.

### 10.2.2 Categories of criminal record disclosure certificate

There is only one type of criminal records disclosure issued by the CRS in the form of a Certificate of No Convictions (*Potvrda o nekaznjavanju*) (CNO). According to guidance issued by the Ministry of Justice, a CNO states whether or not there is a conviction registered against the name of an individual. It contains information relating to all criminal convictions, including economic and financial crime.

It is also possible to obtain information relating to pending criminal or legal proceedings against an individual. This is issued in the form of a Sentencing Certificate (*Potvrda o kaznenom postupku*). A Sentencing Certificate is issued by a municipal court under jurisdiction of the applicant's residential area.

For the purpose of this document, we have provided information on criminal records disclosure in the form of a CNO.

### 10.2.3 What information is contained in a criminal record disclosure certificate?

The information contained in CNO includes the following:

- Name and surname of the applicant;
- Address;
- Details of convictions (where relevant);
- Details of proceedings which may restrict an individual from performing certain duties (where relevant).

#### 10.2.4 **The application process**

There are three main routes for applying for criminal records disclosure. These are via the CRS, the Zagreb Commercial Court or the relevant Croatian embassy in the domiciled country.

The CRS accepts requests for criminal records disclosure by registered mail in person. It does not accept requests by telephone, e-mail or fax.

An applicant may download an application form for a criminal record check from the Ministry of Justice website or the Zagreb Commercial Court. A link to each of these, available in Croatian only, is provided below:

- Ministry of Justice for a CNO:

<http://www.pravosudje.hr/default.asp?gl=200810060000003>

- Zagreb Commercial Court for a CNO:

<http://www.tszg.hr/cro/Djelokrug-Suda/Potvrde>

##### Applications for a CNO via the Ministry of Justice or the Zagreb Commercial Court

Applications for a CNO can be submitted directly to the Ministry of Justice or the Zagreb Commercial Court.

The Ministry of Justice accepts applications in person or via registered mail. Applications from a prospective UK employer may be sent direct to The Ministry of Justice provided they are accompanied with the written consent of an individual.

The Zagreb Commercial Court accepts applications in person only. Applications from a third party on behalf of an individual may be sent direct to the commercial court. Third party applicants are required to produce the written consent of an individual and identification documents relating to the applicant.

An applicant is required to complete an application form, attach a stamp equivalent to the amount of HRK40 (approximately £4.80), including a photocopy of a valid form of identification (e.g. a passport).

The CRS also accepts applications for a CNO that are submitted from third party representatives with a power of attorney.

For an application via the Zagreb Commercial Court, a tax stamp equivalent to the amount of HRK30 (approximately £3.60) is required.

### Applications via the Embassy of Croatia in the UK

According to the Ministry of Justice, it is possible to apply for a CNO via the Croatian embassy in the UK or elsewhere.

There is no formal process for overseas applications of criminal records disclosure. Applicants are advised to contact the UK embassy for further information.

#### **10.2.5 Contact details**

The national body from which to obtain criminal records checks is the Criminal Records Office.

The address is as follows:

Ministry of Justice  
Criminal Records Section  
Address: Savska cesta 41/25  
10 000 Zagreb  
Croatia  
Telephone: 00385 1 64321 777 and 00385 1 6321 700  
Internet: <http://www.pravosudje.hr>

Applications can also be submitted via the Embassy of Croatia in the UK. The contact details are:

21 Conway Street  
London  
W1T 6BN  
Telephone: 0044 20 7387 2022  
Fax: 0044 20 7387 0310  
Internet: <http://ukincroatia.fco.gov.uk/en/>

#### **10.2.6 Costs of disclosure of criminal records**

The fee for processing each application for criminal records disclosure varies and is determined by the issuing authority.

The Ministry of Justice requires that a tax stamp of the equivalent amount of HRK40 (approximately £4.75) should be attached to each application.

The Zagreb Commercial Court requires that a tax stamp of the equivalent amount of HRK30 (approximately £3.50) should be attached to each application.

#### **10.2.7 Communication of results and turnaround times**

Disclosure in the form of a CNO is available in hard copy. The document can be collected in person at the Ministry of Justice or the Zagreb Commercial Court.

It is not possible to obtain results of criminal record checks verbally or by e-mail.

Applications for a CNO submitted at the Ministry of Justice are issued within two days. These may be collected in person or returned to the applicant by post to the address supplied in the application form. Those that are applied for at a Commercial Court are issued on the spot on a daily basis between 9.00am and 11.30am.

Applications via the relevant Croatian embassy are returned to the applicant by registered mail.

There is no system in place for fast-track disclosure of priority cases.

#### **10.2.8 Language**

Certificates of criminal records disclosure are issued in Croatian. The Ministry of Justice may provide a translation service if required. Alternatively, they may offer a list of official and certified external providers to an applicant.

The Commercial courts do not provide an in-house translation service.

#### **10.2.9 Confirming authenticity and security measures**

Criminal data is governed by the Croatian Criminal Code which ensures the security of information released to the public. The Code outlines various restrictions in relating to criminal data.

Results of criminal record checks are presented to the applicant in person. The information relating to convictions if identified is marked by the issuing officer on the certificate. The issuing officer at the relevant authority is responsible for verifying the identity of an individual. The individual is required to present valid identification documents and a passport.

Documents issued by post are delivered by registered mail directly to the applicant.

### **10.3 Categories of conviction and governing legislation**

#### **10.3.1 Types of criminal convictions disclosed**

The following major categories of conviction exist in Croatia under various sections of the Criminal Code 1998, as amended:

- Violence against the person: Tjelesna ozljeda -Bodily Injury; Teška tjelesna ozljeda - Aggravated Bodily Injury (Article 98-99);
- Sexual offences: Kaznena djela protiv spolne slobode I spolnog cudoreda - Criminal offences against sexual freedom and sexual morality (Article 188);
- Burglary, Robbery, Theft and handling of stolen goods: Kaznena djela protiv imovine - Criminal offences against property (Article 216);

- Fraud and forgery: Ostecenje i uporaba tuđih podataka, Prijevara - Computer Forgery, Fraud (Article 223-224)
- Criminal damage: Unistenje i ostecenje tuđe stvari - Malicious Mischief (Article 222);
- Drug offences: Zloupotreba opojnih droga - Abuse of Narcotic Drugs (Article 173);
- Motoring offences: Izazivanje prometne nesreće - Endangering Road Traffic (Article 272).

### 10.3.2 Governing legislation

The issuance of criminal records information is governed by the Croatian Criminal Code 1998, as amended, which makes reference to the use of the criminal record data. Article 86 of the Code states the following:

- Criminal record data may be given only to courts and State Attorney's offices when criminal proceedings are conducted against the subject of the data, or when the proceedings for a pardon are pending.
- Criminal record data may, in exceptional circumstances, be given to governmental bodies, upon request, and in connection with specific employment or public service. This data is entrusted to subject of the data.
- Criminal records may be used by the police force for the purpose of discovering the perpetrator of a criminal offence. The data shall be maintained on a confidential basis.
- No one has the right to demand that citizens submit evidence about their being convicted or not convicted.
- A citizen shall have the right to demand data from the criminal records office for his own use, upon proof that the data is required for the purpose of exercising their rights in a foreign state.

The unofficial English version of this Code is available on the Croatian Supreme Court Website. A link to this is provided below:

[http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation\\_Criminal-Code.pdf](http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation_Criminal-Code.pdf)

### 10.3.3 Removal of conviction data

Technically, criminal convictions remain on record in the database for an indefinite period. However, under Article 16 of the Rules of Criminal Records, they may no longer appear on criminal records under certain conditions. These include convictions expunged by the Ministry of Justice in the following circumstances:

- The rehabilitation of a criminal offence occurs provided that no further offences are committed within the prescribed time period after the sentence is invoked;
- On the basis of a court decision;

- On the basis of the decision of the authority responsible for granting amnesty or pardons.

Expunged convictions are removed from the electronic database and archived. However, a criminal record may be made available for professional and scientific research purposes under certain conditions specified by law. As such, a CNO will not show details of expunged convictions.

#### **10.3.4 Good Practice Guidance**

No specific good practice guidance is available.

#### **10.3.5 Pending changes in law or regulation**

As at February 2009, there are no pending changes in law or regulation that may affect criminal records disclosure in Croatia.

#### **10.3.6 Sample disclosure**

It has not been possible to secure a CNO from the Zagreb Commercial Court.

A CNO is printed on A4 sized white paper. Each page of the certificate is stamped and signed by a court official.

## 11 Cyprus

### 11.1 Introduction

In Cyprus, the criminal records repository is retained by the Criminal Investigations Office which is part of the Cyprus Police and is affiliated to the Cyprus Ministry of Justice. It was established in 1960, upon creation of the Cyprus Republic. It contains all criminal convictions issued by the Cypriot courts<sup>35</sup>. Information is archived and retained for the lifetime of an individual.

Private citizens can apply for a Certificate of Character. This may also be known as a Certificate of Clear Criminal Record (“Πιστοποιητικό Λευκού Ποινικού Μητρώου”), if the subject has no criminal history or, a Certificate of Criminal Record (“Πιστοποιητικό Ποινικού Μητρώου”) if subjects have a criminal record.<sup>36</sup>

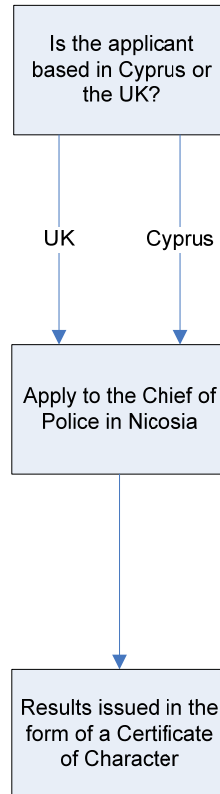
Applications may be made either in person at the central police station in Nicosia or, if made from overseas, by post. For applications made from overseas the High Commission of the Republic of Cyprus in London provides the relevant application form which the applicant sends directly to the Chief of Police in Nicosia.

A flowchart illustrating the steps for obtaining criminal records disclosure in Cyprus is provided below:

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<sup>35</sup> This dates back to the creation of the Cyprus Republic in 1960. Records also include those kept by the British colonial authorities during the 1950s.

<sup>36</sup> In this document we refer to the disclosure certificate as the Certificate of Character unless otherwise specified.



## 11.2 Applying for disclosure

### 11.2.1 Who can apply for disclosure of criminal records?

Only the applicant or an authorised representative may request a copy of their Certificate of Character. A power of representation for a third party is usually given only to close family members or friends.

### 11.2.2 Categories of criminal record disclosure certificate

The relevant disclosure certificate for pre-employment screening purposes is the Certificate of Character, which is the most comprehensive criminal disclosure document available in Cyprus. The Certificate provides disclosure of criminal convictions of the individual based on the Cyprus Penal Code.

There are two other forms of criminal records disclosure certificates available, although these would not be relevant to a UK employer:

- The Good Character Certificate provides information on traffic convictions such as driving under the influence of alcohol, sexual offences in the car and cause of death or accident due to careless driving. This certificate is required in Cyprus to obtain a

professional driving licence for taxis and buses. If the individual is convicted of any of the above offences, they will not be granted a licence.

- The Credibility Certificate also provides information on traffic convictions (such as those outlined above) and is required for applications of professional driving licences for heavy goods vehicles.

### 11.2.3 What information is contained in a criminal record disclosure certificate?

A Certificate of Character includes the personal identity details of the subject. First-time sentences of less than three months of imprisonment or a fine of less than €1,700 do not appear on the certificate (unless the individual is convicted for a major offence under the Cyprus Penal Code) but are recorded in the Crime Registry database. Information held in the database relates to:

- Convictions (imprisonments and fines) by Cypriot courts of Cypriot nationals or foreign nationals residing in Cyprus or foreign national that have resided in Cyprus for at least six months

The Certificate of Character released to the applicant contains the following information:

- Name and identity details of the applicant;
- Receipt number proving that the certificate has been paid for.

If the subject has a criminal history, the Certificate of Character will refer to the conviction by giving the following information:

The *<individual name>* with ID number *<id#>* has the following criminal conviction(s):

Date Convicted, Offence, Sentence.

### 11.2.4 The application process

There are two ways to apply for a Certificate of Character: in person at the Chief of Police in Nicosia; or, by post. Individuals living overseas can send their application form to the Chief of Police in Nicosia.

#### *In person*

- Applicants need to present themselves at the Cyprus Police Headquarters, Criminal Records Office Department C (C.I.D.)<sup>37</sup> to fill out the application form which can be obtained on-line either in [Greek](#) or [English](#). Applicants are requested to provide their passport number, identity card number and the purpose for which the certificate is required. Non-Cypriot nationals need to include their residency permit known as the “pink slip”.

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<sup>37</sup> C.I.D. stands for Criminal Investigation Department.

- The application form is to be accompanied with proof of identity, a birth certificate<sup>38</sup> and, a letter of authorisation if the application is being made by a third party.

*By post*

- Applicants living overseas must complete the application form, indicating the purpose of their application. The form can be downloaded [on-line](#). Alternatively, the High Commission of Cyprus in London can provide applicants with an application form.
- Applications must include a photocopy of the applicant's passport and a postal order of £16 to be issued to the Chief of Police in Nicosia.
- All documentation is sent directly by the applicant to the Chief of Police in Nicosia which will issue the Certificate of Character directly to the applicant.<sup>39</sup>

### 11.2.5 Contact details

For applications in person, the address of the Chief of Police in Cyprus is:

Cyprus Police – Crime Registry Office  
Evangelou Floraki  
1478 Nicosia  
Cyprus  
Telephone: 00357 22 8080 80  
Fax: 00357 22 8087 14  
Internet: <http://www.police.gov.cy>  
E-mail: [mechristodoulou@police.gov.cy](mailto:mechristodoulou@police.gov.cy)

Postal applications need to be sent to the following address:

Chief of Police  
Police Headquarters  
P.O. Box No. 2022  
Nicosia  
Cyprus

Applicants living in the UK may obtain an application form from the High Commission of Cyprus. The contact details are:

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<sup>38</sup> In practice this is not actually requested even though this is documented.

<sup>39</sup> Please note that application procedures from overseas may vary according to the jurisdiction. The Cypriot Consulate General in Germany (for example) requires applicants to present themselves in person at the Consulate. The completed application form is to be accompanied by two passport pictures and a photocopy of the applicant's birth certificate. If the applicant is a non-Cypriot national, proof of identity is through a residence permit. All documents will be verified and certified by the Cypriot Consulate in Germany. The application cost is €17.09 and a certification fee of €8.54 will be charged. Costs may be paid in cash at the Consulate. All documentation is to be sent together with proof of payment to the Chief of Police in Nicosia which will issue the Certificate of Character directly to the applicant.

High Commission of the Republic of Cyprus  
13 St James's Square  
London SW1Y 4LB  
Telephone: 0044 (0)20 73214 100  
Fax: 0044 (0)20 7314 165/164  
E-mail: [cyprusconsulate@btconnect.com](mailto:cyprusconsulate@btconnect.com)  
Internet: [www.mfa.gov.cy/highcomlondon](http://www.mfa.gov.cy/highcomlondon)

#### **11.2.6 Costs of disclosure of criminal records**

If the application is made from the UK the cost for obtaining a Certificate of Character is £16 to be paid by postal order.

If the application for a Certificate of Character is made in person directly to the Chief of Police in Nicosia, the cost is €17.08, to be paid in cash or by a crossed cheque made payable to the Chief of Police at the Accounts Office of the Police Headquarters or at the Accounts Office of any Divisional Police Headquarters. The bank account of the Cyprus Police at the Cyprus Central Bank used for remittances is:

CY16001000010000000006001010.

#### **11.2.7 Communication of results and turnaround time**

Results of an overseas application may take around one week to deliver and will be sent by post to the applicant directly. There is no official fast-track system in place.

Results of an application filed directly at the Crime Registry Office of the Police Headquarters will be issued immediately in hard copy.

#### **11.2.8 Language**

Certificates of Character are issued in Greek. A request may be made for disclosure in English. For any other languages, applicants may engage the translation services of the Cyprus [Press and Information Office](#).

#### **11.2.9 Confirming authenticity and security measures**

Identity verification of applicants is conducted by the registry officer accepting the application.

The Certificate of Character carries the official stamp of the Crime Registry Office and is signed by the relevant police officer. The signature of all police officers is authorised by the Cyprus Police Chief. A signature sample of all authorised police officers is at the Ministry of Foreign Affairs. All issued certificates are also kept on a hardcopy register.

## 11.3 Categories of conviction and governing legislation

### 11.3.1 Types of criminal convictions disclosed

Some of the main criminal convictions in Cyprus are as follows:

- Sexual offences (“Αδικήματα κατά των Ηθών”)
- Burglary and/or attempted to (“Διάρρηξη ή/και απόπειρα”)
- Robbery and/or attempt to (“Ληστεία ή/και απόπειρα”)
- Criminal damage (“Ενάντια στη Δημόσια Τάξη”)
- Drug offences (“Εμπορία και Διακίνηση Ναρκωτικών”)
- Homicide and/or attempted homicide (“Ανθρωποκτονία ή/και απόπειρα”)
- Arson and/or attempted arson (“Εμπρησμός ή/και απόπειρα”)
- Offences involving explosives (“Κατοχή ή/και διακίνηση Εκρηκτικών Υλών”)
- Possession, use and/or carrying of illegal weapons (“Κατοχή, χρήση ή/και μεταφορά απαγορευμένου όπλου”)
- Fraud and forgery (“Απάτη & Πλαστογραφία”)
- Theft and handling of stolen goods (“Κλοπή και διακίνηση κλεμμένων αγαθών»)

### 11.3.2 Governing legislation

Cyprus’ [Police Law 73](#) (I) from 2004 and [Personal Data Law 138](#) from 2001 governs the disclosure of criminal records.

### 11.3.3 Removal of conviction data

In Cyprus, convictions generally cannot be removed from an individual’s criminal record. However, pursuant to the [Rehabilitation Law](#) and contingent on the type of punishment issued by the court some offences may not be included on the certificate after a specified period of time known as the “rehabilitation period”. The rehabilitation period is dependent on the type of punishment and the subject’s age. These are as follows:

- One to two years of imprisonment:
  - Five years if 21 years of age or above;
  - Two and a half years if under 21 or a member of the Cyprus Police;
  - One and a half years if younger than 18.
- Six to twelve months of imprisonment:
  - Four years if 21 years of age or above;
  - Two years if under 21 or a member of the Cyprus Police;
  - One year if younger than 18.
- Fines of more than €512.58 or any other sentence not exempt from rehabilitation:



- Two years if 21 years of age or above;
- One year if under 21 or a member of the Cyprus Police;
- Direct rehabilitation if younger than 18.
- Fines of up to €512.58:
  - One year if 21 years of age or above;
  - Direct rehabilitation if under 21 or a member of the Cyprus Police;
  - Direct rehabilitation if younger than 18.

#### **11.3.4 Good practice guidance**

Good practice guidance is not available but the [Citizens Rights Charter](#) provides some basic information in English.

#### **11.3.5 Pending changes in law or regulation**

The Cyprus Crime Registry Office advised that as an additional security feature the inclusion of a watermark on the certificate issued is being envisaged. No time frame was indicated.

ΚΥΠΡΙΑΚΗ		ΔΗΜΟΚΡΑΤΙΑ
ΥΠΟΥΡΓΕΙΟ ΔΙΚΑΙΟΣΥΝΗΣ ΚΑΙ ΔΗΜΟΣΙΑΣ ΤΑΞΕΩΣ		
<b><u>ΑΣΤΥΝΟΜΙΑ ΚΥΠΡΟΥ</u></b>		
<b>ΠΙΣΤΟΠΟΙΗΤΙΚΟ ΛΕΥΚΟΥ ΠΟΙΝΙΚΟΥ ΜΗΤΡΩΟΥ</b>		
Αριθμός Απόδειξης: 18359	Λευκωσία, 10/07/2008	
Βεβαιούται ότι ο/η [redacted] από [redacted] ΚΥΠΡΟΣ δεν έχει οποιαδήποτε προηγούμενη καταδίκη.		
<b>Ο έλεγχος έγινε από τα αρχεία που τηρούνται στο Αρχείο Προηγούμενων Καταδικών που τηρεί η Αστυνομία της Κυπριακής Δημοκρατίας.</b>		
ΔΙΑΒΑΤΗΡΙΟ/ ΔΕΛΤΙΟ ΤΑΥΤΟΤΗΤΑΣ	<b>ΥΠΗΚΟΟΤΗΤΑ</b> (μόνο για αλλοδαπούς)	
Αρ. [redacted]		
Ημερομηνία Έκδοσης [redacted]		
Τύπος Έκδοσης [redacted]		
Αρ.Δ.Τ. [redacted]		
		
..... Αρχηγός Αστυνομίας ..... Υπαστυνόμος		

## 12 Czech Republic

### 12.1 Introduction

In the Czech Republic, a central repository of criminal record information is maintained at the Criminal Records Office (*Rejstřík Trestů*) in Prague. The Criminal Records Office (CRO) is a state funded institution and is based at the offices of the Ministry of Justice.

The CRO operates a Penal Register which maintains information relating to persons convicted of criminal offences. Data held in files is searched by the surname of an individual at birth.

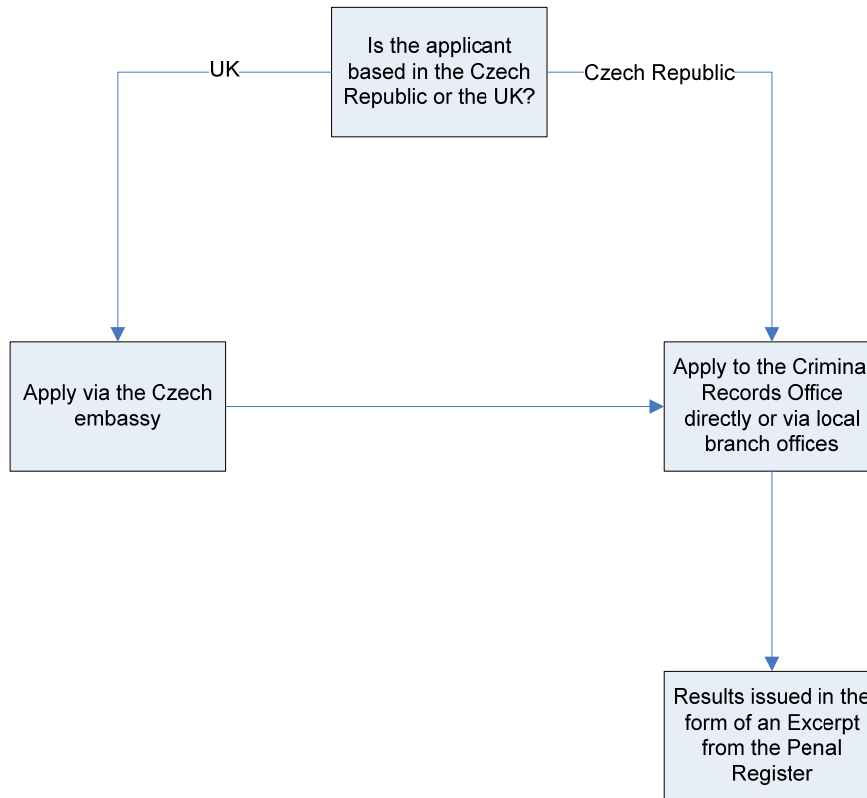
The CRO is ultimately responsible for processing all applications for criminal records information. However, applications can be filed across regional branches, local authorities or Czech Point offices (*Český Podací Ověřovací Informační Národní Terminál*). These are located at approximately 2500 municipal and regional authorities and selected post office branches and Czech embassies.

Applications for criminal records disclosure in the form of an Excerpt from the Penal Register (*Výpis z Rejstříku Trestů*) or Copy of Entry from the Penal Register (*Opis z Rejstříku Trestů*) can be made to the CRO.

An Excerpt from the Penal Register (Excerpt) is issued to an individual for general employment purposes. A Copy of Entry from the Penal Register (Copy) is issued only to a government authority.

According to guidance issued under Section 316 of Act No 262/2006 of the Labour Code, a UK prospective employer cannot submit a request (directly or through a third party) for criminal records disclosure of a prospective employee. However, the validity of a criminal records check presented by an individual to a prospective employer can be verified online.

A flowchart illustrating the steps for obtaining criminal records disclosure in the Czech Republic is provided below:



## 12.2 Applying for disclosure of criminal records

### 12.2.1 Who can apply for disclosure of criminal records?

Residents, non-residents, citizens and non-citizens who have resided in the Czech Republic for a significant period may apply directly for disclosure or may provide consent to a legally authorised representative.

Regional branches of the CRO accept applications for Excerpts. Applications filed from overseas are also accepted at the embassy of the Czech Republic in the relevant country.

A legally authorised representative may apply for criminal records disclosure on behalf of an individual with the written consent of an applicant.

According to guidance issued under Section 316 of Act No 262/2006 of the Labour Code, a prospective employer cannot submit a direct request for criminal records disclosure of a prospective employee.

However, a prospective UK employer can verify a criminal record of a prospective employee by checking the validity of an Excerpt online using the relevant number and

name of the subject. A link to the website of the Ministry of Justice, in Czech, is provided below<sup>40</sup>:

<http://portal.justice.cz/soud/soud.aspx?j=213&o=203&k=2027&d=284858>

### 12.2.2 Categories of criminal record disclosure certificate

In the Czech Republic, there are two types of criminal records disclosure issued by the CRO in the form of an Excerpt from the Penal Register (*Výpis z Rejstříku Trestů*) or Copy of Entry from the Penal Register (*Opis z Rejstříku Trestů*).

According to Act No. 269/1944 of the Penal Register, as amended, **An Excerpt from the Penal Register** is issued to an individual based on written request by the individual. An Excerpt contains information relating to convictions that have not been expunged, including information about punishable offences and sentences.

**A Copy of Entry from the Penal Register** is issued for the purpose of criminal proceedings upon request by the relevant judicial authorities including the Ministry of Justice. A Copy contains information relating to convictions registered against an individual, including data relating to punishable offences, sentences and expunged convictions. This is not available to the public or to the individual.

For the purpose of this document, we have excluded further references to a Copy of Entry from the Penal Register. Our research is based on the application process for an Excerpt from the Penal Register as it relates to an individual.

### 12.2.3 What information is contained in a criminal record disclosure certificate?

The information contained in an Excerpt includes the following:

- Application number;
- Name and surname of the applicant;
- Family name;
- Date of birth;
- Place of birth;
- Sex;
- Nationality;
- Citizenship; and
- Details of convictions (where relevant).

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<sup>40</sup> An unofficial, translated version of the procedure for criminal records disclosure is available in English on the website of the Ministry of Justice.

#### **12.2.4 The application process**

There are two main routes for applying for criminal records disclosure online and in person. These are via the CRO (including its regional offices) or the relevant embassy of the Czech Republic in the domiciled country. The CRO does not accept requests for criminal records disclosure by e-mail, fax, telephone or post. However, there are exceptions for overseas requests filed at the relevant embassy where postal applications are accepted.

##### Online Applications via the Criminal Records Office

The CRO accepts online applications for an Excerpt provided the applicant has obtained a certificate from the relevant authorities licensed to issue electronic signatures. The file is submitted to the CRO online.

A link to the application form for an Excerpt in Czech is provided below:

<https://epodatelna.rejtr.justice.cz/webform/zadostOSFillIn.jsp?zadostTyp=V>

Payment for electronic applications is made by transfer to the account of the CRO. The Excerpt is sent to the applicant's address as stated in the application.

##### Applications via the Criminal Records Office and other regional offices

Applications for an Excerpt can be filed in person at the CRO or regional offices. An individual can obtain an application form (SEVT 17 157 0) at the relevant office.

An individual must produce an original copy of a valid identity card. This can be in the form of a citizen's identity card, a passport or a foreigner's residency permit. A legally authorised representative submitting an application on behalf of an individual is also required to produce notarised identification documents, including a sworn translation into English. The identity of an individual and information supplied in an application form are verified upon application.

The applicant settles the fee, payable in the form of a tax stamp in cash, to the relevant office.

Applications submitted through a regional office are forwarded to the CRO for processing.

##### Applications via Czech Point offices

As of 1 January 2008, individuals can apply for Excerpts at any Czech Point office. An authorised staff member at the relevant Czech Point office verifies the identity of the applicant and submits an electronic application to the CRO. The CRO returns the Excerpt in electronic form, which is printed out by the Czech Point staff. The official adds a

clause to the Excerpt to authenticate the document. The applicant confirms with a signature that the Excerpt has been presented and pays the fee of CZK 50 in cash.

#### Applications via the Embassy of the Czech Republic in the UK

An Excerpt can be obtained from the Embassy of the Czech Republic in London through the Czech Point system. Applicants are requested to arrange for an appointment with the consular office. The application needs to be submitted by the applicant in person. The identity documents are verified and an Excerpt (in Czech only) is issued immediately. The consular fee is CZK 200, to be paid in cash at the embassy or by postal order.

#### **12.2.5 Contact details**

The national body from which to obtain criminal records checks is the Criminal Records Office. The address is:

Rejstřík Trestů Praha  
Soudní 1  
140 66 Praha 4  
Telephone: 00420 244 006 111  
E-mail: [rejstrik@rejtr.justice.cz](mailto:rejstrik@rejtr.justice.cz)

Applications can also be submitted via the Embassy of the Czech Republic in the UK. The contact details are:

26-30 Kensington Palace Gardens  
London  
W8 4QY  
Telephone: 0044 20 7243 1115  
Fax: 0044 20 7727 9654  
Internet: <http://www.mzv.cz/london/en/index.html>

#### **12.2.6 Costs of disclosure of criminal records**

The fee for processing each application is CZK 50 (approximately £1.50) payable in the form of a tax stamp which can be obtained at the CRO or a relevant branch office. This fee is payable by electronic transfer for applications submitted electronically.

#### **12.2.7 Communication of results and turnaround times**

Disclosure in the form of an Excerpt is available in hard copy. The document can be collected in person at the CRO, relevant regional office or foreign embassy.

Applications for an Excerpt submitted electronically will be returned to the applicant in the same form. However, these cannot be used for official purposes. The CRO or relevant authority will also send a hard copy version to the applicant.

It is not possible to obtain results of criminal record checks verbally or by e-mail.

Excerpts based on applications that have been submitted in person at the CRO are issued immediately. Applications filed at a regional branch of the CRO are issued within three weeks. These are returned by post to the address supplied in the application form.

There is no system in place for fast-track disclosure of priority cases.

#### 12.2.8 **Language**

Certificates of criminal records disclosure are issued in Czech. Official, certified translators provide a translation service.

A link to the website in Czech is provided below:

[http://datalot.justice.cz/justice/repznatl.nsf/\\$\\$SearchForm?OpenForm&Seq=4](http://datalot.justice.cz/justice/repznatl.nsf/$$SearchForm?OpenForm&Seq=4)

The fee ranges from CZK 500 to 1500 (approximately £15.50 and £46.50).

#### 12.2.9 **Confirming authenticity and security measures**

An official of the CRO, its regional offices or Czech point office is responsible for verifying the content of a criminal records check. Certificates are issued with an official stamp and a signature of the relevant staff member. Each certificate contains a unique number that can be used to check the validity of an Excerpt.

Results of criminal record checks are presented to the applicant in person. Documents issued by post are delivered by registered mail directly to the applicant.

### 12.3 **Categories of conviction and governing legislation**

#### 12.3.1 **Types of criminal convictions disclosed**

The following major categories of conviction exist in the Czech Republic:

- Violence against the person: Crimes against life and health, include Murder, Bodily Harm, Manslaughter, etc [Trestné činy proti životu a zdraví], Violence against a group of citizens and against an individual [Násilí proti skupině obyvatelů a proti jednotlivci];
- Sexual offences: Sexual abuse [Pohlavní zneužívání], Distribution of pornography [Šíření pornografie], Keeping child pornography [Přechovávání dětské pornografie], Abuse of child for production of pornography [Zneužití dítěte k výrobě pornografie], Threatening moral upbringing of youngsters [Ohrožování mravní výchovy mládeže], Rape [Znásilnění], Incest [Soulož mezi příbuznými];
- Burglary, Robbery, Theft and handling stolen goods: Burglary [Krádež vloupáním], Robbery [Loupež], Theft [Krádež], Handling stolen goods [Podílnictví];
- Fraud and Forgery: Fraud [Podvod], Forging money [Padělání a pozměňování peněz], Handling forged money [Udávání padělaných a pozměněných peněz], Production and handling of forgery tools [Výroba a držení padělatelského náčiní];

- Criminal damage: Crimes against property [Trestné činy proti majetku], Embezzlement [Zpronevěra], Money Laundering [Legalizace výnosů z trestné činnosti];
- Drug offences: Illegal production and holding of narcotic and psychotropic substances and drugs [Nedovolená výroba a přechovávání omamných a psychotropních látek a jedů];
- Motoring offences: Driving without a driving licence [Řízení motorového vozidla bez řidičského oprávnění].

### 12.3.2 **Governing legislation**

The issuance of criminal records information is governed by Act No 269/1994 on the Penal Register, as amended. This covers the establishment and maintenance of the Penal Register, types of records maintained in the register, definition of the types of criminal records disclosure, eligible applicants, the procedure for applying and issuing disclosure and the exchange of information about convictions among EU Member States.

### 12.3.3 **Removal of conviction data**

Technically, criminal convictions remain on record in the database for an indefinite period. However, they may no longer appear on Excerpts under certain conditions. These include convictions expunged on the basis of a request by the convicted person provided the sentence has been served and statutory conditions have been fulfilled.

Copies of Entry from the Penal Register, on the other hand, will show all convictions, whether conditional or unconditional, served or being served, including any that have been expunged.

### 12.3.4 **Pending changes in law or regulation**

A new Criminal Code was approved by the Chamber of Deputies (the lower chamber of the Czech Parliament) on 11 November 2008 and by the Senate (the upper chamber of the Czech Parliament) on 8 January 2009. The bill is awaiting signature of the President. The Act is supposed to become effective on 1 July 2009.

### 12.3.5 Sample disclosure

ČESKÁ REPUBLIKA • REJSTŘÍK TRESTŮ • 140 66 PRAHA 4 • SOUDNÍ 1  
TELEFON: +420 244 006 111 • FAX: +420 244 006 260 • E-MAIL: rejstriktrestu@justicazk.cz

Číslo žádosti: 123456789  
Žádost doručena: 17.09.2007 07:51:30  
Zpracováno: 17.09.2007 07:51:30  
Počet záznamů: 0  
Počet stran: 1

František Novák  
Augustinova 2057/28  
148 00 Praha 4

Na žádost osoby s údajů níže uvedenými se vytváří:

**VÝPIS Z EVIDENCE REJSTŘÍKU TRESTŮ**

Osobní údaje:  
Jméno: [REDACTED]  
Příjmení: CHOCHOLOUŠEK  
Rodné příjmení: [REDACTED]  
Datum narození / rodné číslo: [REDACTED]  
Pohlaví: MUŽ  
Místo / okres narození: PRAHA / PRAHA  
Stát narození: ČESKÁ REPUBLIKA  
Stát občanství: SLOVENSKÁ REPUBLIKA

Obsah:

**Nemá záznam v Rejstříku trestů ČR**

Konec sestavy

Kulaté razítko a podpis

Strana 1 z 1

Případně neúplné údaje dle údajů na shora uvedeném úřadu, aby mohla být okamžitě provedena příslušná.

## 13 **Denmark**

### 13.1 **Introduction**

The criminal records of all Danish citizens are maintained in a central electronic register, The Central Criminal Records Register (“Det Centrale Kriminalregister”). This register comprises two parts, a judgments section and an investigations section, and is accessible only by the Danish police. The judgments section holds information about criminal convictions. Records are held for a period of up to 20 years.<sup>41</sup> The register is the source for all forms of criminal records disclosure in Denmark.

Applications for criminal records disclosure from the UK may be made to The Danish National Police (“Rigspolitiet”). Individuals may apply directly for disclosure or may provide consent to a third party. This may include a prospective employer. Only one copy of the results is issued. Applications are free of charge and may be submitted in writing by E-mail, post or fax.

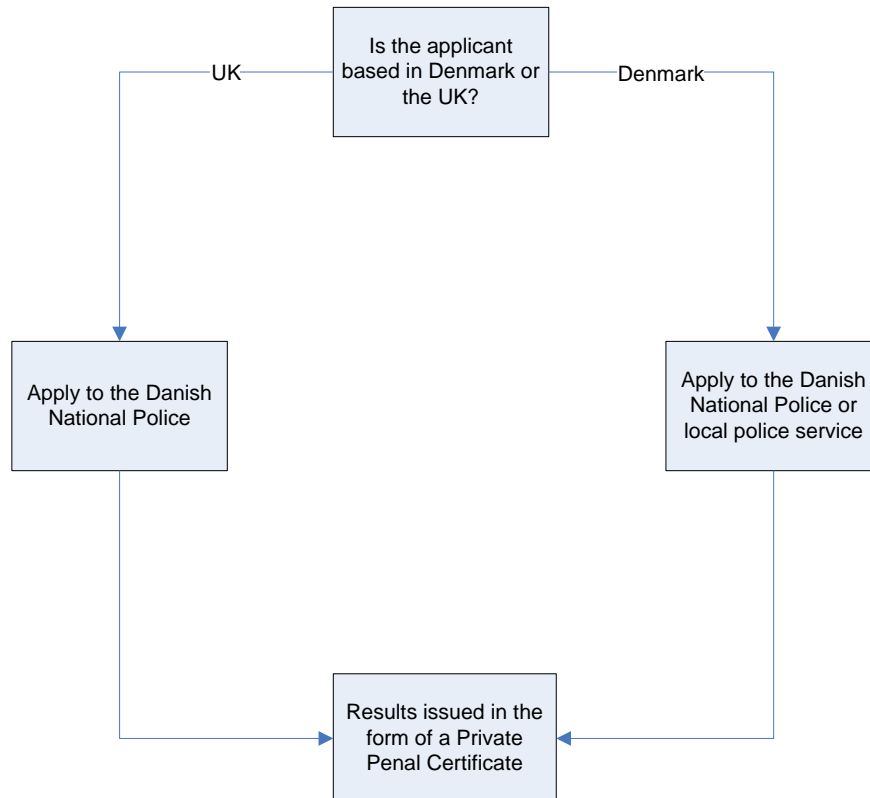
The Danish National Police provides individuals and third parties (with the consent of the individual) with a Private Penal Certificate (“Privat straffeattest”). This is the only type of criminal records disclosure available to UK employers. Two additional forms of criminal records disclosure exist; however, legislation restricts their issuance to Danish public sector organisations and other authorised bodies.

Guidance published by the Danish embassy in London recommends that applications for criminal records disclosure should be made directly to the Danish National Police. The embassy provides a service authenticating English translations of Danish penal certificates. A list of translators and their contact details can be obtained from the embassy on request.

A flowchart illustrating the steps for obtaining criminal records disclosure in Denmark is provided below:

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<sup>41</sup> In some cases, records will be held for a longer period. However, convictions older than 20 years are not disclosable to overseas companies or other organisations.



## 13.2 Applying for disclosure

### 13.2.1 Who can apply for disclosure of criminal records?

The Danish National Police accepts applications for a Private Penal Certificate from any Danish national, subject to confirmation of identity. With the consent of the subject, applications are also accepted from any third-party individual, company or other body. The form for application by the subject and by nominated third parties is the same.

Under Danish legislation, an individual must provide written consent to the police service before a Private Penal Certificate will be released to a third party. A statement of consent must contain the following information:

- The type of information required;
- To whom the information may be provided;
- For what purpose the information may be used by the designated recipient.

Consent lapses after a period of one year.

Applications for other types of criminal records disclosure are accepted by the Central Criminal Records Register. These types of disclosure are not available to UK employers (see below).

### 13.2.2 **Categories of criminal record disclosure certificate**

There are three types of criminal records disclosure issued in Denmark. Only one of these is available to UK employers. All three types are based on the same data set maintained in the Central Criminal Records Register. They are:

- **A Private Penal Certificate.** This is the lowest level of criminal records disclosure. It is the only form of disclosure available to a UK employer and is provided free of charge. Any individual may apply for a Private Penal Certificate for any purpose, subject to confirmation of identity. The certificate will contain information about any convictions, fines or discontinued charges (*nolle prosequi*) in relation to criminal offences (including violations of the law on narcotics) or overseas judgments. Alternatively, it will state that there is no disclosable information on record. Information is held on record for a period of between 2 and 5 years (see below). One copy of the certificate is issued and only to the individual. It will not be provided directly to employers or prospective employers. For individuals under the age of 18, consent must be given by the parent with custody or by the legal guardian.
- **A Penal Certificate for Police and Public Authorities** (“*Straffeattest til politi og offentlige myndigheder*”). Sometimes referred to as a Public Penal Certificate. This certificate contains information from the Central Criminal Records Register about all convictions, fines and cases that have led to prosecution for violations of criminal law (as well as other laws where a judgment has resulted in a custodial sentence or loss of rights). Only the Danish police and Danish public authorities can apply for this type of disclosure. Details of convictions will remain disclosable for a period of between 10 and 20 years from the final decision.
- **A Child Certificate** (“*Børneattest*”) contains information on sexual offences against children under the age of 15. Danish public authorities, private companies, sports clubs, youth organisations and other employers are obliged to apply for this type of disclosure where an employee will have direct contact with children under the age of 15 (this future contact must be demonstrated). Disclosure requires the consent of the individual.

Neither a Penal Certificate for Police and Public Authorities, nor a Child Certificate, is available to overseas applicants.

### 13.2.3 **What information is contained in a criminal record disclosure certificate?**

A Private Penal Certificate will contain the following personal information:

- Full name;
- Civil registration number (or date of birth);
- Place of birth.

If no disclosable information is held on the Central Criminal Register, this will be stated immediately beneath the personal information.

Information that will be disclosed in a Private Penal Certificate is limited to judgments (convictions, fines and discontinued charges) in relation to criminal offences, violations of the law on narcotics or overseas judgments. Information is held on record for a period of between 2 and 5 years as set out in legislation (see below).

The certificate will also contain paragraph 11 of the Declaration of the Treatment of Individuals' Information in the Central Criminal Register, 27 March 2001. This provides information about the limitations of disclosure in relation to criminal records checks.

#### **13.2.4 The application process**

The Danish National Police publishes a criminal records disclosure application form online. This is available in Danish only. A link to the form is given below:

[http://www.politi.dk/NR/rdonlyres/6AD25FE9-F4BA-40D1-8534-88F230F57433/0/P366\\_0606.pdf](http://www.politi.dk/NR/rdonlyres/6AD25FE9-F4BA-40D1-8534-88F230F57433/0/P366_0606.pdf)

The application form should be completed electronically in block capitals. Guidance published by the National Police Service states that completed applications must be submitted by post or fax. However, we understand that this guidance is presently undergoing revision, and that the recommended medium for applications from overseas is E-mail (addressed to [dataafd@politi.dk](mailto:dataafd@politi.dk)).

The application form for a Private Penal Certificate is short. The only information required in the form is:

- The applicant's civil registration number ("personnummer" or "CPR" – a unique identification number issued to every Danish citizen);
- The applicant's place of birth;
- The applicant's full name, and maiden name if appropriate;
- The address to which the penal certificate should be sent;
- The place and date;
- The applicant's signature.

Applicants applying from overseas should also provide details of their last address in Denmark on an accompanying sheet of paper, and state in what language results are required. In cases where a criminal records check reveals no disclosable convictions, results are available in Danish, English, French or German.

The application must be accompanied by a copy of the subject's passport or other photo identification which contain his or her civil registration number. If the applicant is under 18 years of age, the consent of a parent or guardian is required. A written statement of

consent by the applicant is required for all applications where the certificate will be sent to a third party.

#### **13.2.5 Contact details**

The Danish National Police handles all applications for criminal records checks from individuals who are resident overseas. Individuals resident in Denmark can apply for criminal records disclosure to the Danish National Police or at their local police station. The contact details of the relevant department of the Danish National Police are:

Rigspolitiet  
Juridisk Afdeling  
Kriminalregisteret  
Polititorvet 14  
DK-1780 Copenhagen V  
Denmark  
Telephone: 0045 46 33 14 78  
Fax: 0045 46 33 14 76  
Internet: <http://www.politi.dk>  
E-mail: [dataafd@politi.dk](mailto:dataafd@politi.dk)

Individuals resident in Denmark may apply for criminal records disclosure via the Danish National Police or at their local police service. The application process is the same in either instance. Links to regional police services are provided on the Danish National Police website.

#### **13.2.6 Costs of disclosure of criminal records**

Private Penal Certificates are issued free of charge.

#### **13.2.7 Communication of results and turnaround time**

A Private Penal Certificate will only be issued in hard copy by post. The certificate will be mailed to the address provided in the application form. If this is the address of a third party, a written statement of consent must be provided by the subject.

In most instances, the Danish National Police will respond to a request for a Private Penal Certificate on the day of application and post the certificate the next day. Including postal time, the expected turnaround for a request for criminal records disclosure from the UK is approximately 1 week. The Danish National Police does not provide a fast-track disclosure service. There are circumstances when a certificate will be sent to the applicant by fax (e.g. if he or she resides in a country or area with an irregular or unsecured postal service). However, these are unlikely to apply to applications from the UK.

#### **13.2.8 Language**

In addition to Danish, a penal certificate can be requested in English, French or German. The applicant should specify which language is required on a separate sheet of paper accompanying the application (along with his or her last address in Denmark, if resident

overseas). Results in languages other than Danish will then be issued in the event that no criminal convictions are recorded. Where the applicant has a criminal record, a certificate will only be issued in Danish.

Neither the Danish National Police nor the Danish embassy in London provides a service for translating penal certificates into English. However, the Danish embassy will provide the contact details of translators on request. The embassy will provide a stamp to authenticate translations obtained from these providers as official translations.

### **13.2.9 Confirming authenticity and security measures**

An employer can request to have a penal certificate validated by the Danish Ministry of Foreign Affairs. The certificate may be sent to the Ministry at the following address:

Udenrigsministeriet  
Legaliseringen  
Asiatisk Plads 2  
1448 København K.

It should be accompanied by a stamped, self-addressed envelope and a cheque or receipt for a bank transfer for the required amount (DKK170 (£23) per document at the time of writing). A contact telephone number should also be provided. The Ministry will then authenticate the document and return it within 2 days, excluding postal time.

The Danish Embassy provides a service authenticating English translations of Danish penal certificates. A list of translators and their contact details can be obtained on request from the Embassy.

Dissemination of criminal records data in Denmark is controlled by the police force and governed by legislation. Overall responsibility for the correctness of the data held at the Central Criminal Records Register rests with the National Commissioner of the Danish police.

A Private Penal Certificate can only be issued to a third party when the subject provides a written statement of consent. In cases where a Private Penal Certificate is issued to a party other than the subject, Danish legislation requires that the police, as the issuing body, ensures that the recipient is entitled to act on the subject's behalf.

The Private Penal Certificate is printed in A4 format and does not contain any notable security features.

### 13.3 Categories of conviction and governing legislation

#### 13.3.1 Types of criminal convictions disclosed

Categories of criminal conviction in Denmark are broadly similar to those in the UK. A glossary of Danish terms and their English translations is provided by Statistics Denmark<sup>42</sup> at <http://www.dst.dk/pukora/epub/upload/3103/bilag.pdf>.

#### 13.3.2 Governing legislation

The Declaration of the Treatment of Individuals' Information in the Central Criminal Register, 27 March 2001 governs the disclosure of criminal records in Denmark. The relevant legislation is published online in Danish only. It can be found via the following link:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=991>

#### 13.3.3 Removal of conviction data

In Denmark, judgments will be removed from a criminal record after 2, 5, 10 or 20 years, or at the age of 80 if no recent convictions have been added.

The length of time a judgment remains disclosable is prescribed in Danish legislation (Declaration of the Treatment of Individuals' Information in the Central Criminal Register) and depends on the type of criminal records disclosure requested. In respect of a Private Penal Certificate, the relevant information is as follows:

- |  |                               |
|--|-------------------------------|
| • Custodial sentences                  | 5 years from date of release  |
| • Suspended sentences                  | 3 years from date of decision |
| • Discontinued charges with conditions | 2 years from date of decision |
| • Fines                                | 2 years from date of decision |

In the case of individuals aged between 15 and 18 years, discontinued charges and fines, where these are first-time offences, will cease to be disclosable after 1 year.

#### 13.3.4 Good practice guidance

The Danish National Police provides information about the types of criminal records disclosure, and the application process, on its website. This includes details of what information will be disclosed in accordance with Danish legislation. This guidance is available in Danish only and can be found via the following link:

<http://www.politi.dk/da/borgerservice/straffeattest/>

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<sup>42</sup> Statistics Denmark is a Danish governmental body and part of the Ministry of Economic and Business Affairs.

#### **13.3.5 Pending changes in law or regulation**

We have identified no pending changes to the laws or regulations governing criminal records disclosure in Denmark.

#### **13.3.6 Sample disclosure**

It has not been possible to obtain a sample disclosure for Denmark.

## 14 **Estonia**

### 14.1 **Introduction**

The Punishment Register (“Karistusregister”) is a central electronic database of criminal record information. It is administered by the national Police Board (“Politseiamet”) on behalf of the Estonian Ministry of Internal Affairs. Judgments are held in the register for a period of between one and ten years, after which they are removed to an archive and cease to be disclosable.

Applications for criminal record disclosure from the UK may be made directly to the Police Board. Individuals may apply for disclosure themselves or may provide written consent to a third party. Certain categories of employer in Estonia may also apply directly for disclosure; however, this is unlikely to apply to UK employers. Applications incur a fee of EEK 50 (approximately £3) and may be submitted in writing by post or e-mail. Only one copy of the results will be issued.

The Estonian Police Board provides individuals and nominated third parties with a Notice from the Punishment Register (“Karistusregistri teatis”). A notice will be issued as the result of a Limited Check or a Full Check, each of which may be requested for the purposes of employment in the UK. The type of check that is conducted will depend on the type of employment for which disclosure is sought. This must be indicated by the individual in the application form.

The Estonian embassy in London does not accept applications for criminal record disclosure.

A flowchart illustrating the steps for obtaining criminal records disclosure in Estonia is provided below:



## 14.2 Applying for disclosure

### 14.2.1 Who can apply for disclosure of criminal records?

The Estonian Police Board accepts applications for a Notice from the Punishment Register from individuals, subject to confirmation of identity. With the consent of the subject, applications will also be accepted from third-party representatives. The form for application by the subject and by nominated third parties is the same. An authorised representative must provide a written power of attorney on application, and a copy of the subject's passport or national ID card. Applications for minors should be made by a parent or legal guardian.

For specific categories of profession, Estonian law allows an employer to apply directly for disclosure. The Estonian police service provides a separate application form for this purpose, published in Estonian only. We understand that UK employers may be eligible to apply directly for disclosure in rare circumstances (e.g. where an employer is resident in the UK but where the employee will be permanently based in Estonia). Employers are advised to consult the Estonian Police Board. Estonian law does not prohibit an employer from requesting an employee to provide a Notice from the Punishment Register for employment purposes.

#### 14.2.2 Categories of criminal record disclosure certificate

A Notice from the Punishment Register is the only type of disclosure provided by the Estonian Police Board. However, a notice will be issued after one of two types of criminal record check. Both types may be requested by an individual for the purposes of employment in the UK. They are:

- A **Limited Check**. This is the lowest level of criminal record check. A notice issued as the result of a Limited Check will state whether or not an individual's name appears in the Punishment Register. Details of any convictions will only be provided where they are relevant to the type of employment sought. A Limited Check may be requested by an individual, a legal guardian or certain categories of employer. Employment sectors where employers may apply directly for a Limited Check include the police and prison services, healthcare, education and the insurance and security industries. UK employers are unlikely to be entitled to apply for this type of disclosure directly, and applications forms for employers are available in Estonian only.
- A **Full Check** covers all disclosable convictions in the Punishment Register. Archived convictions will not be included. A Full Check may be requested by the individual subject or by judicial and law-enforcement institutions designated in Estonian law. It is the most comprehensive form of disclosure available to a UK employer, but does not necessarily constitute full disclosure of an individual's criminal history.

#### 14.2.3 What information is contained in a criminal record disclosure certificate?

A Notice from the Punishment Register will state the full name and personal details (social security number, place and date of birth, and residential address) of the subject of the disclosure. It will indicate whether an individual's name appears in the Punishment Register. In the event that no record is identified, this will be stated in the notice (with the Estonian phrase: "[Individual's name] ei ole karistusregistrisse kantud").

A Limited Check will include details of disclosable convictions only where these are relevant to the type of employment sought. A Full Check will provide details of all disclosable convictions. Where disclosure is sought for a position that involves working with children, a check will be made of both registered and archived convictions. In the event that a criminal record is identified, the following information will be provided:

- The name of the court or extra-judicial body that issued the decision;
- The date of the decision;
- The legal basis for the decision;
- The type and term of the sentence;
- The date on which the decision enters into force;
- The time spent in custody prior to the decision being delivered;
- The date on which the punishment was completed, the fine was paid, etc.;

- The date of entry into force of a presidential pardon.

#### 14.2.4 **The application process**

The Estonian Police Board publishes a criminal records disclosure application form for individuals on-line.<sup>43</sup> This is printed in Estonian, English and Russian. A link to the form is given below:

[http://www.politsei.ee/files/dokumendid/Karistusreg/karreg\\_isik.pdf](http://www.politsei.ee/files/dokumendid/Karistusreg/karreg_isik.pdf)

A separate application form for employers is also provided. However, this is printed in Estonian only and is unlikely to be of relevance to an individual seeking employment in the UK.

The following information is required in the form:

- The purpose of the disclosure request (a decision on whether to perform a limited or full check will be taken on the basis of information provided here);<sup>44</sup>
- The applicant's full name;
- The applicant's social security number;
- The applicant's date and place of birth;
- The applicant's passport number (or ID card number);
- The applicant's residential address in Estonia;
- The applicant's contact details (full postal address, telephone number and e-mail address).

The completed application must be signed and dated and submitted to the Police Board in person or by post or e-mail (the latter only if the application has been digitally signed using an Estonian national ID card).<sup>45</sup> Postal applications should be accompanied by a copy of the applicant's passport or ID card. This should be signed and dated.

#### 14.2.5 **Contact details**

The Estonian Police Board handles all applications for criminal records checks. Its contact details are:

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<sup>43</sup> The Police Board also publishes a separate application form for employers, but this is printed in Estonian only.

<sup>44</sup> If the application is made by the individual subject of the disclosure, it is sufficient to request a Limited Check or Full Check for employment purposes in this section.

<sup>45</sup> Estonian citizens are able to authorise documents using a digital signature, stored in a chip in their national ID card. The signature can be uploaded to a computer using a commercially-obtained card reader.

Karistusregister  
Politseiamet  
Pärnu mnt 139  
15060 Tallinn  
Estonia  
Telephone: 00372 612 3468  
00372 612 3366  
Fax: 00372 612 3332  
Internet: <http://www.politsei.ee/?id=214>  
E-mail: [karistusregister@pol.ee](mailto:karistusregister@pol.ee)

#### **14.2.6 Costs of disclosure of criminal records**

Individuals are entitled to make one application for disclosure free of charge each year. Additional requests, and all applications from third parties, incur a fee of EEK 50 (approximately £3). This fee is payable by the applicant. Payment may be made in person by cash or debit/credit card. Postal or e-mailed applications should be paid by bank transfer.

#### **14.2.7 Communication of results and turnaround time**

A Notice from the Punishment Register will be issued in hard copy only. It may be collected in person or mailed to the postal address provided in the application form.

Applications for disclosure will normally be processed within two days in the case of Limited Checks, and within ten days in the case of Full Checks. Processing time does not include mailing time from and to the UK. The Estonian Police Board does not provide a fast-track disclosure service.

#### **14.2.8 Language**

A Notice from the Punishment Register will be issued in Estonian only. The Police Board does not provide a service to translate documents into English. A list of approved translators is provided by the Estonian Ministry of Justice. Full contact details are available on the ministry's website via the link below:

<http://www.just.ee/39975>

At the time of writing, the average cost for translation services was €15 per page.

The Estonian Ministry of Justice will provide an apostille certificate verifying that a translation of a certified Notice<sup>46</sup> from the Punishment Register is an official copy. Copies of the translation and the original notice should be submitted to the ministry in person (Monday, Wednesday or Friday, 10.00-12.00) or by post with the reference "Apostille". The ministry's contact details are:

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<sup>46</sup> See below on the process for requesting a notice to be certified by the Ministry of Internal Affairs.

Justiitsministeerium järelevalve ja õigusteeninduse talitus  
Lõkke 4  
10122 Tallinn  
Estonia

The required fee of EEK 230 (approximately £13.85) should be paid by bank transfer.  
The payment details are:

Beneficiary:	Rahandusministeerium (Ministry of Finance)
Bank:	Swedbank AS (Liivalaia 8, 15040 Tallinn)
IBAN:	EE 932200221023778606
SWIFT/BIC:	HABAE2X
Reference number:	2900073465
Description:	[Name of person on whose behalf the fee is paid]

The authorised translation may be collected in person (Monday, Wednesday or Friday, 14.00-16.00) or returned by post.

A list of approved translators may also be requested from the Estonian embassy in London. However, the embassy is unable to provide a stamp certifying translations as official copies.

#### 14.2.9 **Confirming authenticity and security measures**

The Estonian Ministry of Internal Affairs can provide an apostille certificate confirming the authenticity of a Notice from the Punishment Register. The notice should be submitted in person or by post to the ministry at the following address:

Visiting address (Monday, Wednesday and Friday, 10.00-12.00):

Oleviste 1  
Tallinn

Postal address:

Ministry of Internal Affairs  
Rahvastiku toimingute osakond  
Siseministeerium  
Pikk 61  
15065 Tallinn  
Estonia

The cost and payment details are the same as those which apply to obtaining certified translations from the Ministry of Justice. The certified notice may be collected in person from the Ministry of Internal Affairs (Monday, Wednesday or Friday, 14.00-16.00), or returned by post

Dissemination of criminal records data in Estonia is controlled by the national Police Board and governed by legislation. The Police Board's compliance with relevant legislation (see further below) is monitored by the Data Protection Inspectorate. A Notice from the Punishment Register can only be issued to a third party when the subject grants written power of attorney.

The Notice from the Punishment Register is printed in A4 format. It is validated by the stamp of the Punishment Register (an encircled shield which pictures a lion rampant, bearing the Estonian coat of arms) and by the signature of the official who issued it. The notice is printed on paper that contains a watermark in the shape of a lion. This appears vertically across the page.

### **14.3 Categories of conviction and governing legislation**

#### **14.3.1 Types of criminal convictions disclosed**

With some exceptions, categories of criminal conviction in Estonia broadly reflect those in the UK:

- Violence against the person
  - Isikuvastane süütegu ("Offence against the person")
- Sexual offences ("Seksuaalsüütegu")
- Burglary – no equivalent offence (but punishable as theft)
- Robbery ("Röövimine")
- Theft and Handling stolen goods
  - Vargus ("Theft")
  - Süüteo toimepanemise tulemusena saadud vara omandamine, hoidmine ja turustamine ("Acquisition, storage or marketing of property received through commission of criminal offence")
- Fraud and Forgery
  - Kelmus ("Fraud")
  - Võltsimine ("Forgery")
- Criminal Damage – no equivalent offence
- Drug offences ("Narkootikumidega seotud süüteod")
- Motoring offences ("Liiklussüüteod")

#### **14.3.2 Governing legislation**

The collection, storage and release of criminal record data is regulated by the Punishment Register Act 1997 and related legislation. The act is published on-line in Estonian only. It can be found via the following link:

<https://www.riigiteataja.ee/ert/act.jsp?id=12988295>

The handling of information in the Punishment Register is also subject to Estonian data protection legislation.

#### 14.3.3 **Removal of conviction data**

Decisions will be removed from the Punishment Register and archived after a period of 1, 2, 3, 5 or 10 years, or after death (or cessation of activities, in the case of legal entities). The length of time that different categories of conviction remain disclosable is:

- |   |  |
|---|--|
| • Custodial sentences (3-20 years)  | 10 years from date of release                |
| • Custodial sentences (up to 3 years)                                       | 5 years from date of release                 |
| • Community service   | 3 years from date of performance             |
| • Probation/conditional release from a fine                                 | 3 years from date of period end/release      |
| • Fines for criminal offences   | 3 years from date of decision                |
| • Enforced psychiatric treatment/sanctions imposed on a minor               | 2 years from date of termination/application |
| • Fines or detentions imposed for misdemeanours in relation to tax offences | 2 years from date of decision                |
| • Fines/detentions imposed for misdemeanours                                | 1 year from date of decision                 |

Where disclosure is sought for a position that involves working with children, a check will be made of both registered and archived convictions.

#### 14.3.4 **Good practice guidance**

There is no published good practice guidance on criminal record disclosure. The Estonian police service provides basic guidance on its website. This is available in Estonian only and can be found via the following link:

<http://www.politsei.ee/?id=214>

#### 14.3.5 **Pending changes in law or regulation**

We have identified no pending changes to the laws or regulations governing criminal record disclosure in Estonia.

### 14.3.6 Sample disclosure

  
POLITSEIAMET  
KARISTUSREGISTER

Teade nr 200  
Märk 13.04.2009 nr 18.5.14.11.11

**Teatis**

FULL NAME (isikakood [redacted]; sünd [redacted] a Tallinn, Eesti; elukoht Vesimäe tee 10, Metsakäsi küla, Viimsi vald, Harjumaa, Eesti) ei ole karistusregistrisse kantud.

  
[redacted]  
teenistusosakonna  
karistusregistriräliinise vanemspetsialist

612 3468 maria.vcihohljad@politsei.ee

Panna ml. 139  
15060 TALLINN

612 3468  
612 3366  
faks 612 3333  
mail karistusregister@pol.ee