

Regulation of the Minister of Economic Affairs and Communications No. 1 of 10.01.2003
Entry into force 23 January 2003
Entry into force of this wording 16 January 2017

PROCEDURE FOR THE FOUNDATION, MAINTENANCE AND LIQUIDATION OF THE ESTONIAN SEAFARERS REGISTER

The Regulation has been adopted on the basis of subsection (2) of § 29 of the Maritime Safety Act of the Republic of Estonia and in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.

Chapter 1. FOUNDATION OF THE SEAFARERS REGISTER

§ 1. Foundation of the Register and the official name of the Register

- (1) This Regulation establishes a database with the official name “Meremeeste register” (*hereinafter* Register).
- (2) The name of the Register in English is the Estonian Seafarers Register.

§ 2. Purpose of the Register

The purpose of maintaining the Register is to record and process the information on documents certifying seafarers’ qualifications, the information contained in the seafarers’ health certificates, information concerning mustering and other data on seafarers, as well as keeping account of all this information.

§ 3. Scope of Regulation

This Regulation regulates the composition of the data to be entered in the Register and lays down the procedure for recording and amending data in the Register and issuing data from the Register, as well as exercising supervision over the Register.

§ 4. Controller and processor of the Register

The controller and the processor of the Register is the Maritime Administration.

§ 4¹. Requirements for protection of the data in the Register and for maintenance of the Register

- (1) The controller and the processor of the Register shall ensure the integrity, availability and confidentiality of the data in the Register.
- (2) The controller and the processor of the Register shall ensure the maintenance of the Register and the processing, protection, preservation and archiving of the data in the Register.
- (3) In order to perform the functions prescribed by law, the database receives data from other databases according to an agreement with the controllers of the other databases.
- (4) The security level of the data in the Register is medium (M) and the security class of the Register is K2T2S1.

§ 5. Data subject

A data subject of the Register is:

- 1) a seafarer who is an Estonian citizen;
- 2) a seafarer who is an alien, a citizen of the European Union or a stateless person residing in Estonia on the basis of a residence permit or the right of residence;
- 3) a person who has completed training at a maritime educational institution which is operating or has operated in Estonia.

§ 6. Processing of personal data of a data subject

[Repealed.]

§ 7. Application of the Administrative Procedure Act

The provisions of the Administrative Procedure Act apply to the administrative proceedings specified in this Regulation, taking account of the specifications arising from this Regulation.

Chapter 2. STRUCTURE AND PROCEDURE FOR MAINTENANCE OF THE REGISTER

§ 8. Structure of the Register

- (1) The Register comprises:
 - 1) [Repealed.]
 - 2) a digital database consisting of digital registry cards;
 - 3) source documents.
- (2) [Repealed.]
- (3) The Register is maintained as a single-level digital database.

§ 9. Digital registry journal

[Repealed.]

§ 10. Digital database and interbase cross-usage of data

- (1) The following information on seafarers shall be entered in the digital database of the Register in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers:
 - 1) given name, surname, personal identification code or date of birth, citizenship, contact address and telephone number;
 - 2) information on certificates certifying professional education;
 - 3) information on certificates certifying refresher and updating training and formal education;
 - 4) information on the certificate of competency or professional certificate and the endorsement thereto, and on dispensation;
 - 5) information contained in the discharge book or certificate of record of service on ships;
 - 6) information concerning mustering;
 - 7) information contained in the health certificate.
- (2) [Repealed.]

§ 11. Registry card and report

- (1) The registry card is a body of information containing personal data on one seafarer.

- (2) A registry card shall contain the registry card number, personal data on the seafarer and other information specified in subsection 10 (1) of this Regulation.
- (3) The seafarer's personal identification code shall be his/her registry card number.
- (4) A report is a data set selected on the basis of a sample of the data on the registry cards.

§ 12. Preservation of the source documents

The source documents shall be preserved in the archive of the Maritime Administration for 25 years.

§ 13. Registrar

[Repealed.]

§ 14. Language of the Register

- (1) The Register shall be maintained in the Estonian language.
- (2) In the digital database, also English may be used in parallel with Estonian.
- (3) The documents that are not in Estonian or English shall be submitted to the processor of the Register together with a translation into Estonian made by a sworn translator or certified by a notary.

§ 15. The legal regime of the data entered in the Register

The data entered in the Register are informative.

§ 16. The documents which are basis for making entries in the Register

The following documents shall be the source documents for entering data in the Register:

- 1) an application;
- 2) a seafarer's identity document in the meaning of the Identity Documents Act, containing the holder's citizenship;
- 3) documents certifying professional education and completion of refresher and updating training and formal education;
- 4) a certificate of competency or professional certificate;
- 5) an endorsement;
- 6) a dispensation;
- 7) a discharge book or a certificate of record of service on ships;
- 8) documents concerning mustering;
- 9) a health certificate.

§ 17. Persons submitting information to be entered in the Register

The persons submitting information to be entered in the Register are seafarers, maritime educational institutions, operators, governmental agencies and health care institutions.

§ 18. Procedure for submission of information to be entered in the Register

- (1) Information shall be submitted to the Register in accordance with the forms and guidelines approved by the processor of the Register.
- (2) [Repealed.]

§ 19. Keeping of the source documents of the Register

[Repealed.]

§ 20. Keeping of the digital database of the Register

The digital database of the Register shall be kept on the server of the Maritime Administration in compliance with the security requirements established.

§ 21. Preservation of seafarers' personal data in the digital database

Seafarers' personal data shall be preserved in the digital database for 75 years.

§ 22. Correction of inaccurate data and notification of correction

- (1) In case the information submitted to the Register is obviously inaccurate or in conflict with the previously submitted data, the processor of the Register shall notify the person who submitted the data.
- (2) The person who submitted the data shall, after receipt of the notification of the inaccuracy of the submitted data, ensure submission of accurate data complying with the requirements of legislative acts within ten working days.
- (3) The processor of the Register shall close access to the inaccurate data in the database until the data is corrected. The processor shall correct the data in the Register within three working days from the receipt of accurate data.
- (4) The processor of the Register shall notify the persons who have received inaccurate data and forward to them the correct data within five working days from the date of correction of the data in the Register.

Chapter 3. ACCESS TO THE DATA IN THE REGISTER

§ 23. Right of access to the data in the Register

- (1) A data subject is entitled to examine the data concerning themselves in the Register.
- (2) Operators, recruitment agencies, foreign maritime administrations and other interested parties shall be granted access to the following information about seafarers:
 - 1) given name and surname;
 - 2) date of birth;
 - 3) information on certificates of competency or professional certificates;
 - 4) information on endorsements;
 - 5) dispensations;
 - 6) certificates of refresher and updating training;
 - 7) validity of the health certificate.
- (3) Requests to examine the data in the Register shall be reasoned. The processor of the Register shall determine whether a request is reasoned.

§ 24. Organisation of access to the data in the Register

- (1) In order to obtain statistical data from the Register, a natural or legal person shall submit to the processor of the Register a written request specifying the data requested, the purpose of its use and the name of the person or authority to whom the data is to be issued.
- (2) The processor of the Register shall keep account of issuing personal data from the Register in the electronic archive in which the data files issued from the Register shall be entered together with the date and time of issue and information on the recipient. The written requests for data shall be registered.

- (3) Data shall be issued in electronic form in accordance with the wishes of the recipient and the technical possibilities available.
- (4) [Repealed.]
- (5) [Repealed.]
- (6) [Repealed.]

§ 25. Right of seafarers to examine data concerning themselves

[Repealed.]

§ 26. Security measures for maintenance of the Register

- (1) The processing equipment of the Register shall be kept in locked rooms accessible to persons authorised by their job description.
- (2) [Repealed.]

Chapter 4. SUPERVISION, CONTROL, FINANCING AND LIQUIDATION

§ 27. Exercising supervision and control

- (1) The Ministry of Economic Affairs and Communications exercises supervisory control over the administration of the Register. The Estonian Data Protection Inspectorate exercises state supervision over the legality of the maintenance of the Register.
- (2) [Repealed.]
- (3) In case deficiencies are detected in the maintenance of the Register by way of supervision, the processor of the Register shall eliminate the deficiencies within the time limit specified in the precept.

§ 28. Financing

The maintenance of the Register shall be financed from the state budget from the budget line of the processor of the Register.

§ 29. Liquidation

The Register will be liquidated in accordance with the procedure provided by law.