

Übersetzung durch Ute Reusch

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Act on the Central Criminal Register and the Educative Measures Register

(Bundeszentralregistergesetz – BZRG)

Federal Central Criminal Register Act in the version published on 21 September 1984 (Federal Law Gazette I, p. 1229, 1985 I, p. 195), as last amended by Article 2 of the Act of 10 August 2021 (Federal Law Gazette I, p. 3420)

Part 1

Authority holding Register

Section 1

Federal Central Criminal Register

- (1) The Federal Office of Justice holds a Central Criminal Register and an Educative Measures Register for the area of application of this Act (Federal Central Criminal Register).
- (2) The Federal Ministry of Justice and Consumer Protection regulates further details. The Federal Government, with the approval of the Bundesrat, issues those regulations pertaining to the recording and processing of data and to the disclosure of information.

Section 2

(repealed)

Part 2

Central Criminal Register

Chapter 1

Content and maintenance of Register

Section 3

Content of Register

The Register contains entries on

1. criminal convictions (sections 4 to 7),
2. (repealed)
3. decisions given by the administrative authorities and courts (section 10),
4. decisions given by the courts and orders made by the criminal prosecution authorities in respect of lack of criminal responsibility (section 11),
5. court findings made in accordance with section 17 (2) and section 18,

6. subsequent decisions and facts relating to entries referred to in nos. 1 to 4 (sections 12 to 16 and section 17 (1)).

Section 4 Convictions

Entries are to be made in the Register concerning final decisions in respect of an unlawful act by means of which a German court in the area of application of this Act has

1. imposed a penalty,
2. ordered a measure of reform and prevention,
3. issued a warning with sentence reserved in accordance with section 59 of the Criminal Code (*Strafgesetzbuch*) or
4. issued a finding as to the guilt of a juvenile or young adult in accordance with section 27 of the Youth Courts Act (*Jugendgerichtsgesetz*).

Section 5 Content of entry

(1) The entry must include

1. the person concerned's personal details; these include name at birth, family name if this is different, first names, gender, date of birth, place of birth, nationality, address and any deviating personal details,
2. the decision-making body, including a reference number,
3. the date of commission of the (last) act,
4. the date of the first judgment; in the case of summary penalty orders, the date of the first judgment is the date of signature by the judge; where an objection was lodged against the summary penalty order, the date of the first judgment is the date on which the decision on the objection is given, unless the objection was dismissed,
5. the date on which the judgment became final,
6. the legal designation of the act of which the convicted person has been found guilty, stating the criminal provisions applied,
7. the penalties imposed, the sentences reserved under section 59 of the Criminal Code and all measures arising by operation of law or ordered or reserved in the decision in addition to the penalty or in addition to acquittal or separately (section 11 (1) no. 8 of the Criminal Code) and incidental legal consequences,
8. in the case of third-country nationals within the meaning of Article 3 no. 7 of Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1), as amended by Regulation (EU) 2019/818 (OJ L 135, 22.5.2019, p. 85), or persons who besides holding the nationality of an EU Member State also hold the nationality of a third country, the dactyloscopic number if it is necessary for the creation of a data record pursuant to Article 5 (1) (b) of Regulation (EU) 2019/816.

(2) The ordering of socio-educational measures and disciplinary measures and the additional penalties and incidental legal consequences imposed in application of juvenile criminal law are entered in the Register if they are linked to a finding of guilt in accordance with section

27 of the Youth Courts Act, sentencing to a youth penalty or the ordering of a measure of reform and prevention.

(3) Where a fine has been imposed, the number of daily rates and the amount of the daily rate must also be entered. Where a fine is levied on property, the amount and length of the substitute prison sentence must be entered.

Section 6

Aggregate sentence and aggregate youth penalty

If an aggregate sentence is subsequently formed from several individual sentences or an aggregate youth penalty is imposed, this, too, is to be entered in the Register.

Section 7

Suspension on probation; reservation of decision on suspension

(1) If the enforcement of a sentence or of a measure of reform and prevention is suspended on probation or if judgment on suspending a youth penalty on probation is reserved until a subsequent decision, this is to be entered in the Register. A note is to be made of the end of the probation period, of the supervision of conduct or of a time limit determined by the court for the decision on the suspension of a youth penalty on probation.

(2) If the court has placed the convicted person under the supervision and guidance of a probation officer in accordance with section 56d of the Criminal Code or in accordance with section 61b (1) sentence 2 of the Youth Courts Act, this decision is also to be entered in the Register.

(3) If a warning is issued with sentence reserved (section 59 of the Criminal Code) or the decision to impose a youth penalty is suspended for a probation period (section 27 of the Youth Courts Act), the end of the probation period is to be entered in the Register.

Section 8

(repealed)

Section 9

(repealed)

Section 10

Decisions by administrative authorities and courts

(1) An entry is to be made in the Register of enforceable and no longer contestable decisions given by an administrative authority on the basis of which

1. a German authority demands the removal of a member of a force or of the civilian component of a force stationed in Germany in accordance with Article III para. 5 of the NATO Status of Forces Agreement,
2. a passport is refused, withdrawn or restricted as to its scope or an order is issued that an identity card does not authorise its bearer to cross a border to leave the territorial scope of the Basic Law (*Grundgesetz*),
3.
 - a) the possession and purchase of weapons and ammunition in accordance with the Weapons Act (*Waffengesetz*) is prohibited,
 - b) the issue of a licence to possess firearms, a licence to purchase ammunition, a firearms licence, a hunting licence or permission in accordance with section 27 of the Explosives Act (*Sprengstoffgesetz*) is refused on the ground of unreliability or lack of personal suitability or is withdrawn or revoked in accordance with section 34 of the Explosives Act.

An entry is also to be made of the waiver of permission to acquire and possess weapons (section 10 (1) of the Weapons Act) or ammunition (section 10 (3) of the Weapons Act), to

carry a weapon (section 10 (4) of the Weapons Act), to engage in hunting activities (section 15 of the Federal Hunting Act (*Bundesjagdgesetz*)) and of the waiver of permission as referred to in section 27 of the Explosives Act if that waiver is declared in the course of withdrawal or revocation proceedings on the ground of unreliability or lack of personal suitability or in accordance with section 34 of the Explosives Act.

(2) An entry is also to be made in the Register of enforceable and no longer contestable decisions given by an administrative authority and of final court decisions by means of which

1. an application for admission to a profession is refused or permission given is withdrawn or revoked,
2. the exercise of a profession is prohibited,
3. the authorisation to hire or train apprentices is withdrawn or
4. the employment, supervision, instruction or training of children and juveniles is prohibited

on the ground of unreliability, unsuitability or unworthiness; if the decision is not given against a natural person, the entry is to be made in respect of the natural person who is authorised to represent that entity which is deemed to be unreliable, unsuitable or unworthy. An entry is also to be made of the waiver of admission to a profession which is declared during revocation or withdrawal proceedings on the ground of unreliability, unsuitability or unworthiness.

(3) Where an enforceable decision which has been entered in accordance with subsection (1) or (2) becomes incontestable, this is to be entered in the Register.

Section 11

Lack of criminal responsibility

(1) The following are to be entered in the Register:

1. court decisions given and orders made by a law enforcement agency on account of which criminal proceedings are terminated without a conviction due to lack of criminal responsibility having been proven or not being ruled out or due to unfitness to stand trial on the ground of a mental illness,
2. court decisions on account of which the public prosecution office's application to order a measure of reform and prevention on its own (section 413 of the Code of Criminal Procedure (*Strafprozeßordnung*)) is refused on the ground that the accused is not expected to commit significant unlawful acts or that the accused nonetheless does not pose a danger to the general public

if the decision was given or the order was made on the basis of an expert medical opinion in criminal proceedings and the expert opinion is not older than five years at the time the decision is given or the order is made. The date of the expert opinion is to be entered in the Register. Orders made by the public prosecution office are entered if, based on specific facts, it is to be assumed that further investigations would lead to public charges being preferred. Section 5 applies accordingly. Further, reference is to be made to whether the act was a less serious criminal offence punishable with imprisonment for less than one year or a fine (*Vergehen*) or a serious criminal offence punishable with imprisonment for not less than one year (*Verbrechen*).

(2) The authority holding the Register informs the person concerned that the entry has been made.

(3) Subsection (1) does not apply if only the lack of criminal liability of a juvenile (section 3 of the Youth Courts Act) is established or cannot be ruled out.

Section 12

Subsequent decisions under general criminal law

(1) The following are to be entered in the Register:

1. the subsequent suspension on probation of a sentence, the remainder of a sentence or of a measure of reform and prevention; a note is to be made of the end of the probation period or of the supervision of conduct,
2. the subsequent placement of the convicted person under the supervision and guidance of a probation officer and the shortening or extension of the probation period or of the supervision of conduct,
3. the remission or partial remission of a sentence,
4. the offender's transfer to enforcement of a different measure of reform and prevention,
5. the revocation of the suspension on probation of a sentence, of the remainder of a sentence or of a measure of reform and prevention and the revocation of the remission of a sentence,
6. the cancellation of placement under the supervision and guidance of a probation officer,
7. the date of expiry of the loss of capacity to hold public office, of eligibility and of the right to vote and stand for election,
8. the early revocation of the period of disqualification of a driving licence,
9. decisions on reserved preventive detention,
10. the subsequent ordering of placement in preventive detention.

(2) Where, following the issuing of a warning with sentence reserved, the sentence reserved is then imposed, this decision is to be entered in the Register. If the court finds following the expiry of the probation period that no further action is to be taken (section 59b (2) of the Criminal Code), the entry concerning the warning with sentence reserved is removed from the Register.

Section 13

Subsequent decisions under juvenile criminal law

(1) The following are to be entered in the Register:

1. the suspension of a youth penalty on probation by way of an order; a note is to be made of the end of the probation period,
2. the suspension of the remainder of a youth penalty; a note is to be made of the end of the probation period,
3. the shortening or extension of a probation period,
4. the remission or partial remission of a youth penalty,
5. the striking of an entry from the criminal record,
6. the revocation of the suspension of a youth penalty or of the remainder of a penalty and the striking of the entry from the criminal record,
7. decisions concerning reserved preventive detention,
8. the subsequent ordering of placement in preventive detention.

(2) Where a youth penalty is imposed in accordance with section 30 (1) of the Youth Courts Act, this, too, is to be entered in the Register; section 7 (1) applies accordingly. The entry concerning a verdict is removed from the Register if

1. the verdict is deleted in accordance with section 30 (2) of the Youth Courts Act or
2. consideration is given to the verdict in accordance with section 31 (2) and section 66 of the Youth Courts Act when a decision is given which has to be entered in the Educative Measures Register.

(3) An entry relating to a conviction is removed from the Register where consideration is given to that conviction when a decision which has to be entered in the Educative Measures Register is given.

Section 14 **Acts of pardon and amnesties**

The following are to be entered in the Register:

1. the suspension of a penalty which has been entered in the Register or of a measure of reform and prevention, and of the revocation thereof; if a probation period has been set, a note is also to be made of the end of that period,
2. the convicted person's placement under the supervision and guidance of a probation officer and the shortening or extension of a probation period,
3. the remission or partial remission of a penalty, the reduction or conversion of a penalty which has been entered in the Register or of a measure of reform and prevention, and the reinstatement of capabilities and rights which the convicted person lost under criminal law in consequence of the conviction,
4. the cancellation of placement under the supervision and guidance of a probation officer.

Section 15 **Entry concerning enforcement and deprivation of liberty**

Where a term of imprisonment, detention of military personnel, a youth penalty or a measure of reform and prevention is to be enforced, the following are to be entered in the Register:

1. the date on which the enforcement of the term of imprisonment, of the detention of military personnel, of the youth penalty or of the measure of reform and detention ends or is disposed of in another manner,
2. the date on which the deprivation of liberty in fact ends following suspension on probation,
3. the date on which a term of imprisonment and a measure of reform and prevention involving deprivation of liberty to be enforced on the basis of a decision begins or ends in each case, and
4. the date on which, following the order of a period of disqualification from driving (section 69a of the Criminal Code), that period of disqualification ends.

Section 16 **Reopening of proceedings**

(1) An entry is to be made in the Register of a non-appealable order on the basis of which the court reopens the proceedings concerning a conviction which has to be entered in the Register (section 370 (2) of the Code of Criminal Procedure).

(2) Once the final decision in the new main hearing (sections 371 and 373 of the Code of Criminal Procedure) enters into force, the entry made in accordance with subsection (1) is

removed from the Register. If this decision upholds the earlier judgment, an entry to that effect is made in the Register. Otherwise, the decision given following the new main hearing is entered in the Register and if it contains a conviction which has to be entered in the Register, the earlier entry is removed from the Register.

Section 17

Other decisions and court findings

(1) If the enforcement of a penalty, of the remainder of a penalty or placement in an addiction treatment facility in accordance with section 35 – including in conjunction with section 38 – of the Narcotics Act (*Betäubungsmittelgesetz*) is deferred, an entry is to be made thereof in the Register. A note is to be made of the date up until which the enforcement has been deferred. If another date is subsequently set or the deferment of enforcement is revoked, notification is also to be made thereof.

(2) If a term of imprisonment of no more than two years is imposed and the court has found that the convicted person committed the act owing to drug addiction, this finding is to be entered in the Register; this also applies in the case of an aggregate sentence of no more than two years if the convicted person committed all or the major part of the offences adjudicated owing to the drug addiction.

Section 18

Criminal offences in connection with trade

If a conviction in the case referred to in section 32 (4) has to be included in a certificate of good conduct, an entry is to be made thereof in the Register.

Section 19

Reversal of decisions

(1) If a decision entered in the Register in accordance with section 10 is reversed or becomes invalid on account of a new decision, the entry is removed from the Register.

(2) The same applies if

1. a decision entered in accordance with section 10 no longer has to be enforced on the ground of a decision given by an authority or court,
2. the administrative authority has given a decision which is restricted as to time or has determined in the notification made to the Register that the decision is to be entered only for a certain period of time and that period has expired,
3. a waiver entered under section 10 (1) sentence 1 no. 3 (b) or (2) sentence 2 becomes invalid on account of a subsequent decision.

Section 20

Notifications, corrections, restricted disclosure notices

(1) Courts and authorities notify the authority holding the Register of the decisions, findings and facts designated in sections 4 to 19. If they establish that the data notified are incorrect, they are to notify the authority holding the Register of this fact without delay and, insofar and as soon as they become known, to give notification without delay of the correct data. If the authority holding the Register establishes the incorrectness of specific data, it is required to request the notifying agency to supply the correct data. In both cases the authority holding the Register must correct the incorrect entry. The notifying agency and agencies which have demonstrably been provided with incorrect information are to be notified thereof, unless the incorrectness of the data is obvious. The notifying agency need not be informed if more than 10 years have elapsed since notification was made under sentence 1. This does not apply in the case of the imposition of a sentence of imprisonment for life and in the case of the ordering of placement in preventive detention or in a psychiatric hospital. In the case of sentences to imprisonment for life, detention of military personnel or youth penalty, the deadline is extended by the duration of the sentence, detention or penalty.

(2) Where the person concerned convincingly demonstrates that an entry is incorrect, the authority holding the Register must add a restricted disclosure notice to the entry until such time as either the correctness or the incorrectness of the entry can be established. Only in such cases may the person concerned, in derogation from Article 18 (1) (a) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1; L 314, 22.11.2016, p. 72; L 127, 23.5.2018, p. 2), as amended, require the authority holding the Register to restrict the processing of the stored data. The data may not be processed without the consent of the person concerned, except to examine their correctness and except in the cases referred to in subsection (3) sentence 1. Subsection (1) sentences 5 to 8 apply accordingly.

(3) Where restricted disclosure notices have been added to entries, information concerning those entries is only shared with those agencies referred to in section 41 (1) no. 1 and nos. 3 to 5. Reference is to be made to the restricted disclosure notice when information is shared. In all other cases, reference is only made to the restricted disclosure notice.

Section 20a

Change of personal data

(1) If a person's name at birth, family name, first name or date of birth changes, the registration authorities are required, for the purposes referred to in subsections (2) and (3), to transmit to the authority holding the Register the following additional details in addition to the person's previous name or date of birth:

1. name at birth,
2. family name,
3. first name,
4. date of birth,
5. place of birth,
6. address,
7. designation of the authority which occasioned the change in the civil register and
8. the date and reference number of the legal act on which the change is based.

Such notification is permissible notwithstanding the prohibition of disclosure under section 5 (1) of the Transsexuals Act (*Transsexuellengesetz*) and the secrecy with respect to adoptions required under section 1758 (1) of the Code of Civil Procedure (*Zivilprozessordnung*).

(2) If the Register contains an entry or a search note on the person whose name at birth, family name, first name or date of birth has been changed, the amended name or the amended date of birth is to be included in the entry or the search note.

(3) A notification in accordance with subsection (1) may only be used for the purposes referred to in subsection (2), in section 494 (1) of the Code of Criminal Procedure or in section 153a (2) of the Trade Regulation Act (*Gewerbeordnung*). If these conditions are not met, the authority holding the Register must delete the notification without delay.

Section 20b

Identification procedure

Where necessary in the performance of the tasks of the authority holding the Register, in particular under the provisions of this Act, the authority holding the Register may, in case of doubt as to the identity of a person regarding whom an entry has been stored in the Federal

Central Register, in particular obtain information – individually or in parallel – from the following public agencies in order to determine the identity of that person:

1. the civil register,
2. the Central Register of Foreigners and
3. the foreigners' authorities and registries of births, deaths and marriages.

In the context of such a request for information, the authority holding the Register may transmit to the requested public agencies the personal data required therefor. The requested public agencies must, at the latest after disclosing the information, delete the personal data transmitted by the authority holding the Register without delay.

Section 21 Automated information procedure

An automated request and disclosure procedure for the transmission of personal details may be established if this form of data transmission is appropriate giving consideration to the interests worth protecting of the person concerned on account of the numerous transmissions or on account of the need for particular urgency and if it is guaranteed that the data are effectively protected against unauthorised access by third parties during transmission. Section 493 (2) and (3) sentence 1 and sentence 2 of the Code of Criminal Procedure applies accordingly; in addition section 492 (4a) of the Code of Criminal Procedure and section 8 of the Ordinance on the Operation of the National Register of Proceedings Conducted by the Public Prosecution Offices (*Verordnung über den Betrieb des Zentralen Staatsanwaltschaftlichen Verfahrensregisters*) apply accordingly to information requests from the offices for the protection of the constitution at federal and *Länder* level, from the Federal Intelligence Service and the Military Counterintelligence Service.

Section 21a Record keeping

(1) The authority holding the Register keeps records containing the following data in respect of the information, notifications and details it discloses:

1. the provision on which the disclosure of information or details is based,
2. the purpose for which information is to be disclosed,
3. the personal data processed in the information request and when information is disclosed,
4. the person or agency requesting the disclosure of information, the recipient of notifications, and the name of the authority in the cases referred to in section 30 (5) or its identifier,
5. the date and time of transmission,
6. the name of the employee who made the notification or an identifier, except in the case of retrieval by an automated procedure,
7. the reference number, except in the case of certificates of good conduct issued in accordance with section 30 (1), section 30a and section 30b.

(2) The records referred to in subsection (1) may only be processed for the purpose of notifications made in respect of corrections as required by section 20, for internal test purposes, for data protection monitoring and for the purpose of disclosing information from protocol data in accordance with subsection (3). Suitable precautions are to be taken to protect them against abuse. Records, insofar as they do not refer to data processing operations as referred to in Article 31 of Regulation (EU) 2019/816, and proof in accordance

with section 30c (3) must be deleted after one year, unless they are required for one of the purposes referred to in sentence 1. They are to be deleted without delay thereafter.

(3) Insofar as the person concerned's right of access under Article 15 of Regulation (EU) 2016/679 concerns information which was disclosed to an agency in accordance with sections 31 and 41, the authority holding the Register takes a decision on whether to restrict the right of access in accordance with the provisions of the Federal Data Protection Act (*Bundesdatenschutzgesetz*), in agreement with that agency. Section 30 applies accordingly to the entitlement to file an application and the procedure. If the application for access to protocol data includes an application for the disclosure of information relating to the person concerned himself or herself in accordance with section 42, then section 42 sentence 2 to sentence 5 applies accordingly.

Section 22

Duty to inform

(1) If the Register contains notification of

1. a warning with sentence reserved,
2. the suspension of imposition of a youth penalty,
3. the deferment of enforcement or the suspension on probation of a sentence, of the remainder of a sentence or of a measure of reform and prevention,
4. the remission or partial remission of a penalty,

the authority which made the notification is informed by the authority holding the Register if notification of a further conviction is received before the Register indicates that the decision can no longer be revoked. Where a measure of reform and prevention has been suspended, in the cases referred to in no. 3 notifications made in accordance with section 11 are equal to notification of a conviction.

(2) The same applies upon receipt of notification of the approval of a further order designated in subsection (1) or of a search note.

(3) If a decision designated in subsection (1) is revoked and if the Register contains a further decision in accordance with subsection (1), the authority holding the Register is required to inform the authority which gave notification of the further decision of the revocation.

(4) If the Register contains an entry concerning supervision of conduct but not that the supervision of conduct has ended, the authority holding the Register, as soon as it receives notification of the ordering or commencement of renewed supervision of conduct, is required to give notification of the new entry to the authority which notified the previously noted supervision of conduct.

Section 23

Reference to formation of aggregate sentence

Where it is evident when a conviction is entered in the Register that another conviction has already been entered in the Register and that the formation of an aggregate sentence with the new conviction is considered a possibility, the authority holding the Register indicates to the authority which made the last notification of the possibility of forming an aggregate sentence.

Section 24

Removal of entries

(1) Entries concerning persons whose death has been officially notified to the authority holding the Register are removed from the Register three years following receipt of this information. During this period information may be shared only with courts and public prosecution offices.

(2) Entries concerning anyone over the age of 90 are likewise removed from the Register.

(3) Entries made in accordance with section 11 are removed from the Register after 10 years in the case of proceedings on a less serious criminal offence (*Vergehen*) and after 20 years in the case of proceedings on a serious criminal offence (*Verbrechen*). In the case of criminal offences under sections 174 to 180 or section 182 of the Criminal Code, this period is 20 years. The period begins to run on the day on which the decision was given or the order was made.

(4) If the Register contains several entries made in accordance with section 11, removal of an entry is not permissible until the conditions for removal of all the entries are met.

(5) An entry which is to be removed in accordance with section 11 is deleted from the Register one year after the conditions for removal are met. During this period, information relating to the entry may only be given to the person concerned.

Section 25 **Order for removal**

(1) The authority holding the Register may, upon application or ex officio, in consultation with the agency which gave a particular decision, in particular in the interest of the rehabilitation of the person concerned, order that entries made in accordance with sections 10 and 11 are to be removed prematurely from the Register unless the public interest precludes such an order being made. In the cases referred to in section 11, it is, as a rule, to hold a hearing of a medical expert experienced in psychiatry before giving a decision.

(2) The person making the application may file a complaint against the decision to refuse an application to remove an entry within two weeks following announcement of the decision. If the authority holding the Register does not remedy the complaint, the Federal Ministry of Justice and Consumer Protection gives a decision.

Section 26 **Wrongfully removed entries**

Before giving its decision as to whether an entry which has been wrongfully removed from the Register is to be re-entered in the Register, the authority holding the Register is required to give the person concerned the opportunity to comment.

Chapter 2 **Search notes**

Section 27 **Storage**

Where an alert has been issued for a person's arrest or for communication of a person's whereabouts, an authority may request that a search note be stored in the Register if it serves the fulfilment of the sovereign tasks of or the implementation of measures by the central authority under section 7 of the International Family Law Procedure Act (*Internationales Familienrechtsverfahrensgesetz*) of 26 January 2005 (Federal Law Gazette I, p. 162), section 4 (3) of the Act Implementing the Convention on Protection of Adults (*Erwachsenenschutzübereinkommens-Ausführungsgesetz*) of 17 March 2007 (Federal Law Gazette I, p. 314) or under sections 16 and 17 of the Foreign Maintenance Act (*Auslandsunterhaltsgesetz*) of 23 May 2011 (Federal Law Gazette I, p. 898) and the person concerned's whereabouts are unknown at the time of the request.

Section 28 **Procedure**

(1) If the Register contains an entry on or it receives notification about the person being sought, the authority holding the Register informs the requesting authority of

1. the date and reference number of the decision,
2. the authority making the notification,
3. the last known address of the person being sought.

The same procedure is to be applied upon receipt of an application for issuance of a certificate of good conduct or for disclosure of information extracted from the Register.
(2) If several authorities have submitted requests concerning the same person, each authority is to be notified of the other authorities' requests. The same applies where one and the same authority has sent requests using different reference numbers.

Section 29 Disposal

(1) If a search note is disposed of before the expiry of three years since it was stored, the authority holding the Register is to be notified thereof.
(2) The search note is deleted if notification is given of its having been disposed of, at the latest after the expiry of three years since it was stored.

Chapter 3 Disclosure of information extracted from Register

1. Certificate of good conduct

Section 30 Application

(1) Any person over the age of 14 may make an application for issuance of a certificate specifying any entries made in the Register relating to them (certificate of good conduct). If he or she has a legal representative, then the legal representative is also authorised to make an application. If the person lacks legal capacity to act, only his or her legal representative is authorised to make an application.
(2) If the person making the application is resident within the area of application of this Act, the application must be made with the registration authority in person or else it must bear an officially or publicly certified signature. When submitting the application, proof must be furnished of the person's identity and, if a legal representative has been appointed, of his or her power of attorney. The person making the application and his or her legal representative may not be represented by authorised representatives when making the application. The registration authority takes receipt of the fee for issuance of the certificate of good conduct, it retains one fifth of the fee and passes the remainder of the amount on to the Federal Treasury.
(3) If the person making the application is resident outside of the area of application of this Act, the application may be sent directly to the authority holding the Register. Subsection (2) sentence 2 and sentence 3 applies accordingly.
(4) The certificate of good conduct may only be forwarded to the person making the application.
(5) If the certificate of good conduct is required for presentation to another authority, it is to be sent directly to that authority. The authority is required to grant the person making the application inspection of the certificate of good conduct upon request. Should the certificate of good conduct contain any entries, the person making the application may request that it first be forwarded to a local court designated by him or her for inspection. In cases where the application is submitted to the registration authority, the registration authority is required to indicate this possibility to the person making the application. The local court may grant inspection only to the person making the application himself or herself. Following inspection, the certificate of good conduct is to be passed on to the authority; if the person making the application objects to this, it must be destroyed by the local court.
(6) If the person making the application is resident outside of the area of application of this Act and should the certificate of good conduct contain any entries, then he or she may request that it first be forwarded to one of the official representations of the Federal Republic of Germany designated by him or her for inspection. Subsection (5) sentence 5 and sentence 6 applies accordingly to the official representation of the Federal Republic of Germany.

Section 30a

Application for extended certificate of good conduct

- (1) A person is issued with an extended certificate of good conduct upon application
1. if such issuance is provided for by statutory provisions which make reference to this provision or
 2. if the extended certificate of good conduct is required
 - a) in respect of the professional or voluntary supervision, care, education or training of minors or
 - b) in respect of activities which are suited, in a manner comparable to that referred to in letter (a), to coming into contact with minors.
- (2) Whoever makes an application for the issuance of an extended certificate of good conduct must present a written request in which the person demanding the extended certificate of good conduct from the person making the application confirms that the conditions of subsection (1) are met. Section 30 applies accordingly in all other cases.

Section 30b

European certificate of good conduct

- (1) Insofar as a Member State provides for such transmission under its own law, the certificate of good conduct referred to in section 30 or section 30a (1) must include notification, in full and in the language of transmission, regarding entries in the criminal registers of other Member States of the European Union (European certificate of good conduct) relating to the following:
1. persons who hold the nationality of another Member State of the European Union and
 2. third-country nationals.
- Rulings given by German courts are not included. Section 30 applies accordingly.
- (2) Requests made by the authority holding the Register for transmission of the additional entries to be included in the certificate of good conduct in accordance with subsection (1) for the purpose of a European certificate of good conduct for persons who hold the nationality of another Member State of the European Union are to be sent to their home Member State.
- (3) Requests made by the authority holding the Register for transmission of the additional entries to be included in the certificate of good conduct in accordance with subsection (1) for the purpose of a certificate of good conduct for third-country nationals is to be sent, via the central system for determining which Member States have information on convictions relating to third-country nationals, to the Member States of the European Union participating in the system.
- (4) The certificate of good conduct is to be issued within 20 working days from the date of transmission of the authority holding the Register's requests. If the Member States have not shared any information extracted from their criminal register, reference thereto is to be made in the certificate of good conduct.

Section 30c

Electronic applications

- (1) If, in derogation from section 30 (2) or (3), the application is submitted electronically, the application must be made directly to the authority holding the Register using the access provided on the Internet. The person making the application may not be represented by authorised representatives. If a legal representative has been appointed, he or she must provide proof of his or her power of attorney.
- (2) Electronic proof of identity as required by section 18 of the Act on Identity Cards (*Personalausweisgesetz*), by section 12 of the eID Card Act (*eID-Karte-Gesetz*) or by section

78 (5) of the Residence Act (*Aufenthaltsgesetz*) must be provided. To that end, the following must be transmitted to the authority holding the Register from the electronic storage and processing medium on the identity card, the eID card or electronic residence title:

1. the data referred to in section 18 (3) sentence 1 of the Act on Identity Cards, section 12 (3) sentence 2 of the eID Card Act read in conjunction with section 18 (3) sentence 1 of the Act on Identity Cards, or in section 78 (5) sentence 2 of the Residence Act read in conjunction with section 18 (3) sentence 1 of the Act on Identity Cards and
2. the person concerned's family name, name at birth, first names, place and date of birth, nationality and address.

If the electronic storage and processing medium does not permit transmission of the person concerned's name at birth, the name at birth is to be stated in the application and proof thereof provided. A safe procedure is to be used for data transmission which corresponds to the relevant state of technology and guarantees the confidentiality and integrity of the electronically transmitted data set.

(3) Proofs to be furnished must be presented electronically together with the application and their authenticity and correctness declared in lieu of an oath. The authority holding the Register may, in an individual case, request presentation of the original copy of those documents which are to be presented.

(4) The authority holding the Register is responsible for regulating further details concerning the electronic procedure. Section 30 applies accordingly in all other cases.

Section 31

Issuance of certificate of good conduct and of extended certificate of good conduct for official purposes

(1) Authorities are sent a certificate of good conduct regarding a specific person if they require one in the fulfilment of their sovereign tasks and it is not appropriate to request the person concerned to present a certificate of good conduct or such a request was unsuccessful. The authority is required to grant the person concerned inspection of the certificate of good conduct upon request.

(2) Authorities are sent an extended certificate of good conduct for the purposes of protecting minors under the conditions laid down in subsection (1). Subsection (1) sentence 2 applies accordingly.

Section 32

Content of certificate of good conduct

(1) Those entries which are designated in sections 4 to 16 are to be included in a certificate of good conduct. Insofar as subsection (2) nos. 3 to 9 permit exceptions, these do not apply to convictions for a criminal offence under sections 174 to 180 or section 182 of the Criminal Code.

(2) The following are not included:

1. a warning with sentence reserved in accordance with section 59 of the Criminal Code,
2. a finding of guilt in accordance with section 27 of the Youth Courts Act,
3. convictions leading to a youth penalty of no more than two years if enforcement of the penalty or of the remainder of the penalty is suspended on probation by a court or by way of pardon or is deferred in accordance with section 35 of the Narcotics Act and this decision has not been revoked,
4. convictions leading to a youth penalty if the striking of the criminal record has been declared by the court or by way of pardon and the striking has not been revoked,
5. convictions leading to

- a) imposition of a fine of no more than 90 daily rates,
- b) a term of imprisonment or detention of military personnel of no more than three months

if no further penalty has been entered in the Register,

6. convictions leading to a term of imprisonment of no more than two years if enforcement of the sentence or of the remainder of the sentence

- a) has been deferred in accordance with section 35 or section 36 of the Narcotics Act or has been suspended on probation or
- b) has been suspended on probation in accordance with section 56 or section 57 of the Criminal Code and the Register indicates that the convicted person committed the act, or in the case of aggregate sentences all or the major part of the acts, owing to drug addiction,

these decisions have not been revoked and no further penalty has been entered in the Register,

7. convictions leading to the ordering of placement in an addiction treatment facility in addition to imposition of a youth penalty or a term of imprisonment of no more than two years if enforcement of the sentence or penalty, of the remainder of the sentence or penalty or of the measure of reform and prevention has been deferred in accordance with section 35 of the Narcotics Act and the conditions of no. 3 or no. 6 are otherwise met,

8. convictions leading to the ordering of measures of reform and prevention, additional penalties or incidental legal consequences on their own or in conjunction with each other or in conjunction with educative measures of reform and prevention and disciplinary measures,

9. convictions regarding which a note has been made of the reopening of the proceedings as a whole; if the reopening of only a part of the proceedings has been ordered, reference thereto is to be made in the certificate of good conduct,

10. deviating personal details pursuant to section 5 (1) no. 1 and the information referred to in section 5 (1) no. 8,

11. entries made in accordance with sections 10 and 11,

12. reserved preventive detention if the ordering of preventive detention has been waived by final decision.

(3) Contrary to subsection (2), the following must also be included in a certificate of good conduct for official purposes (section 30 (5) and section 31):

- 1. convictions leading to the ordering of a measure of reform and prevention involving deprivation of liberty,
- 2. entries made in accordance with section 10 if the decision was issued or the waiver was declared no more than 10 years previously,
- 3. entries made in accordance with section 11 if the decision was given or the order was made no more than five years previously,
- 4. deviating personal details pursuant to section 5 (1) no. 1 if entries have been made with reference to these details which are to be included in a certificate of good conduct for official purposes.

(4) A certificate of conduct for official purposes (section 30 (5) and section 31) must further include convictions designated in subsection (2) nos. 5 to 9 for criminal offences which were committed

1. with or in connection with a trade or the operation of another economic enterprise or
2. while working in a trade or another economic enterprise
 - a) by a representative or agent within the meaning of section 14 of the Criminal Code or
 - b) by a person who is expressly designated as responsible in a legal provision

if the certificate of good conduct is to be used to take those decisions which are designated in section 149 (2) sentence 1 no. 1 of the Trade Regulation Act.

(5) Where subsection (2) nos. 3 to 9 permit exceptions to the inclusion of entries, these do not apply in regard to convictions for a criminal offence under sections 171, 180a, 181a, 183 to 184g, 184i to 184l, 201a (3), sections 225, 232 to 233a, 234, 235 or section 236 of the Criminal Code where an extended certificate of good conduct is to be issued in accordance with section 30a or section 31 (2).

Section 33

Non-inclusion of convictions after expiry of time limit

(1) Following the expiry of a specified time limit, convictions are no longer included in a certificate of good conduct.

(2) This does not apply to convictions leading to

1. the imposition of a sentence of imprisonment for life if the remainder of the sentence is not remitted in accordance with section 57a (3) sentence 2 read in conjunction with section 56g of the Criminal Code or by way of pardon,
2. an order for preventive detention,
3. an order for placement in a psychiatric hospital where an application has been made for a certificate of good conduct for official purposes (section 30 (5) and section 31), or
4. the imposition of a penalty for an offence under section 176c or 176d of the Criminal Code of
 - a) imprisonment for at least five years, or
 - b) imprisonment for at least three years for two or more convictions under section 176c or 176d of the Criminal Code which have been entered in the Register

where an application is made for an extended certificate of good conduct or an extended certificate of good conduct for authorities (section 30 (5), section 31).

Section 34

Time limit

(1) The period after which a conviction is no longer included in the certificate of good conduct is

1. three years in the case of
 - a) convictions to
 - aa) payment of a fine and

bb) a term of imprisonment or detention of military personnel of no more than three months

if the conditions of section 32 (2) are not met,

b) convictions to a term of imprisonment or detention of military personnel of more than three months, but no more than one year, if enforcement of the sentence or of detention of military personnel has been suspended on probation by the court or by way of pardon, this decision has not been revoked and the Register does not contain another entry concerning imprisonment, detention of military personnel or a youth penalty,

c) convictions to a youth penalty of no more than one year if the conditions of section 32 (2) are not met,

d) convictions to a youth penalty of more than two years if the remainder of the penalty has been remitted by a court or by way of pardon after the end of the probation period,

2. 10 years in the case of convictions for a criminal offence under sections 174 to 180 or section 182 of the Criminal Code to a term of imprisonment or a youth penalty of more than one year,

3. five years in all other cases.

(2) The period after which a conviction for a criminal offence under sections 171, 174 to 180a, 181a, 182 to 184g, 184i to 184l, 201a (3), sections 225, 232 to 233a, 234, 235 or section 236 of the Criminal Code is no longer included in an extended certificate of good conduct is

1. 10 years

a) in the case of the imposition of a fine or of a sentence of imprisonment or detention of military personnel or a youth penalty,

b) in the case of an order being made for only a measure of reform and prevention involving deprivation of liberty,

2. 20 years in the case of the imposition of a sentence of imprisonment for an offence under sections 176 to 176d of the Criminal Code or a youth penalty of more than one year.

(3) In the cases referred to in subsection (1) no. 1 (d), no. 2 and no. 3, this period is extended by the length of the term of imprisonment, of the detention of military personnel or of the youth penalty. In the cases referred to in subsection (2), this period is extended by the length of the term of imprisonment or youth penalty in the case of imposition of a sentence of imprisonment or of a youth penalty of more than one year. If the remainder of a sentence of imprisonment for life is remitted, the period is extended by the length of time between the date of the first judgment and the end of the probation period, though at least by 20 years.

Section 35

Aggregate sentence, aggregate youth penalty and ancillary decisions

(1) Where an aggregate sentence or an aggregate youth penalty has been formed or where a youth penalty has been imposed in accordance with section 30 (1) of the Youth Courts Act, the new decision alone is decisive as regards section 32 (2) and section 34.

(2) When determining the relevant time limit set out in section 34, no consideration is given to additional penalties, incidental legal consequences, fines imposed in addition to imprisonment or detention of military personnel, and to measures of reform and prevention.

Section 36 Commencement

The period begins to run on the date of the first judgment (section 5 (1) no. 4). This date also prevails where

1. an aggregate sentence or aggregate youth penalty has been formed,
2. a youth penalty has been imposed in accordance with section 30 (1) of the Youth Courts Act or
3. a decision containing a conviction which has to be entered in the Register is issued in the new main hearing.

Section 37 Suspension of expiry

(1) If, in consequence of a conviction, convicted persons have lost the capacity to hold public office and to acquire rights resulting from public elections or the right to be elected or to vote in public matters, the time limit does not expire until such time as they have regained that capacity or right.

(2) Further, the time limit does not expire so long as the Register indicates that enforcement of a sentence or of the measures of reform and prevention listed in section 61 of the Criminal Code, with the exception of a period of disqualification from driving, have not yet been declared satisfied or the sentence has not yet been remitted.

Section 38 Several convictions

(1) Where several convictions have been entered in the Register, they must all be included in the certificate of good conduct so long as one of them has to be included in the certificate.

(2) The following are ignored:

1. convictions which only have to be included in a certificate of good conduct for official purposes (section 32 (3) and (4) and section 33 (2) no. 3),
2. convictions in the cases referred to in section 32 (2) nos. 1 to 4,
3. convictions based on which a fine of no more than 90 daily rates or a term of imprisonment or detention of military personnel of no more than three months has been imposed.

Section 39 Order for non-inclusion

(1) The authority holding the Register may, upon application or ex officio, order that, contrary to this Act, convictions and entries made in accordance with section 11 are not to be included in a certificate of good conduct. This does not apply where the public interest precludes the order for non-inclusion. The order may be restricted to certificates of good conduct without reference to certificates of good conduct for official purposes, to certificates of good conduct without reference to extended certificates of good conduct, to certificates of good conduct without reference to extended certificates of good conduct for official purposes or to the one-off issuance of a certificate of good conduct. The authority holding the Register is, as a rule, to hear the court of decision and the other competent authorities. If the entry is one of the types designated in section 11 or a conviction on the basis of which a measure of reform and prevention involving deprivation of liberty has been ordered, it is, as a rule, also to obtain an expert opinion from a medical expert with experience in psychiatry.

(2) If, in consequence of a conviction by a court in the area of application of this Act, convicted persons have lost the capacity to hold public office and to acquire rights resulting from public elections or the right to be elected or to vote in public matters, an order pursuant

to subsection (1) may not be issued until such time as they have regained that capacity or right.

(3) The person making the application may file a complaint against the refusal of an order pursuant to subsection (1) within two weeks following announcement of the decision. If the authority holding the Register does not remedy the complaint, the Federal Ministry of Justice and Consumer Protection gives a decision.

Section 40 **Subsequent entry**

Where a further conviction is entered in the Register or a further entry is made in accordance with section 11, the person concerned does not benefit from an order made in accordance with section 39 so long as the later entry has to be included in the certificate of good conduct. Section 38 (2) applies accordingly.

2. Unrestricted disclosure of information extracted from Register

Section 41 **Scope of information disclosed**

(1) Notwithstanding sections 42 and 57, information on entries which are not included in a certificate of good conduct and search notes may only be shared with

1. the courts, court presidents, public prosecution offices, the national member in accordance with the provision of section 5 (1) no. 2 of the Eurojust Act (*Eurojust-Gesetz*), the supervisory authorities in accordance with section 68a of the Criminal Code and the probation service for the purposes of the administration of justice and to prisons for the purposes of the enforcement of sentences, including conducting checks of all those employed in the prison service,
2. the highest federal and *Land* authorities,
3. the offices for the protection of the constitution at federal and *Land* level, the Federal Intelligence Service and the Military Counterintelligence Service for security tasks assigned to these authorities,
4. the fiscal authorities for the prosecution of those criminal offences which fall within their remit,
5. the police stations responsible for criminal offences for the purposes of the prevention and prosecution of criminal offences,
6. the naturalisation authorities for naturalisation procedures,
7. the foreigners authorities, the authorities tasked with police checks of cross-border traffic and the Federal Office for Migration and Refugees if the information refers to a foreign national,
8. the authorities responsible for pardons in matters relating to pardons,
9. the authorities competent in regard to licences issued under weapons law or explosives law, the issue of hunting licences, licences to keep a dangerous dog or licences issued to the security industry and competent in regard to security staff screening,
10. the Federal Institute for Drugs and Medical Devices in the context of the licensing procedure under the Narcotics Act,
11. the bar associations or chambers of patent attorneys for decisions given in proceedings concerning admission, acceptance and supervision under the Federal Code for Lawyers (*Bundesrechtsanwaltsordnung*), the Federal Code for Patent Attorneys

(*Patentanwaltsordnung*), the Act on the Activities of European Lawyers in Germany (*Gesetz über die Tätigkeit europäischer Rechtsanwälte in Deutschland*) or the Act on the Activities of European Patent Attorneys in Germany (*Gesetz über die Tätigkeit europäischer Patentanwälte in Deutschland*),

12. the Federal Office for the Safety of Nuclear Waste Management as part of nuclear reliability checks under the Atomic Energy Act (*Atomgesetz*),

13. the aviation security authorities for the purposes of reliability checks under section 7 of the Aviation Security Act (*Luftsicherheitsgesetz*),

14. the Financial Intelligence Unit (FIU) for the purposes of fulfilling tasks assigned under the Money Laundering Act (*Geldwäschegesetz*).

(2) Entries made in accordance with section 17 and convictions to a youth penalty which have been struck from the criminal records may not be notified in accordance with subsection (1); such information is only shared with the criminal courts and public prosecution offices for the purposes of conducting criminal proceedings against the person concerned. This does not apply to convictions for a criminal offence under sections 171, 174 to 180a, 181a, 182 to 184g, 184i to 184l, 201a (3), sections 225, 232 to 233a, 234, 235 or section 236 of the Criminal Code. The information referred to in section 5 (1) no. 8 may not be notified as per subsection (1).

(3) Information is shared in accordance with subsections (1) and (2) only on the basis of an explicit request. The agencies referred to in subsection (1) must indicate the purpose for which the information is required; it may only be used for that purpose.

Section 42

Disclosure to person concerned

The right of access under Article 15 (1) of Regulation (EU) 2016/679 is guaranteed by notifying the person concerned of those entries contained in the Register which relate to him or her. Section 30 (1) applies accordingly as regards the entitlement to file an application and the procedure, and section 30b (1) sentence 1 and (2) to (4) applies accordingly to the scope of access. If the information is not disclosed by means of inspection of the files at the authority holding the Register, then, if the person making the application is resident in the area of application of this Act, the information is to be forwarded to a local court designated by him or her where he or she may inspect the information in person. If the person concerned is in lawful custody in prison, the prison director takes the place of the local court. If the person making the application is resident outside of the area of application of this Act, the information is to be forwarded to an official representation of the Federal Republic of Germany designated by him or her at which he or she may inspect the information in person. Following inspection, the information must be destroyed by the local court, the prison director or the official representation of the Federal Republic of Germany. In the interests of protecting the persons concerned, it is not permissible to hand over the information or a copy thereof.

Section 42a

Disclosure for scientific purposes

(1) The transmission of personal details included in the Register to institutions of higher education, other institutions conducting scientific research and public agencies is permissible insofar as

1. this is necessary for the conduct of specific scientific research,
2. it is not possible to use anonymised data for that purpose or anonymisation involves disproportionate effort and
3. the public interest in the research significantly overrides the interest of the person concerned worth protecting in the disclosure being ruled out.

When considering the various interests in accordance with sentence 1 no. 3, particular consideration is to be given, as regards the public interest, to the scientific interest in the research project.

(1a) The repeated transmission of personal details for scientific research purposes may be permitted for an appropriate period of time after having heard the Federal Commissioner for Data Protection and Freedom of Information with the approval of the Federal Ministry of Justice and Consumer Protection if

1. the conditions of subsection (1) no. 1 and no. 2 are met,
2. there is a significant public interest in conducting the research and
3. the significant public interest in the research significantly overrides the interest of the person concerned worth protecting in the transmission being ruled out.

The transmitted data are to be pseudonymised; pseudonymisation may be waived only if this is essential in order to achieve the research purpose. Subsection (1) sentence 2 applies accordingly. The period is to be determined giving particular consideration to the research purpose, any planned pseudonymisation of the data, the severity of the criminal offences being investigated and the length of the statutory retention periods; a transmission period which, in effect, more than doubles the retention period is generally no longer appropriate. Sentences 1 to 4 apply accordingly if, in the case of a one-off transmission, personal details are to be merged with data from another research project which have not yet been anonymised.

(2) Personal details are transmitted only to public officials or to those with special public service obligations or who have been obliged to maintain secrecy. Section 1 (2), (3) and (4) no. 2 of the Obligations Act (*Verpflichtungsgesetz*) applies accordingly to the obligation to maintain secrecy.

(3) The personal details may only be processed for the purpose for which they were transmitted. Their processing in other research projects or their forwarding to others is governed by subsections (1) and (2) and requires the consent of the authority holding the Register; subsection (1a) applies accordingly where several personal details transmitted by the authority holding the Register are to be merged.

(4) The data are to be protected against unauthorised access by third parties. The institution conducting the scientific research must ensure that the processing of the personal details is kept physically and organisationally separate from the fulfilment of those administrative tasks or business purposes for which these data may also be of relevance.

(5) Personal details are to be anonymised as soon as the research purpose permits this. Until that is possible, those features with which the individual pieces of information on the personal or material circumstances can be assigned to specific or identifiable persons are to be stored separately. They may only be merged with the individual pieces of information if the research purpose necessitates this.

(6) Anyone who has taken receipt of personal details in accordance with subsections (1) and (2) may publish these only if this is essential in order to be able to present research findings on contemporary events. Such publication requires the consent of the authority holding the Register.

(7) If the recipient is a non-public agency, the provisions of Regulation (EU) 2016/679 also apply to the non-automated processing of personal data which are not or are not to be stored in a file system.

(8) If the authority holding the Register is able to conduct preparatory analyses without an unreasonable effort, it may use data in the Register for that purpose.

Section 42b

Disclosure to prepare legal provisions and general administrative provisions

The authority holding the Register may share information with public agencies in an anonymised form for the preparation and examination of legal provisions and general administrative provisions. Section 42a (8) applies accordingly.

Section 43 Forwarding of information

The highest federal and *Land* authorities may give notification of entries which are not included in a certificate of good conduct to a subordinate authority or to an authority subject to its supervision only if this is essential to prevent disadvantages to the Federal Government or to a *Land* or if the fulfilment of public tasks would otherwise be significantly jeopardised or made significantly more difficult.

3. Disclosure of information to authorities

Section 43a Ex officio disclosure of information relating to other proceedings

(1) In proceedings under sections 25, 39, 49 and 55 (2) and section 63 (3), the transmission of personal details is permissible if the transmitting agency believes knowledge of the data is necessary

1. to prosecute a criminal offence,
2. to avert a significant disadvantage to the common good or a threat to public safety,
3. to avert serious interference with the rights of another person,
4. to avert a significant threat to the best interests of a minor or
5. to dispose of a search note.

(2) Sections 18 to 22 of the Introductory Act to the Courts Constitution Act (*Einführungsgesetz zum Gerichtsverfassungsgesetz*) apply accordingly.

Section 44 Confidential treatment of information

Information which is extracted from the Register and disclosed to authorities (section 30 (5), sections 31, 41 and 43) may only be brought to the attention of those employees who are entrusted with taking receipt of or processing it.

4. Denial of information for witness protection purposes

Section 44a Denial of information

- (1) The authority holding the Register blocks a data set referring to a person entered in the Register so that the information cannot be disclosed if a witness protection agency notifies the authority that this is necessary to protect that person in his or her capacity as a witness.
- (2) The authority holding the Register is, as a rule, to refuse to disclose information extracted from the Register concerning the blocked personal details insofar as conflicting public interests or the interests of third parties worth protecting do not predominate. It first gives the witness protection agency the opportunity to comment; the witness protection agency's assessment that the refusal to disclose the information is necessary for the purposes of witness protection is binding on the authority holding the Register. The refusal to disclose information does not require the statement of any grounds.
- (3) The authority holding the Register creates a specially designated personal data set on persons about whom no entry has been made in the Register if the witness protection agency demonstrates that this is necessary to protect that person, in his or her capacity as a witness, against investigation on account of abusive requests for information. No information regarding this data set may be disclosed. The authority holding the Register informs the

witness protection agency about any information requests it receives in regard to this person or other data specified by the witness protection agency.

(4) Sections 161 and 161a of the Code of Criminal Procedure remain unaffected.

Chapter 4 Deletion

Section 45 Deletion after expiry of time limit

(1) Entries concerning convictions (section 4) are deleted after the expiry of a specified time limit.

(2) An entry which is to be deleted is removed from the Register one year after it qualifies for deletion. During this period information concerning the entry may only be disclosed to the person concerned.

(3) Subsection (1) does not apply to

1. convictions to imprisonment for life,
2. orders for placement in preventive detention or in a psychiatric hospital, or
3. convictions for an offence under section 176c or 176d of the Criminal Code leading to the imposition of a sentence of
 - a) imprisonment for at least five years, or
 - b) imprisonment for at least three years in the case of two or more convictions under section 176c or 176d of the Criminal Code which have been entered in the Register.

Section 46 Time limit after which entries are deleted

(1) Entries are deleted

1. after five years
in the case of convictions
 - a) to payment of a fine of no more than 90 daily rates if no entry has been made in the Register concerning a term of imprisonment, detention of military personnel or a youth penalty,
 - b) to a term of imprisonment or detention of military personnel of no more than three months if the Register contains no entry on another penalty,
 - c) to a youth penalty of no more than one year,
 - d) to a youth penalty of no more than two years if enforcement of the penalty or of the remainder of the penalty has been suspended on probation by a court or by way of pardon,
 - e) to a youth penalty of more than two years if the remainder of the penalty has been remitted by a court or by way of pardon following the end of the probation period,
 - f) to a youth penalty if the criminal record has been declared struck off by a court or by way of pardon,
 - g) on account of which a measure (section 11 (1) no. 8 of the Criminal Code), with the exception of a permanent disqualification from driving and a permanent disqualification from exercising a profession, an additional penalty or an

incidental legal consequence by itself or in combination with one of the other measures or in conjunction with socio-educational measures or disciplinary measures, has been ordered,

1a. after 10 years

in the case of convictions for an offence under sections 171, 174 to 180a, 181a, 182 to 184g, 184i to 184l, 201a (3), sections 225, 232 to 233a, 234, 235 or section 236 of the Criminal Code where

a) the case is one of those referred to in no. 1 (a) to (f),

b) only placement in an addiction treatment facility has been ordered as a result,

2. after 10 years

in the case of convictions

a) to payment of a fine and to a term of imprisonment or detention of military personnel of no more than three months if the conditions of no. 1 (a) and (b) are not met,

b) to a term of imprisonment or detention of military personnel of more than three months, but no more than one year, if enforcement of the sentence or of a remainder of the sentence has been suspended on probation by a court or by way of pardon and the Register contains no other entry concerning a term of imprisonment, detention of military personnel or youth penalty,

c) to a youth penalty of more than one year, except in the cases referred to in no. 1 (d) to (f),

d) (repealed)

3. after 20 years

in the case of convictions for a criminal offence under sections 174 to 180 or section 182 of the Criminal Code to a sentence of imprisonment or a youth penalty of more than one year,

4. after 15 years

in all other cases.

(2) No consideration is given to the suspension of a penalty or of the remainder of a penalty on probation or the striking of a criminal record when calculating the period if these decisions have been revoked.

(3) In the cases referred to in subsection (1) no. 1 (e), no. 2 (c) and no. 3 and no. 4, the period is extended by the length of the term of imprisonment, of the detention of military personnel or of the youth penalty. In the cases referred to in subsection (1) no. 1a, this period is extended by the length of the youth penalty in the case of imposition of a youth penalty of more than one year.

Section 47

Setting of time limit and suspension of expiry

(1) Sections 35 and 36 apply accordingly when it comes to setting and calculating the time limit.

(2) The time limit for deletion does not expire so long as the Register indicates that enforcement of a penalty or of one of the measures of reform and prevention listed in section

61 of the Criminal Code has not yet been declared satisfied or the penalty has not yet been remitted. Section 37 (1) applies accordingly.

(3) If several convictions have been entered in the Register, an entry may not be deleted until the conditions for deletion of all the convictions are met. An entry concerning a conviction on the basis of which a permanent disqualification from driving has been ordered precludes other convictions being deleted only if a penalty has been imposed at the same time for which only the time limit under section 46 would not yet have expired.

Section 48

Order for deletion due to legislative amendment

If a conviction has solely been entered on account of an act for which the law applicable following the conviction no longer imposes a penalty or youth penalty or if the new law only imposes a fine by itself or a fine in conjunction with an incidental legal consequence for an act, the entry is deleted upon the application of the person concerned.

Section 49

Order for deletion in special cases

(1) The authority holding the Register may, upon application or ex officio, order that entries be deleted contrary to sections 45 and 46 if enforcement has been declared satisfied and this is not precluded by the public interest in the order being made. The authority holding the Register is, as a rule, to hear the trial court and the otherwise competent authority. If the entry concerns a conviction on the basis of which a measure of reform and prevention involving deprivation of liberty has been ordered, then it is, as a rule, also to obtain an expert opinion from a medical expert with experience in psychiatry.

(2) If, in consequence of the conviction by a court in the area of application of this Act, the convicted person has lost the capacity to hold public office and rights resulting from public elections or the right or to be elected or to vote in public matters, an order may not be made in accordance with subsection (1) until such time as the convicted person has regained that capacity or right.

(3) The person making the application may file a complaint against the refusal to make an order in accordance with subsection (1) within two weeks following announcement of the decision. If the authority holding the Register does not remedy the complaint, the Federal Ministry of Justice and Consumer Protection gives a decision.

Section 50

Wrongfully deleted entries

Before giving its decision regarding whether an entry which was wrongfully deleted from the Register is to be re-entered in the Register, the authority holding the Register is required to give the person concerned the opportunity to comment.

Chapter 5

Legal effects of deletion

Section 51

Prohibition of use

(1) If an entry concerning a conviction has been deleted or has to be deleted from the Register, the act and the conviction may no longer be held against the person concerned in legal dealings and may not be used to his or her detriment.

(2) Any third-party rights resulting from the act or the conviction, statutory legal consequences resulting from the act or the conviction, and decisions given by courts or administrative authorities in connection with the act or conviction remain unaffected.

Section 52

Exceptions

(1) In derogation from section 51 (1), consideration may be given to the earlier act only if

1. the security of the Federal Republic of Germany or of one of its *Länder* urgently necessitates that an exception be made,
 2. an expert opinion is to be rendered in new criminal proceedings with regard to the conditions set out in sections 20, 21, 63, 64, 66, 66a or 66b of the Criminal Code in the event of the circumstances of the earlier act being of relevance for an assessment of the criminal responsibility or dangerousness of the person concerned,
 3. an application is made to reopen the earlier proceedings,
 4. the person concerned applies for admission to a profession or trade, appointment within the public sector or the issue of a licence to possess firearms, a licence to purchase ammunition, a firearms licence, a hunting licence or a licence in accordance with section 27 of the Explosives Act if admission, appointment or issue of the licence would otherwise lead to a significant danger to the general public; the same applies where the person concerned applies for the reversal of a decision to deny permission to pursue a profession or trade or
 5. this is provided for by statutory provisions which make reference to this provision.
- (2) In derogation from section 51 (1), consideration may further be given to an earlier act
1. in proceedings whose subject matter is the issue or revocation of a driving licence,
 2. in respect of the taking of measures under the system for assessing driving aptitude described in section 4 (5) of the Road Transportation Act (*Straßenverkehrsgesetz*),
- so long as the conviction may be used in accordance with the provisions of sections 28 to 30b of the Road Transportation Act. In addition, decisions given by the courts in accordance with sections 69 to 69b of the Criminal Code may be used to examine authorisation to drive motor vehicles.

Chapter 6

Limitation of convicted person's duties of disclosure

Section 53

Convicted person's duty of disclosure

- (1) Convicted persons may refer to themselves as having no previous convictions and need not disclose the facts on which a conviction was based if the conviction
1. does not have to be included in the certificate of good conduct or only in a certificate of good conduct in accordance with section 32 (3) or (4) or
 2. is to be deleted.
- (2) Insofar as courts or authorities have a right to the unrestricted disclosure of information, convicted persons may derive no rights from subsection (1) no. 1 vis-à-vis them if they are instructed about this fact.

Chapter 7

International exchange of information extracted from Register

Section 53a

Limits to international cooperation

The making of an entry in the Register concerning a conviction which was not made by a German court in the area of application of this Act or the disclosure of information extracted from the Register to an agency of another state or to an international or intergovernmental agency is not permissible if the conviction or the disclosure of the information contradicts key

principles of the German legal system. If a conviction or a request has been received from a Member State of the European Union, the entry concerning the conviction or the enforcement of the request is not permissible if the conviction or the enforcement of the request contradicts the Charter of Fundamental Rights of the European Union.

Section 54 **Entries in Register**

(1) Criminal convictions which were not made by German courts in the area of application of this Act are included in the Register if

1. the convicted person holds German nationality or was born or is resident in the area of application of this Act,
2. a penalty, sentence or a measure of reform and prevention could have been imposed on account of the facts underlying the conviction or converted analogously to the German legal system even under the law applicable in the area of application of this Act, notwithstanding any procedural obstacles,
3. the decision is final.

(2) If a conviction meets the conditions of subsection (1) no. 2 only as regards a part of the act or acts adjudicated, the full conviction is entered.

(3) If a conviction has to be entered or has already been entered, the following are also entered:

1. subsequent decisions or other facts relating to the conviction, as subsequent measures,
2. conditions notified upon transmission of information on a penalty or sentence which restrict the use of what has been notified,
3. if the conviction was made in a Member State of the European Union, notification of
 - a) the deletion,
 - b) the place of commission of the act and
 - c) the loss of rights resulting from the conviction,
4. a German decision on the basis of which the foreign term of imprisonment or measure of reform and prevention was declared enforceable.

If a conviction which has been entered in the Register is supplemented by entering a subsequent measure, section 55 (2) does not apply.

Section 55 **Procedure for making entry**

(1) The authority holding the Register enters a conviction which was not issued by a German court in the area of application of this Act if it has been notified of the conviction by an authority in the state in which it was made and it is not apparent from the notification that the conditions of section 54 are not met.

(2) The person concerned is, as a rule, to be heard without delay regarding the entry if his or her whereabouts can be established. If it emerges that a conviction or a separable part of that conviction does not meet the conditions of section 54 (1), the entry must be removed to that extent. If the authority holding the Register refuses the person concerned's application to remove the entry, the person concerned may file a complaint within two weeks following announcement of the decision. If the authority holding the Register does not remedy the complaint, the Federal Ministry of Justice and Consumer Protection gives a decision.

Section 56
Treatment of entries

- (1) Entries made in accordance with section 54 are, in the application of this Act, to be treated as entries made concerning convictions by German courts in the area of application of this Act. A legal consequence is equal to a legal consequence applicable in the area of application of this Act corresponding most closely to it; additional penalties and incidental legal consequences have no legal effect as regards the application of this Act.
- (2) Enforcement of a conviction does not have to be declared satisfied in order for a conviction entered as required by section 54 not to be included in a certificate of good conduct and for the entry to be deleted.
- (3) Sections 39 and 49 apply accordingly.

Section 56a
(repealed)

Section 56b

Storage for purpose of sharing information with Member States of European Union

- (1) Where a central authority in another Member State of the European Union transmits a criminal conviction pertaining to a person who holds German nationality and it is not permissible to make an entry regarding that conviction because the conditions of section 54 (1) no. 2 are not met, the conviction and any subsequent measures which could be entered are stored separately in the Register. Information stored in accordance with this provision may be transmitted to another Member State on the basis of a request only to support criminal proceedings in that state.
- (2) Sections 42 and 55 (2) apply accordingly.
- (3) The stored data are deleted from the Register if
1. notification is received that the Member State handing down the judgment has deleted them or
 2. five years have elapsed; section 47 (1) applies accordingly when calculating the time limit.

Section 57

Sharing information with foreign, supranational and intergovernmental agencies

- (1) Requests from agencies in another state and from supranational and intergovernmental agencies to share unrestricted information extracted from the Register or for issuance of a certificate of good conduct for official purposes are enforced by the authority holding the Register in accordance with the applicable international agreements, so far as legislative bodies were involved in them under Article 59 (2) sentence 1 of the Basic Law.
- (2) If no international agreement within the meaning of subsection (1) exists, the authority holding the Register, acting in its capacity as enforcing agency, may share with the agencies referred to in subsection (1) unrestricted information extracted from the Register or may issue a certificate of good conduct for official purposes for the same purposes and in the same scope as to comparable German agencies. The receiving agency must be notified that the information may only be used for the purpose for which it was shared. Transmission of personal data must be made in compliance with Chapter V of Regulation (EU) 2016/679 and other general data protection provisions.
- (3) Regular notifications of criminal convictions and subsequent measures which are entered in the Register (information on convictions) are compiled and transmitted in accordance with the international agreements applicable to them which required the involvement of the legislative bodies under Article 59 (2) of the Basic Law. Subsection (2) sentence 2 applies accordingly. If information on a conviction has been transmitted, the receiving agency is also informed of the entry's removal from the Register.
- (4) Responsibility for the reliability of the transmission lies with the transmitting agency.

(5) Attention must be paid to a condition which has been entered in accordance with section 54 (3) sentence 1 no. 2 when enforcing requests as required by subsections (1) and (2). Where an entry has been made in the Register concerning the deletion of a conviction in the Member State handing down the judgment relating to a conviction entered in accordance with section 54, no information extracted from the Register concerning this conviction is shared.

(6) The authority holding the Register gives Eurojust its consent pursuant to Article 17 (3) of Regulation (EU) 2019/816 where the response to a request made by the requesting third country or an international organisation would likely be in accordance with subsections (1) to (5).

Section 57a

Exchange of information extracted from Register with Member States of European Union

(1) Information on convictions concerning persons holding the nationality of another Member State of the European Union is compiled and transmitted to the authority holding the Register in the Member State whose nationality the convicted person holds. If the person holds the nationality of several Member States, each of the Member States concerned must be sent information on convictions. Sentences 1 and 2 also apply if the convicted person also holds German nationality. Section 57 (3) sentence 3 applies accordingly.

(2) Requests from another Member State for the exchange of unrestricted information extracted from the Register to support criminal proceedings are enforced by the authority holding the Register; the information must also include entries made in accordance with section 56b. Section 57 (5) applies accordingly.

(3) Section 57 (1), (2) and (5) applies accordingly to requests from another Member State for the exchange of unrestricted information extracted from the Register or for the issuance of a certificate of good conduct for official purposes to support non-criminal proceedings or proceedings on a regulatory offence. If the conviction made by another Member State which has been entered in the Register contains a condition included in section 54 (3) sentence 1 no. 2 which restricts the use of the notification of the conviction to criminal proceedings, then if the request is granted the requesting Member State is only notified

1. that another Member State has made a criminal conviction whose use is restricted to criminal proceedings and

2. of the Member State in which the conviction was made.

(4) Requests from a Member State of the European Union to exchange information extracted from the Register for non-criminal purposes whose type or scope is not provided for under this Act are enforced by the authority holding the Register insofar as the information must be provided in accordance with the provisions of legislative acts of the European Union, unless a special expert assessment is needed in order to restrict the information. If such an assessment is necessary, the authority competent for rendering international administrative assistance is given information extracted from the Register. Section 57 (1), (2) and (4) and section 8e of the Administrative Procedure Act (*Verwaltungsverfahrensgesetz*) apply accordingly.

(5) So as to be able to include information in the German Register in a certificate of good conduct issued by another Member State, that Member State is, upon its request, to be issued with a certificate of good conduct for private individuals or for presentation to an authority in accordance with section 30 concerning a person. If the request concerns access to entries in the criminal register relating to a person himself or herself, the authority holding the Register must provide unrestricted access. The request must make it clear that the person in question has made a relevant application in the requesting Member State. A certificate of good conduct as referred to in section 30a is issued for the purpose referred to in sentence 1 if the conditions of section 30a are met.

(6) Responsibility for the permissibility of the transmission lies with the transmitting agency.

(7) Requests which exclusively concern the exchange of information extracted from the criminal register of another Member State of the European Union and which are comparable as regards scope to the exchange of unrestricted information in accordance with section 41 or to a certificate of good conduct for official purposes in accordance with section 31 are forwarded via the authority holding the Register to the central authority in the requested Member State.

Section 58

Consideration of convictions

Even if it has not been included in the Register in accordance with section 54, a criminal conviction is deemed to qualify for deletion as soon as a comparable conviction made in the area of application of this Act would qualify for deletion. Section 53 also applies in favour of a person convicted outside of the area of application of this Act.

Chapter 8

Processing of personal data for the purposes set out in Regulation (EU) 2019/816 and in Regulation (EU) 2019/818

Section 58a

Request for transmission of personal data from ECRIS-TCN

The authority holding the Register may request the centralised system for the identification of the Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to transmit the necessary personal data and may process the personal data it receives insofar as this is necessary, in addition to the purposes set out in Regulation (EU) 2019/816,

1. in relation to the provision of information in the Register for non-criminal law purposes, or
2. in relation to the issuance of a certificate of good conduct.

Section 58b

Sharing of personal data between the authority holding the Register and the Federal Criminal Police Office

(1) The authority holding the Register may request the Federal Criminal Police Office to transmit the fingerprints taken in accordance with section 81b or section 163b (1) sentence 3 of the Code of Criminal Procedure for the purposes set out in Regulation (EU) 2019/816.

(2) The authority holding the Register may collect, store and use the fingerprints transmitted following a request as referred to in subsection (1) insofar as this is necessary for the purposes set out in Regulation (EU) 2019/816. If their use for such purposes is no longer necessary, the fingerprints are to be deleted without delay.

(3) Where the data subject's fingerprints are transmitted to the authority holding the Register in the case of requests in accordance with section 57a (2) to (4) following a hit in ECRIS-TCN, the authority holding the Register may transmit to the Federal Criminal Police Office the necessary personal data, including the fingerprints, and request an identity match. This also applies in respect of a check of multiple identities in accordance with Article 29 of Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85; L 10, 15.1.2020, p. 5).

(4) The Federal Criminal Police Office may,

1. based on requests in accordance with subsection (1), transmit to the authority holding the Register the fingerprints taken in accordance with section 81b or section 163b (1) sentence 3 for the purposes set out in Regulation (EU) 2019/816,

2. based on requests in accordance with subsection (3) render administrative assistance in relation to the analysis of the data referred to in subsection (3) for the purpose of establishing a person's identity and transmit the result of the analysis to the authority holding the Register.

Section 58c

Expiry of retention period in ECRIS-TCN

The retention period as referred to in Article 8 of Regulation (EU) 2019/816 ends upon the data qualifying for deletion.

Part 3

Youth Educative Measures Register

Section 59

Maintenance of Youth Educative Measures Register

Unless sections 60 to 64 provide otherwise, the provisions of Part 2 apply to the Youth Educative Measures Register.

Section 60

Entries made in Youth Educative Measures Register

(1) The following decisions and orders are entered in the Youth Educative Measures Register, unless they have to be entered in the Central Criminal Register as required by section 5 (2):

1. the ordering of measures in accordance with section 3 sentence 2 of the Youth Courts Act,
2. the ordering of socio-educational measures or disciplinary measures and youth detention imposed for culpable non-compliance with such measures (sections 9 to 16 of the Youth Courts Act), additional penalties or incidental legal consequences (section 8 (3) and section 76 of the Youth Courts Act) alone or in combination with each other,
3. a finding of guilt which was removed from the Central Criminal Register in accordance with section 13 (2) sentence 2 and a decision which was removed from the Central Criminal Register in accordance with section 13 (3),
4. decisions in which the court leaves the choice and ordering of socio-educational measures to the family court (sections 53 and 104 (4) of the Youth Courts Act),
5. orders made by the family court on the basis of a decision in accordance with no. 4,
6. acquittal for insufficient maturity and discontinuation of the proceedings for that reason (section 3 sentence 1 of the Youth Courts Act),
7. dispensing with prosecution in accordance with section 45 of the Youth Courts Act and discontinuation of the proceedings in accordance with section 47 of the Youth Courts Act,
8. (repealed)
9. preliminary and final decisions given by the family court in accordance with section 1666 (1) and section 1666a of the Civil Code (*Bürgerliches Gesetzbuch*) and decisions by the family court in accordance with section 1802 (2) sentence 3 read in conjunction with section 1666 (1) and section 1666a of the Civil Code concerning the care for the person of a minor; further, decisions based on which the aforementioned decisions are revoked or amended.

- (2) In the cases referred to in subsection (1) no. 7, an entry must in addition be made concerning a measure determined by the court in accordance with section 45 (3) or section 47 (1) sentence 1 no. 3 of the Youth Courts Act.
- (3) Where youth detention has been ordered, an entry is also made if it was not enforced in full.
- (4) (repealed)

Section 61

Disclosure of information extracted from Youth Educative Measures Register

(1) Notwithstanding sections 21a and 42a, information on entries in the Youth Educative Measures Register may only be disclosed

1. to the criminal courts and public prosecution offices for the purposes of the administration of justice and to prisons for the purposes of the enforcement of sentences, including checks on all those persons employed in prisons,
2. to the family courts for proceedings concerning the care for the person of the individual listed in the Register,
3. to the youth welfare offices and *Land* youth welfare offices for the fulfilment of youth educational tasks,
4. to the authorities responsible for pardons in matters relating to pardons,
5. to the authorities responsible for issuing firearms and explosives licences, and to the authorities responsible for conducting background checks under aviation security law, with the proviso that it is only permissible to exchange information on decisions given and orders made in accordance with section 60 (1) nos. 1 to 7,
6. to the offices for the protection of the constitution at federal and *Land* level, the Federal Intelligence Service and the Military Counterintelligence Service for security tasks assigned to these authorities if sharing information in accordance with section 41 (1) no. 3 is not sufficient in the individual case and with the proviso that it is only permissible to share information regarding decisions given and orders made in accordance with section 60 (1) nos. 1 to 7.

(2) Where authorities are given information which is included both in the Central Criminal Register and in the Youth Educative Measures Register, upon a request being made for information from the Central Criminal Register (section 41 (3)) information entered in the Youth Educative Measures Register is also provided.

(3) Information in the Youth Educative Measures Register may not be passed on to authorities other than those referred to in subsection (1).

Section 62

Search notes

Search notes may be stored in the Youth Educative Measures Register in accordance with the conditions of section 27 only by those authorities to whom information in the Youth Educative Measures Register is disclosed.

Section 63

Removal of entries

- (1) Entries in the Youth Educative Measures Register are removed as soon as the person concerned reaches the age of 24.
- (2) Entries are not removed so long as the Central Criminal Register still contains an entry on a conviction to imprisonment for life, detention of military personnel or a youth penalty or a measure of reform and prevention involving deprivation of liberty.

- (3) The authority holding the Register may, upon application or ex officio, order that entries be removed earlier if enforcement is declared satisfied and the public interest does not preclude such an order being made. Section 49 (3) applies.
- (4) Sections 51 and 52 apply accordingly.

Section 64

Limitation of person concerned's duties of disclosure

- (1) A person concerned need not disclose entries made in the Youth Educative Measures Register and the facts on which those entries are based.
- (2) To the extent that courts or authorities have a right to disclosure of information extracted from the Youth Educative Measures Register, a person concerned may derive no rights from subsection (1) vis-à-vis those courts and authorities if that person is instructed about this fact.

Part 4

Transfer of Criminal Register kept by Prosecutor General of German Democratic Republic

Section 64a

Criminal Register of German Democratic Republic

- (1) The authority holding the Register is responsible for the storage, amendment, transmission, blocking and deletion of entries and of the supporting documents of the Criminal Register previously kept by the Prosecutor General of the German Democratic Republic; it is thus responsible, in its capacity as the storing agency, for data protection matters.
- (2) Entries in the Criminal Register previously kept by the Prosecutor General of the German Democratic Republic will be transferred to the Central Criminal Register or the Youth Educative Measures Register. Transfer of entries to the Central Criminal Register or the Youth Educative Measures Register will be effected at the latest on the occasion of information in the Central Criminal Register or in the Youth Educative Measures Register being processed following its review by the authority holding the Register and giving consideration to subsection (3). A decision on the transfer of each of the entries must be taken within three years.
- (3) The following will not be transferred:

1. entries on convictions or intelligence based on facts which are no longer threatened with punishment or with administrative measures at the time of their transfer under this Act,
2. entries on convictions or intelligence which clearly do not meet rule-of-law standards,
3. entries made by investigating bodies and public prosecution offices within the meaning of the Criminal Register Act of the German Democratic Republic (*Strafregistergesetz der Deutschen Demokratischen Republik*).

Sections 51 to 53 apply to convictions which were not transferred.

- (4) Up until a decision is made on whether to transfer a particular entry, entries made in accordance with subsection (1) are to be stored somewhere other than in the Central Criminal Register or the Youth Educative Measures Register and are to be blocked as far as disclosure under this Act is concerned. This also applies to entries whose transfer has been refused. The entries to be transferred to the Central Criminal Register or to the Youth Educative Measures Register will be treated in accordance with the provisions of this Act as from the point at which the decision to transfer them is taken.
- (5) The time limit for deletion will continue to be calculated on the basis of previous regulations (sections 26 to 34 of the Criminal Register Act of the German Democratic

Republic). If a new entry is made following transfer to the Federal Central Criminal Register, the provisions of this Act apply to the setting and calculation of the time limit for deletion.

Section 64b

Entries and documentation concerning entries

(1) Entries and documentation stored in accordance with section 64a (1) concerning entries made in the former Criminal Register of the German Democratic Republic may be transferred to the agencies responsible for rehabilitation for the purposes of rehabilitation. Their processing for other purposes is permissible only with the consent of the person concerned.

(2) Upon request, the competent agencies may be notified about which entries were not transferred to the Central Criminal Register or to the Youth Educative Measures Register in accordance with section 64a (3) insofar as, in the case of judges and public prosecutors, this is necessary due to their official activity in the German Democratic Republic in respect of disciplinary measures or the person concerned's rehabilitation. The notification may cover all those entries which the requesting agency requires for its decision pursuant to sentence 1 or only those entries which comply with specific features determined by the requesting agency.

Part 5

Transitional and final provisions

Section 65

Transfer of entries to Central Criminal Register

(1) Entries made in the Criminal Register prior to the entry into force of this Act will be transferred to the Central Criminal Register.

(2) Entries concerning the following will not be transferred:

1. convictions to payment of a fine imposed more than two years prior to the entry into force of this Act if the substitute term of imprisonment does not exceed three months and the Register contains no further entries,

2. convictions to payment of a fine where the conditions of no. 1 are not met, a term of imprisonment and youth penalty of no more than nine months and detention of military personnel if the penalty was imposed more than five years prior to the entry into force of this Act,

3. convictions to a term of imprisonment and youth penalty of more than nine months, but no more than three years, which were imposed more than 10 years prior to the entry into force of this Act,

4. convictions to a term of imprisonment and youth penalty of more than three but no more than five years which were imposed more than 15 years prior to the entry into force of this Act.

(3) Subsection (2) does not apply if

1. the person concerned was convicted, as a dangerous repeat offender or within the past 10 years prior to the entry into force of this Act, to a term of imprisonment or youth penalty of more than nine months,

2. the person concerned was placed in a care or nursing institution or permanently disqualified from driving.

(4) Further, entries on decisions given by administrative authorities in the period up to 23 May 1945 will not be transferred.

(5) Entries transferred to the Central Criminal Register will be treated in accordance with the provisions of this Act.

Section 66

Entries deleted or qualifying for deletion upon entry into force of this Act

Sections 51 to 53 apply to convictions which were deleted or which qualified for deletion from the Central Criminal Register upon the entry into force of this Act or which were not transferred to the Central Criminal Register in accordance with section 65 (2).

Section 67

Entries in Youth Educative Measures File

Entries in the Youth Educative Measures File held by a court are to be transferred to the Youth Educative Measures Register upon the entry into force of this Act.

Section 68

Provisions and designations in other provisions

Insofar as other provisions make reference to the Act on Restricted Disclosure of Information in the Criminal Register and the Deletion of Noted Convictions (Gesetz über beschränkte Auskunft aus dem Strafregister und die Tilgung von Strafvermerken) or to provisions of the Youth Courts Act concerning the treatment of convictions under juvenile criminal law in the Criminal Register or designations are used which are revoked or amended on the basis of this Act, these are to be replaced by the relevant provisions and designations in this Act.

Section 69

Transitional provisions

(1) Where criminal convictions which were not issued by German courts in the area of application of this Act were entered in the Central Criminal Register or in the Youth Educative Measures Register before 1 August 1984, the entry is to be treated in accordance with the provisions applicable up until the entry into force of the Second Act to Amend the Federal Central Register Act (*Zweites Gesetz zur Änderung des Bundeszentralregistergesetz*) of 17 July 1984 (Federal Law Gazette I, p. 990).

(2) Convictions for a criminal offence under sections 174 to 180 or section 182 of the Criminal Code to a term of imprisonment or youth penalty which were entered in the Central Criminal Register before 1 July 1998 are to be treated in accordance with the provisions of this Act in the version applicable as from 1 July 1998. Convictions made before 30 January 1998 are to be included in a certificate of good conduct or the unrestricted disclosure of information only insofar as they were to be included in a certificate of good conduct or unrestricted disclosure of information at that point in time.

(3) Entries made in accordance with section 11 before 1 October 2002 will be deleted from the Central Criminal Register after 20 years. The period begins to run on the date on which the decision was given or the order was made. Section 24 (4) applies accordingly.

(4) Convictions for a criminal offence under sections 171, 174 to 180a, 181a, 182 to 184g, 184i to 184k, 201a (3), sections 225, 232 to 233a, 234, 235 or section 236 of the Criminal Code which were entered in the Central Criminal Register before 1 July 2022 will be treated in accordance with the provisions of this Act in the version applicable as from 1 July 2022.

(5) Section 21 sentence 2 in the version applicable as from 29 July 2017 does not apply until after 1 May 2018. Section 21a sentence 2 in the version applicable on 20 November 2015 continues to apply until 30 April 2018.