*Draft*

**Cabinet of the Republic of Latvia**

\_\_\_\_\_\_\_\_\_ 2017 Regulation No.\_\_\_

Riga (minutes No.\_\_§)

Procedures by which a Credit Institution, a Savings and Loan Association and a Payment Service Provider Provide Information to the Account Register, and Users of the Account Register Information Receive Information from the Account Register

*Issued pursuant to*

*Section 5, Paragraph ten and Section 8, Paragraph two of the Account Register Law.*

**I. General Provision**

1. This Regulation prescribes:

1.1. procedures and a form by which credit institutions, savings and loan associations and payment service providers (hereinafter – the information providers) provide information for inclusion in the account register (hereinafter – the Register) regarding demand deposit and payment accounts;

1.2. procedures by which users of the Register information (hereinafter – the users of the Register) request and receive and a manager of the Register refuses to provide the information contained in the Register;

1.3. procedures by which a manager of the Register verifies compliance of activities of the users of the Register information with the requirements of laws and regulations governing operation of the Register;

1.4. scope of the electronic information to be received by the user of the Register information, and storage procedures thereof.

**II. Procedures by which the Information Provider Submits Information for Inclusion in the Register**

2. Information for inclusion in the Account Register shall be provided by the information providers referred to in Section 5, Paragraph one of the Account Register Law.

3. The information providers shall submit information to the Register according to the Extensible Markup Language (hereinafter – the XML) schema structure.

4. The State Revenue Service shall publish the XML schema structure referred to in Paragraph 3 of this Regulation in the XML schema catalogue of the State Information Systems’ integrator held by the State Regional Development Agency.

5. The State Revenue Service shall publish the name of the channel of the State Revenue Service of the data distribution network of the State Information System’s integrator on the website of the State Revenue Service.

6. If the State Revenue Service makes any changes to the XML schema structure referred to in Paragraph 4 of this Regulation, the State Revenue Service shall publish a new XML schema structure in the XML schema catalogue of the State Information System’s integrator held by the State Regional Development Agency not later than within two months before these changes enter into effect.

7. The information providers shall provide information to the Register in one or several reports.

8. When providing information to the Register, an information provider shall indicate a unique identifier for each piece of information. A piece of information for which the unique identifier is to be indicated shall be information regarding account of a natural person or a legal person and any information related to this account.

9. If an information provider establishes that the information provided previously contained the information regarding account holder to be deleted from the Register, the information provider shall provide this information repeatedly and indicate the unique identifier of the information provided previously which contained the information regarding account holder to be deleted, and a mark “Deleted”.

10. If an information provider establishes that the information provided previously contained incorrect information regarding account holder, the information provider shall provide corrected information to the Register and indicate the unique identifier of the information provided previously which contained incorrect information regarding account holder, and a mark “Corrected”.

11. If an information provider establishes that the information provided previously contained incorrect information regarding account number, the information provider shall provide this information to the Register repeatedly and indicate the unique identifier of the information provided previously which contained incorrect information regarding account number, and a mark “Deleted”, and provide corrected information to the Register and indicate a new unique identifier for this information.

12. An information provider and the State Revenue Service as a manager of the Register shall ensure that the data placed and received by them are deleted from the data distribution network of the State Information System’s integrator within five working days from the moment of placement or receipt of these data in order to prevent overload of channels of the data distribution network of the State Information System’s integrator.

13. The information providers shall independently connect to the data distribution network of the State Information System’s integrator held by the State Regional Development Agency and use it for provision of information to the Register under the procedures for using the State Information System’s integrator.

14. The information providers shall request the State Regional Development Agency to grant them user rights for the data distribution network of the State Information System’s integrator in accordance with the forms regarding request for user rights for the data distribution network which are published on the website maintained by the State Regional Development Agency. The State Regional Development Agency shall, within five working days, examine a request and inform of the granting of the user rights for the data distribution network of the State Information System’s integrator by sending a notification of the granting of the user rights for the State information data distribution network to the e-mail address previously communicated by the information provider to the State Regional Development Agency through a paper document or an electronic document. After receipt of the notification of the granting of the user rights for the State information data distribution network the information provider shall communicate an e-mail address in writing or through an electronically signed document to the State Revenue Service to which the State Revenue Service shall send a notification of approval of the request for connection to the channel of the State Revenue Service of the data distribution network of the State Information System’s integrator.

15. After granting of the user rights for the data distribution network of the State Information System’s integrator the information provider shall make a request for connection to the channel of the State Revenue Service of the data distribution network of the State Information System’s integrator, and the State Revenue Service shall receive a corresponding automatic notification thereof.

16. The State Revenue Service shall, within five working days from receipt of the automatic notification referred to in Paragraph 15 of this Regulation, notify of approval of the request for connection by sending a notification of approval of the request for connection to the channel of the State Revenue Service of the data distribution network of the State Information System’s integrator to the e-mail address communicated by the information provider to the State Revenue Service in accordance with Paragraph 14 of this Regulation.

17. The State Regional Development Agency shall ensure continuous operation of the data distribution network of the State Information System’s integrator, except for planned or unplanned interruptions in the operation of the data distribution network of the State Information System’s integrator. The State Regional Development Agency shall notify the State Revenue Service and the information providers of any planned interruptions by sending this information to the e-mail address of the information provider communicated to the State Regional Development Agency in accordance with Paragraph 14 of this Regulation not later than five working days in advance. If the operation of the data distribution network of the State Information System’s integrator is interrupted, the information provider shall restore provision of information not later than within two working days after restoration of the data distribution network of the State Information System’s integrator.

18. Continuous operation of the data distribution network of the State Information System’s integrator shall mean that the network is available:

18.1. during working days, working hours from 8.30 to 17.00 – 99 % of the month;

18.2. at all other times – 97 % of the month.

**III. Procedures by which the Users of the Register Request and Receive Information from the Register, the Manager of the Register Refuses to Provide the Information Contained in the Register, Verifies Compliance of Activities of the Users of the Register Information with the Requirements of Laws and Regulations Governing Operation of the Register, and Stores Electronic Information**

19. The manager of the Register shall release to the users of the Register referred to in Section 6, Paragraph one of the Account Register Law, and the users of the Register shall receive the information contained in the Register for achieving the purpose referred to in Section 6, Paragraph one of the Account Register Law to the following extent:

19.1. to the Office for Prevention of Laundering of Proceeds Derived from Criminal Activity, bodies performing operational activities, investigation institutions, the Financial and Capital Market Commission, the Prosecutor’s Office, the courts, the State Revenue Service, the Corruption Prevention and Combating Bureau, sworn bailiffs:

19.1.1. regarding the information provider with which a demand deposit or a payment account is opened – the name, registration number;

19.1.2. regarding the account holder – a natural person who is a resident of the Republic of Latvia – the given name, surname, personal identity number, account number, the date of opening and closing of the account;

19.1.3. regarding the account holder – a natural person who is a non-resident of the Republic of Latvia – the given name, surname, date of birth, number of the personal identification document and name of the issuing country thereof, account number, the date of opening and closing of the account;

19.1.4. regarding the account holder – a legal person who is a resident of the Republic of Latvia or a permanent representation of a non-resident in Latvia – the name, registration number, account number, the date of opening and closing of the account;

19.1.5. regarding the account holder – a legal person who is a non-resident of the Republic of Latvia – the name, registration number, name of the country of registration, account number, the date of opening and closing of the account;

19.2. to sworn notaries, Orphan’s and Custody Courts:

19.2.2. regarding the information provider with which a demand deposit or a payment account is opened – the name, registration number;

19.2.3. regarding the account holder – a natural person who is a resident of the Republic of Latvia – the given name, surname, personal identity number, account number, the date of opening and closing of the account;

19.2.4. regarding the account holder – a natural person who is a non-resident of the Republic of Latvia – the given name, surname, date of birth, number of the personal identification document and name of the issuing country thereof, account number, the date of opening and closing of the account;

19.3. to the Bank of Latvia:

19.3.2. gathered information regarding the number of accounts opened and closed during the reporting period, and the number of opened accounts not closed as at the end of the reporting period;

19.3.3. regarding a natural and a legal person – a resident of the Republic of Latvia or a permanent representation of a non-resident in Latvia – the number of opened accounts not closed as at the end of the reporting period;

19.3.4. regarding a natural and a legal person – a resident of the Republic of Latvia or a permanent representation of a non-resident in Latvia – the number of such persons with opened accounts not closed as at the end of the reporting period. Numbers shall be arranged by the name and registration number of the institution where the account is opened or closed, type of the information provider (a credit institution, a savings and loan association or a payment institution), type of the person of the account holder (a natural or a legal person);

19.3.5. regarding a natural and a legal person – a non-resident of the Republic of Latvia – the number of such persons with opened accounts not closed as at the end of the reporting period. Numbers shall be arranged by the name and registration number of the institution where the account is opened or closed, type of the information provider (a credit institution, a savings and loan association or a payment institution), type of the person of the account holder (a natural or a legal person), name of the country of residence of the account holder which is a non-resident of the Republic of Latvia, type of account (a demand deposit account or a payment account).

20. The user of the Register shall create an internal control system which ensures compliance with the requirements of laws and regulations regarding protection of data of natural persons, request of information from the Register and use of information to achieve the purpose referred to in Section 6, Paragraph one of the Account Register Law.

21. The Bank of Latvia and an Orphan’s and Custody Courts shall request and receive information from the Register online through the Electronic Declaration System of the State Revenue Service.

22. The Office for Prevention of Laundering of Proceeds Derived from Criminal Activity, bodies performing operational activities, investigation institutions, the Financial and Capital Market Commission, the State Revenue Service as a user of the Register, courts, the Prosecutor’s Office, the Corruption Prevention and Combating Bureau, sworn bailiffs, and sworn notaries shall request and receive information from the Register online through web service according to the XML schema structure.

23. The Office for Prevention of Laundering of Proceeds Derived from Criminal Activity, bodies performing operational activities, investigation institutions, the Financial and Capital Market Commission, courts, the Prosecutor’s Office, the Corruption Prevention and Combating Bureau, sworn bailiffs, sworn notaries, and the Bank of Latvia shall send information to the State Revenue Service through a paper document or an electronic document by communicating the following:

23.1. the name and registration number of the user of the Register;

23.2. the given name, surname and personal identity number of the responsible person.

24. The State Revenue Service as a user of the Register shall assign responsible persons by an order specifying the given name, surname and personal identity number of the responsible person.

25. The State Revenue Service as a manager of the Register shall publish the XML schema structure referred to in Paragraph 22 of this Regulation on the website of the State Revenue Service.

26. If the State Revenue Service makes any changes to the XML schema structure referred to in Paragraph 22 of this Regulation, the State Revenue Service shall publish a new XML schema structure on the website of the State Revenue Service not later than within two months before these changes enter into effect.

27. Upon request of the user of the Register referred to in Paragraph 22 of this Regulation, the State Revenue Service shall release system documentation of the Register which describes a solution of the State Revenue Service for receipt of information from the Register online through web service (hereinafter – the SRS solution), and preconditions for use of this solution under which the user of the Register shall make the necessary adjustments to information system of the user of the Register for integration thereof with the SRS solution for receipt of information.

28. The user of the Register referred to in Paragraph 22 of this Regulation shall request and receive information from the Register after all mutual integration works of information system of the user of the Register and the SRS solution have been conducted and tested, the result of which is confirmed by a mutually coordinated testing statement. The user of the Register and the State Revenue Service shall coordinate the testing statement electronically within 10 working days after the said works have been conducted and tested. The user of the Register and the State Revenue Service shall, not later than within five working days before commencement of the necessary adjustments of information system of the user of the Register, communicate the e-mail address through which the mutual testing statement shall be coordinated between the State Revenue Service and the user of the Register, as well as indicate the persons who are authorised to coordinate it, if they differ from those referred to in Paragraph 23 of this Regulation.

29. The user of the Register referred to in Paragraph 22 of this Regulation shall submit to the State Revenue Service a request for access rights to receive information in testing environment by sending it to the e-mail address communicated to the State Revenue Service in accordance with Paragraph 28 of this Regulation, and communicating the following:

29.1. the name and registration number of the user of the Register;

29.2. the network connection address of information system of the user of the Register;

29.3. the given name, surname and personal identity number of the responsible person.

30. The State Revenue Service shall, within five working days, examine a request and notify the user of the Register of the granting of access rights to the testing environment by sending an e-mail and access information to the e-mail address previously communicated to the State Revenue Service and indicating the initial or changed access information, and provide the user of the Register with access to the SRS solution for receipt of information from the Register.

31. The user of the Register shall use the SRS solution after the user of the Register and the State Revenue Service have electronically coordinated the testing statement, submit to the State Revenue Service a request for access rights to receipt of information from the Register in the production environment through the SRS solution, by sending the following information to the State Revenue Service by e-mail referred to in Paragraph 30 of this Regulation:

31.1. the name and registration number of the user of the Register;

31.2. the network connection address of information system of the user of the Register;

31.3. the given name, surname and personal identity number of the responsible person.

32. The user of the Register shall, within five days before expiry date of access information, repeatedly submit a request to the State Revenue Service for access rights.

33. The State Revenue Service shall, within five working days, examine the request and notify the user of the Account Register of the granting of access rights to the production environment by sending an e-mail to the e-mail address of the user of the Register previously communicated to the State Revenue Service and indicating the initial or changed access information, and provide the user of the Register with access to the SRS solution for receipt of information from the Register.

34. The user of the Register shall, immediately but not later than within three working days before these changes enter into effect, inform the State Revenue Service of the changes in accordance with Paragraph 31 of this Regulation.

35. The user of the Register who requests and receives information from the Register online, through the Electronic Declaration System of the State Revenue Service, shall authorise a manager of the rights who shall grant the responsible person of the user of the Register which is a user of the Electronic Declaration System of the State Revenue Service the right to request and receive information from the Register on behalf of the user of the Register through the Electronic Declaration System of the State Revenue Service.

36. The user of the Register who requests and receives information from the Register online through the Electronic Declaration System of the State Revenue Service shall inform the State Revenue Service of the responsible person who is a user of the Electronic Declaration System of the State Revenue Service and has the right to request and receive information from the Register on behalf of the user of the Register and who has been granted the right by an authorised manager of rights of the user of the Register to request and receive information from the Register through the Electronic Declaration System of the State Revenue Service, by sending an e-mail to the State Revenue Service to the e-mail address previously communicated to the user of the Register of the State Revenue Service and communicating the following:

36.1. the name and registration number of the user of the Account Register;

36.2. the given name, surname and personal identity number of the responsible person.

37. The user of the Register shall, immediately but not later than within three working days before these changes enter into effect, inform the State Revenue Service of the changes in accordance with Paragraph 36 of this Regulation.

38. When sending a request for information to the Register, the users of the Register shall indicate the purpose for request for the information contained in the Register.

39. The Office for Prevention of Laundering of Proceeds Derived from Criminal Activity, bodies performing operational activities, investigation institutions, the Prosecutor’s Office, courts, sworn bailiffs, sworn notaries, and Orphan’s and Custody Courts shall, in addition to the purpose for request for information from the Account Register, also indicate a file number within the framework of which the request for information is sent to the Register.

40. The State Revenue Service shall store the electronic registration information of the request for information from the Register referred to in Paragraphs 38 and 39 of this Regulation for the purposes of auditing of entries in the Register system for five years after the request for information from the Register.

41. The State Revenue Service shall ensure that only the users of the Register authorised for receipt of information may request and receive information from the Register for the purposes referred to in Section 6, Paragraph one of the Account Register Law and to the extent referred to in Paragraph 19 of this Regulation.

42. The State Revenue Service shall ensure that information from the Register may only be requested and received by the responsible persons of the user of the Register authorised in the Electronic Declaration System of the State Revenue Service who have been granted the right by the authorised manager of rights of the user of the Register to request and receive information from the Register on behalf of the user of the Register through the Electronic Declaration System of the State Revenue Service and of whom the user of the Register has informed the State Revenue Service.

43. The responsible person of the user of the Register who requests and receives information from the Register online through the Electronic Declaration System of the State Revenue Service shall authorise in the Electronic Declaration System of the State Revenue Service prior to performing the request for information using the user name and the password for the Electronic Declaration System of the State Revenue Service assigned by the State Revenue Service or authentication possibilities on the website www.latvija.lv.

44. The State Revenue Service shall refuse to provide information from the Register to the user of the Register who is not authorised in the SRS solution for receipt of information.

45. The State Revenue Service shall refuse to provide information from the Register to the responsible persons of the user of the Register who are not authorised in the Electronic Declaration System of the State Revenue Service or who have not been granted the right by the authorised manager of rights of the user of the Register to request and receive information from the Register on behalf of the user of the Register through the Electronic Declaration System of the State Revenue Service, or of whom the user of the Register has not informed the State Revenue Service.

46. The State Revenue Service shall refuse to provide information from the Register to the user of the Register who requests and receives information from the Register through the SRS solution, who requests information from the Register for the purposes not specified in the Account Register Law or to the extent exceeding that referred to in Paragraph 19 of this Regulation.

47. The State Revenue Service shall refuse to provide information from the Register to the responsible persons of the user of the Register who request and receive information from the Register online through the Electronic Declaration System of the State Revenue Service for the purposes not specified in the Account Register Law or to the extent exceeding that referred to in Paragraph 19 of this Regulation.

48. The user of the Register who requests and receives information from the Register through the SRS solution shall ensure that information from the Register is only requested and received by the responsible persons authorised in the information system of the user of the Register – users who have been granted the right by the user of the Register to request and receive information from the Register using the information system of the user of the Register.

49. The user of the Register who requests and receives information from the Register through the SRS solution shall ensure that the responsible persons authorised in the information system of the user of the Register who have been granted the right by the user of the Register to request and receive information from the Register using the information system of the user of the Register shall request information from the Register in a manner which enables the State Revenue Service to identify users of the Register system.

50. The user of the Register shall ensure protection against disclosure of any type of access information, including the user name and password of the Electronic Declaration System of the State Revenue Service assigned by the State Revenue Service. The user of the Register shall immediately inform the State Revenue Service of any existing or potential unauthorised access to information system of the user of the Register for requesting and receipt of information from the Register or any existing or potential case of loss or disclosure of access information by sending an e-mail to the e-mail address previously communicated to the user of the Register of the State Revenue Service.

51. The user of the Register shall not conduct any activities which are aimed at circumvention of security or unreasonable overload of or damage to the Register system and other information systems of the State Revenue Service, including web service.

52. The user of the Register shall immediately inform the State Revenue Service of established security incidents which have occurred on the side of the user of the Register and threatens confidentiality, integrity or availability of the Register and information thereof.

53. The State Revenue Service shall ensure continuous availability of the Register information, except for planned and unplanned interruptions in the operation of the SRS solution or the Electronic Declaration System of the State Revenue Service, and under a condition that the terms of use of this solution or the Electronic Declaration System of the State Revenue Service are complied with (security requirements are not violated, no malicious actions are taken to reduce availability and performance, or other similar security incidents related to the system). The State Revenue Service shall notify the users of the Register of planned interruptions not later than two working days in advance by sending an e-mail to the e-mail address previously communicated by the user of the Register to the State Revenue Service.

54. The State Revenue Service shall suspend provision of information from the Register if the user of the Register violates the terms of use of the SRS solution or the Electronic Declaration System of the State Revenue Service (violated security requirements, malicious actions taken to reduce availability and performance, access information made available to third parties or other similar security incidents related to the system).

55. The State Revenue Service shall ensure storage of audit trails regarding requesting and receipt of information from the Register.

56. At the written request of the State Revenue Service the user of the Register shall, within 10 working days, provide a written reply to a natural person regarding processing of the information received from the Register and justification for processing thereof, except for cases provided for by laws and regulations when it is prohibited to disclose information about processing of data of natural person to a natural person.

57. The State Revenue Service shall automatically receive information regarding accounts held by legal persons to the extent referred to in Paragraph 19 of this Regulation.

58. The State Revenue Service shall automatically update the status of accounts held by natural persons that exist in other information systems of the State Revenue Service.

59. The users of the Register shall electronically store the information received from the Register for a period of not more than five years after closing of the account contained in the Register, except for cases stipulated by laws and regulations regarding laundering of proceeds derived from criminal activity and terrorism financing.

**IV. Closing Provision**

60. This Regulation shall come into force on 1 July 2017.

Minister for Finance D. Reizniece-Ozola