Civil Status Registration–More than Data Collection: EU Digital Development in Promoting the Free Movement of Civil Status Document

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Abstract Digital technologies have changed the relationship between the citizen and the state. Online options facilitate/make more comfortable, expedite, secure and accessible the exchange of data and information. Digitalization has had the same positive effect in the field of civil status registration. In the European Union (EU), the civil registration systems of member states are improving their management of cross-border cases. At this level, the tendency is towards a common digital environment. Estonia has a considerable e-government practice; from 2002, data collection is made in digital form, and from 2010, the administrative procedure of registering the family events and civil status data is electronic. This chapter introduces the Estonian model of digital civil status registration. It can be defined as an example of person-centred, transparent and effectively operating e-government function.

1 Introduction

Information and communication technology has substantially changed the environment we live in. With the ever-increasing communication options via the technological solutions and an enormous amount of information in the Internet, most people can have access to this regardless of their geographical location[1]—acting in this digital environment is not influenced by state borders. Also, digital technologies have fundamentally changed the relationship between citizens and their governments.[2] Europe is an online continent—over half of all EU citizens use Internet every day, and three quarters of households have Internet access.[3]

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[1] Infoühiskonna arengukava aastani (2013), p. 2.

[2] Duvivier (2013, p. 14).

[3] Living Online.

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The Estonian information society policy states: "Information society is a society's way of life, where most values created by the society are put in information and most of the collected information is stored, transformed and transmitted in an universal digital form".[4] The digital society is dynamic, it develops continuously. The State must notice new developments in this area and not to hesitate using new solutions that the information society may offer as a result of those developments. Civil status registration is a field in which continuous progress is marked by digital technologies, in Estonia and in the EU. Inner-state solutions are gradually shaping to handle cross-border cases adequately, and at the supranational level, the trend is towards one common digital environment, which would facilitate the exchange of the civil status data between the member states. A more ambitious aim is one common civil status register of EU.

However, the civil status registration has much wider scope than Europe, it is a global question. The United Nations have considered the family events registration through the human rights perspective. Silveira states that of all the rights recognized by the European Convention of Human Rights, including the right to private and family life, established in article 8, is the right that is the most directly and strikingly applicable to civil status under several forms.[5] He explains that from birth, a child is truly entitled to registration in the civil status registers. The right to private life implies, beyond its strictly biological content, the right for a person to be an integral part of society or political institutions, and this right to assert one's individual personality before others and before societies.[6]

As mentioned above, in the policy of the EU, the civil status registration plays an important role, especially related to the developments of family law. Baarsma points out that as after Lisbon Treaty, the right of free movement together with an emerging European citizenship has gradually gained more significance in the discussion on the unification of private international law in family matters as well as on the harmonization of substantive family law; then, the Treaty of the Functioning of the EU specifies that the union "shall offer its citizens an area of freedom, security and justice without internal borders", playing an important part in the process of European integration.[7] The Stockholm Programme[8] indicates that an important priority for the coming years will be the focus on the interests and the needs of citizens.[9] Main importance in this is the cooperation between the member states in family matters, including the recognition of civil status documents and exchange of civil status data.[10] These developments have changed the

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[4] Ibid, p. 5.

[5] Silveira (2009).

[6] See ibid.

[7] Baarsma (2011, p. 103).

[8] OJ C 115/8 04/05/2010.

[9] See Baarsma (2011, p. 105).

[10] See also the European Commission (2010).

attitudes of the member states to the digital Population Registers—those states who have been sceptical in new developments since, have also worked out similar policies that the "leaders in e-government" already have. However, unity in the Europeanization cannot take place if the civil registries are isolated and their data out of the reach of other member states. This diminishes also the freedom of people in interacting with different institution and can be considered to restrict the right to free movement.

Estonia has already a considerable experience on e-government. For the country, the electronic system of dealing with family events is not merely a collection of vital statistics, but a whole administrative procedure of registering births, deaths, marriages and divorces electronically. The electronic registration of family events is in use from 2010, but already from 2002 an electronic data, including family events data collection for the Population Register.

The nature of civil status registration in the context of e-government is discussed in this chapter. The Estonian model shows one possible application to the use of electronic resources in delivering governmental services: the civil status registration. EU future trends are explained on the basis of an assessment of recent developments of civil status registration. These analyses explain the links between a functioning and integrated EU register and the right to free movement of people.

2 The Nature of Civil Status Registration

In most countries, a civil registration system is used to record statistics on "vital events" such as births, deaths, marriages, divorces and fatal deaths. This administrative system creates a permanent record of each.[11] "Vital statistics" are used to derive the fundamental demographic and epidemiological measures that are needed in national planning across multiple sectors, such as education, labour and health. They are also critical for a wide range of government activities (e.g. "population registers" and other registers) and commercial enterprises (e.g. life insurance and marketing of products).[12, 13]

Too often the demographic role of civil status has been emphasized, but it is important to notice that the civil status has a fundamentally legal basis besides it is the demographic use. The records derived from the civil registration systems have the following main uses: They are personal legal documents, required by citizens as proof of facts (e.g. age and identity) surrounding events; such documents are used, for example, to establish family relationships and inheritance rights; provide proof of age; establish the rights based on age (e.g. school entry, driving privileges); provide proof of marriage or divorce and the right to marry;

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[11] World Health Organization (2010, p. 1).

[12] Ibid, p. 1.

[13] See Farooq (1981).

provide evidence of death.[14] In general, they are the scope of competences of human beings as it is explained by the civil laws and the laws of personality. It measures the legal competences and relevance of a person and defines the links between persons and the state. Everyone needs to know who they are dealing with, and the state relates to its population depending on the records it keeps. These records shape the individuals competences, their capacity and their entitlements. In that respect, the civil status data serves both, the private and public interests.[15]

The United Nations has defined civil registration as a continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population as provides through decree or regulation in accordance with the legal requirements of each country.[16] It provides a safeguard for the human right to social status and individual benefits.[17] For the individual, the main benefits of a civil registration system are the provision of legal status and the official documentation of important life events.[18]

A system of civil registration includes all institutional, legal and technical settings needed to perform the civil registration functions in a technically sound, coordinated and standardized manner throughout the country, taking into account the cultural and social circumstances particular to the country.[19] Correct civil status data are a ground for legitimate administrative deed and protect the rights of the person being a subject in a certain legal relations as well as the rights of third persons.

Civil registration as such has a very long tradition. Already 2000 years ago, household registration existed in ancient China (Sia Dynasty; 21st century BC), as early as 701, a household law was passed in Japan, institutionalizing Japan's first household registration.[20] De Groot explains vividly that if the population registration had not taken place, Jesus—very likely—would have not been born in a stable in Bethlehem, but in a very normal house in Nazareth.[21]

In Europe during the Middle Ages until the French Revolution, the registration of personal data was often undertaken by churches, as the first is mentioned Cardinal Xiemenes, the archbishop of Toledo (in 15th century), who provided for the introduction of registers which were to be maintained regularly by the parish priests.[22] The French Revolution introduced the registers of civil status carried by

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[14] Ibid, p. 1.

[15] See Bidaud-Garon (2009).

[16] United Nations (2002, p. 5).

[17] Ibid, p. 5.

[18] World Health Organization (2010, p. 4).

[19] Ibid, p. 5.

[20] Szép (2000).

[21] See De Groot (2009).

[22] Statistical Office of United Nations (1991, p. 3).

the local governments.[23] This new French system of registration of persons (Napoleon's Civil Code) was introduced in many other countries during the nineteenth century.[24] However, while Finnish and Swedish parish registers go back to the seventeenth century, the local registers in Belgium, Germany, Italy, Luxembourg and Spain are only of twentieth-century origin.[25]

Historically, the registration itself developed differently in different states—the data collected varied, the systems transformed and the administrative organs dealing with registering had different ranks of authority. This led to the current situation where today, when Europe dreams of unified civil status certificates, it faces a problem of having over the forty different details given in the EU member states' birth certificates.[26, 27]

Besides the divergence of family laws and the differences mentioned above, every member state has been using their own digital solutions that are not necessarily interoperable. Furthermore, those technical solutions have different level of sophistication, some are contemporary while others could be considered outdated. Anyway, local family books in certain region on a paper or digital form do not satisfy the needs of citizens any more for the reason of raised cross-border family events and spread mobility of people. Often citizens raise the obligation to bring the document certifying their civil status as a limitations of their rights and freedoms, especially when travelling from one state to another.[28]

This shows that civil registration is not a local but global question demanding the knowledge of registration systems of other states as well as the cooperation between the states. EU policy emphasizes the cooperation between the registrars of member states of EU in this context to promote the free movement of citizens and plans to use the one common information system[29] to deliver the information about civil status or control the authenticity of the document, including in a process of entering the data into the Population Register.

EU member states had agreed to make all major services of the administration available on the Internet by the end of 2005.[30] Implementation is based upon national strategies and subject to on-going benchmarking by the European Commission. A key factor in the development of e-government is a simple design of the services offered, so that the users can transact business with public authorities rapidly and conveniently via the Internet. Applications have to pay

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[23] See De Groot (2009).

[24] Ibid.

[25] Redfern (1989, p. 2).

[26] See European Commission Green Paper to Promote Free Movement of Public Documents and Recognition of the Effects of Civil Status Records. COM (2010, p. 9).

[27] About the differences in family documents see Joamets and Kerikmäe (2013).

[28] See also Zadravets (2012).

[29] Internal Market Information System.

[30] See ECRN (2008, p. 8).

added attention to the mobility of society and offer appropriate services, making it possible to use specific services of the administration via mobile terminal equipment.[31]

The EU Commission communication calls for interoperability among all national and regional administrations in the EU. E-government at a pan-European level will remove administrative barriers and facilitate the free movement of businesses and citizens within the internal market. A modern public administration has to be built upon digital services together with streamlined e-government process.[32] This means a considerable development of the information and communication technology. In Estonia, such development has received and will continue to receive great attention; this includes the Population Register and issues of civil status registration.

Civil registration as a recording of vital statistic data means, in principle, inserting information into a register—the Population Register. However, civil status data are only one section of the many in a register; register consists also of other data related to the person, which is not considered as civil status data.

Registration systems can be local[33] (e.g. Germany); or central[34] (e.g. Sweden, Finland, Latvia, Lithuania, Poland, Netherland, Belgium, Austria, Czech Republic, Slovakia, Hungary, Slovenia, Rumania and Bulgaria). Population Register can get its data from local register, or be as one electronic environment, which is accessed by the local officials to enter the data directly into the Population Register with no need to keep it in the local register for some time and send then the data to the central register. Although member states are responsible for the interoperability of their own systems, interoperability at European level is needed in order to implement common EU policies related to Population Registers as well.

The issue of such interoperability on electronic services of public interest remained therefore high on the EU Agenda, notably as a part of the new strategic framework "i2010[35]—A European Information Society for growth and employment" and the various related initiatives and programmes. i2010 explicitly addressed interoperability as one of the four main challenges for the creation of a single European information space.[36] The new policy was planned by the Green Paper to Promote Free Movement of Public Documents and Recognition of the Effects of Civil Status Records[37] related to the civil status data.

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[31] Ibid, p. 8.

[32] See ibid, p. 9.

[33] Data collected into the different local registers stored in different administrative regions. Problems arise because, e.g. birth and marriage can be registered in different local units.

[34] As one electronic environment, which is accessed by the local officials to enter the data directly to the Population Register.

[35] COM (2005).

[36] See ECRN (2008, p. 12).

[37] COM (2008) 747 final, 14 December 2010.

3 Estonian Population Register

Civil registration in Estonia began in the 19th century; until 1926, there was no uniform system of registration provided by clergyman in special books with different form, data and language.[38] Since 1925, the ecclesiastic system was replaced by the "bourgeois system"[39] similar to other European states. "Family letters" were kept by the commune administration of the living place of the person, family event acts were made in two copies on paper, the first of them was stored in the archive of the Ministry of Interior and another in the family archive of certain county government in which the registration took place. Despite the German and Russian occupation, the system remained rather similar except the data collected and the forms of vital statistics acts which were changed.

After the restoration of independence in 1991 a strong need for population data was emerged. This was caused by elections, the exchange of Rouble into Estonian Crone, issuing the new identification documents, etc. Because a central database was missing, different separate registries were established by the different authorities to collect the data. The first population database was established in Statistical Office in 1992 by the cashing list. From this database, the Population Register was created.[40]

With the entry into force of the Population Register Act in 2002, civil status data began being recorded into the electronic Population Register. In 2010, there was an important development related to the civil registration and this register—by the Vital Statistics Registration Act[41] the complete electronic registration of family events was created, now the procedure of registering a family event was fully electronic, from the application citizen presents up to the certificate issued after the entering the data into the register.

Population Register[42] is a base register for the national public administration. Data contain the basic data of individuals (citizens and residents) which is updated continuously. Population Register is one of the most important registers in Estonia, next to the civil status data it consists also many other data used by the public and private sector. Main importance of the register is serving the public sector in executing the state functions by facilitating the access to the needed information.

The Population Register plays a central role in the Estonian information society policy. One aim of developing e-government and information society is to increase the availability of existing solutions and promote the genesis of new e-services;

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[38] In different periods the different languages were used—Estonian, German, Old-Russian.

[39] Teder (1939, p. 3).

[40] Kontrolliaruanne (2002).

[41] Entered into force in 01.07.2010.

[42] In Estonia, the Ministry of Internal Affairs exercises the rights of the chief processor of the Population Register and authorized processor is AS Andmevara which is a limited company belonging to the state, which ensures technical operation of Population Register (Population Register Act par 10 and 12).

one course of action in developing the person-centred, transparent and an effectively operating public sector is reshaping the administrative deeds and procedural logic according to the availabilities of information and communication technology.[43] The Estonian civil status registration model can be a good example.

4 Estonian Model of Digital Civil Registration

In Estonia, a civil register as a digital environment for the procedure of registering the family event is a section of Population Register. This means that a civil registrar enters the data and makes all the administrative deed procedures directly into the Population Register in registering the family event.

Civil status data can reach to the register by many ways, e.g. by the registration of certain family event (birth, death, marriage, divorce), by entering the civil status data from the (foreign) family event document into the Population Register, by entering the data from the Estonian "paper family event certificate", etc. In terms of digital environment, these procedures are built up and regulated differently.

The entire administrative deed is electronic from the state side. Instead of *vital statistics act on paper,* there is a *digital vital statistic entry* being an administrative decision of a registrar on the one hand and the collection of data entered into the Population Register on the other. Vital statistics entry enters into force upon storage in the Population Register. Enforcement is important as they have legal meaning—when vital statistics are entered into the Population Register by the civil registrars, other public officials, anywhere in the world can use them in their deeds immediately after.

Every public authority (judges, court officials, administrative organs, consuls, police, notaries and local governments, etc.) must use the vital statistics data from the Population Register. They have access to the data and are not allowed to ask any certificate (in paper or digital) proving a family event, status or other relevant facts, when this information is available as registered.[44] Whereas in the beginning, officials dismissed this obligation, still asking people for paper certificates to prove civil status, a year or more after the law entered into force, today it seems natural that information is all available from the "desktop" of an official. Furthermore, if a public official outside the civil registrar's office notices that the data of certain citizen is not entered into the Population Register, it is solved with a request on an e-mail. Vital statistics acts on paper are digitalized, civil registrar can take the document from the digital archive and enter its data immediately into the Population Register, and there is no need to send a citizen to the registrars

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[43] Ülevaade avaliku sektori toimimisest digitaalse dokumenditöö tõhustamiseks. Uuringu lõpparuanne. Tallinn (2011), p. 3.

[44] Also private persons have the possibility to receive an access to the Population Register data they need in their services. This need will be assessed by the state and state provides the control over the use of Population Register data.

office to correct the data by him/herself. Such solution is comfortable and practical, saving time and money, being clearly a good example of an effective e-government.

As a person knows best his/her data, it is important to give him/her a possibility to control his/her data and there are comfortable means to inform about the wrong data found. In Estonia, it is possible to do it through the Gateway to eEstonia.[45]

On the other hand, the *object*[46] of a Population Register is a person, that is someone whose civil status data must be entered into the register according to the legal acts, has an obligation to present a state the data about the family event taken place abroad. Such obligation, though not sanctioned, helps the updating of the data in a register.

There is an ongoing process of entering the *paper vital statistics acts data* into the Population Register. This process will take years. Undoubtedly, it is also a difficult task—the Second World War and different practices in the different eras make it difficult or sometimes even impossible to read and understand the data on a document, some family books and vital statistics act books are burned or lost in during the war.[47] Reading and understanding the data need the knowledge of legal acts of certain periods regulating the meaning of vital statistic acts and the skill to read different handwritings, including in German and Russian as in different periods, the acts were performed by those languages. However, a lot has already been done, and the entered data facilitates the use of civil status information considerably.

The electronic administrative process is very practical. Unfortunately not all the applications of family events can yet be presented online; however, the move is towards such solution. Although the use of digital signature is widely used, family events registration like birth and death, marriage and divorce needs still an applicant to come to the registrar's office. Today, the only full online deed is a birth registration in case parents of the child are married. An application can be sent electronically digitally signed by both parent, civil registrar registers the birth and sends electronic certificate to the parent(s) in case they want a certificate. There is also in a process the working out of the full online death registration by the data sent by the medical facility.

However, a citizen does not have to fulfil any application but informs the registrar about the needed data and the registrar adds it into the pre-fulfilled electronic application form[48] and then prints it out for signing by the applicant. After the signing, the application gets a digital form and is entered into the civil register. Every "paper document" presented in a civil registration procedure is also stored in a civil register after they get a digital form; similarly, all the documents (letters,

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[45] www.eesti.ee.

[46] Population Register Act par 4.

[47] Possible nature disasters, wars and cyber attacks are the main enemies of the Population Register.

[48] This form is "pre-filled" taking the existing data from the Population Register.

e-mails, etc.) related to the procedure are stored in a civil register allowing to control the facts that the data in a Population Register are based on and facilitate the state supervision over the administrative body as well as over the legality of the administrative deed.

As mentioned above in the relationship with a state, a citizen does not need a certificate of civil status at all because an Estonian official has an obligation to take the needed data from the Population Register, only in relation with private person there could be a need for a vital statistic certificate.[49] Such certificate can be issued in a paper or in a digital form.

The main need for paper certificate is for their use abroad. Vital statistic certificates are issued in Estonian, English, German and French, for the convenience of the citizen as it does not require translation.

The digital civil register allows Estonian Embassies abroad to fulfil the certain civil status procedures as well. However, this capacity is limited—Embassies do not register births and deaths, do not contract marriages or divorces, but only enter the appropriate data from the foreign documents into the Population Register and issue the certificates needed. By this, they use the digital civil status environment of Population Register.

As a citizen has an obligation to present the data of family event taken place abroad to the Estonian Population Register, it is more comfortable for him/her to present a document to the Embassy in his/her state of residence.

An obstacle for online family events registration is the obligation of a civil registrar to explain the legal consequences of the declaration of intention to the person concerned, e.g. in case of birth registration the acknowledgement of paternity, deciding the custody, choosing the matrimonial property in marriage and divorce. However, in analysing the single deeds and the content of the explanation, there could be found no reason to require the (physical) personal presence of the citizen in front of the civil registrar. A legal explanation can be given also in written form in the same way we have become accustomed to "accept" the legal conditions of many contracts online, which also bring along legal obligations. By the digital signature, the state of event and acceptance get the legal meaning. This is a challenge for the future developments of civil status registration.

5 Future Developments

Civil status registration is dynamic; it depends on the developments of the quickly changing needs of the society and greater opportunities facilitated by digital tools. In practice, there is a rotation of front-office perspective as the perspective of service user and back-office perspective as the perspective of the provider of

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[49] See footnote 44.

service.[50] In the developments of the civil status registration, both aspects have a continuous attention in Estonia. Development projects are directed to make the register stronger, faster and more secure.

The trend towards the connection of all the public registers so that all the registers take some of their data (especially civil status data) from the Population Register ensures the similar data in every register and gives possibility to correct the data as person communicates to different registers in different periods.[51] As Redfern states "The greater the number of administrative functions served by a Population Register the more accurate and up to date it is likely to be, because opportunities for updating and correction are frequent and the citizen becomes used to quoting his personal number. Conversely a register serving only one or two functions is likely to be inaccurate: though the citizen may be obliged by law to notify changes, there are infrequent references to the register and the citizen may have little incentive—or indeed disincentive—to have it updated".[52] In Estonia, not all the registers are yet connected. One of the reasons here is the different technical structure which does not work in the case of connection as is needed. The registers are, however, developed considered the need to attach them to each other. This means that a citizen presents his/her valid civil status document/data only once to the state[53] and all the administrative organs who need the data can/must use it from the Population Register or take it as the basic data for its own register.

The Estonian National Audit Office has stated that the Population Register must follow including the following principles: collected data must be available for all; only the one main personal data is correct and they must be in a Population Register; it is efficient to collect the data in the process they are formed; data are collected only once, they are kept actual and are used when needed; it is forbidden to have the registers with the same content and collect data from people for such registers.[54] All these principles are considered in developing the digital registers in Estonia.

It is evident that the e-government does not mean digitalization of the civil registration blindly and in force. Every single development needs an analysis of the expenditures. In an economic sense, the costs and benefits must be considered, for example if there is a real need for keeping next to the digital service also a traditional service,[55] then one has to prognose how much they both would be used. It is normal that every new form of service needs some time to diffuse and apply correctly. Digital changes as a change in one small part of the register can bring along

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[50] See Ülevaade avaliku sektori toimimisest digitaalse dokumenditöö tõhustamiseks. Uuringu lõpparuanne. Tallinn (2011).

[51] According to the Estonian Communication Society development plan 2013 public power must organize its activity to ensure that the same information is asked from the citizen, enterpreuners and organizations only once (Eesti infoühiskonna arengukava 2013, p. 7).

[52] Redfern (1989, p. 2).

[53] Data is entered into the Population Register.

[54] Kontrolliaruanne (2002).

[55] Administrative deed in a state or local government office.

bigger problems in other parts of this database. This is especially important in regards to the connection of registers. This means that every single change must be tested correctly. A new Population Register in 2010 by which all the data from the old one was transferred into the new environment was a big challenge for Estonia.

Developing the Population Register and civil status registration there cannot forget the trends and expectations of EU. The spread of cross-border family relations needs the revaluation of the content of the collected civil status data. Convergence of the data collected and entered into the Population Register can lead to the promotion of free movement by simplifying the recognition of certain data.

However, also in Estonia despite a notable and quick development of a digital society some problems can be identified. The National Audit Office of Estonia has criticized that sometimes, it is not clear what profit one or another information system gives in reality. Most of the development projects are started without the assessment of their technical and economic implementability. Also, in many cases, there has not been involved to the projects all needed stakeholders, which has lead to the situation where information system does not conform to the expectations and needs of the users of those systems. The National Audit Office also refers to the need to consider more of interaction of information systems. Uniform structure of communication limits possible fraud in delivering public benefits and goods and avoids evasion of obligations.[56] From the view of Population Register, this is not a critic towards this register, but to other registers which have not yet linked themselves to the Population Register to take the basic data from it but continue to collect their own data instead of using one unite central database.

In improving the state governance, the following must be considered: the whole conduct in public sector is electronic; state information system is service-based and works according to the needs of users instead of the needs of departmental structures of government; applications of identification used in Estonia correspond to the best practices of the world and are applicable in Estonia as well as internationally; other people, especially the citizens of EU living in Estonia, have an access to the e-services.[57]

EU policies impact the development of Population Registers and civil status registration considerably. Popiołek states that if EU wants to be competitive in the international market, it must keep up with technological development, for that reason the development of the information society structures is not only a choice but a necessity.[58] Population Register is one of the components.

The principle of mutual recognition and convergence of family laws are some of the main goals of the EU policy in this area. One example here is a Green Paper—Less Bureaucracy for Citizens: Promoting Free Movement of Public

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[56] Mattson (2010).

[57] See Infoühiskonna arengukava aastani (2013). Available at: http://www.riso.ee/et/infopoliitika/arengukava, p 3.

[58] See Popiołek (2013, p. 399).

Documents and Recognition of the Effects of Civil Status Records—to work out measures within the framework of Stockholm Programme to guarantee full exercise of the right of freedom of movement[59, 60] Related to one common pan-European civil status certificate and the cooperation between the civil registrars of different member states—the exchange of information which allows the civil registrar of the member state of origin of a person to be informed of the fact that a record concerning that a person has been made in another member state, allowing to update the civil status data should be fulfilled through the digital channels.[61] Popiołek explains the e-government in EU and United Nations as the transformation and new perception of administration caused by popularization of e-government in which the new way of governing is admittedly designed to facilitate the process of dealing with any official matters, to save time and money, to enable citizens to cope with every case without leaving home.[62]

In its future developments, EU has put the idea also into the proposal[63] of the Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012,[64] in which the document authenticity should be verified through the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012.[65] The Market Information System includes also a functionality to maintain a repository of model templates of public documents used within the Single Market that can serve as first checking point of unfamiliar documents.[66]

This EU policy related to family law is a move to converge the family laws of member states. Stockholm Programme and aforementioned Green Paper provide bottom-up regulatory means to abolish the obstacles for the free movement of person. Undoubtedly the civil status data act an important role in this. Though in practice the trust for the civil status data on the documents of the later joined member states has been increased, there have still remained the questions about the authenticity of the civil status certificates in practice.

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[59] See Joamets and Kerikmäe (2013).

[60] See also EU Citizenship Report (2010) and EU citizenship Report (2013), footnote 9.

[61] Ibid, p. 38.

[62] Popiołek (2013, p. 399).

[63] Related also to the Digital Agenda for Europe (COM(2012).

[64] Brussels, 24.4.2013 COM(2013) 228 final 2013/0119 (COD).

[65] OJ L 316, 14.11.2013, p. 1.

[66] See proposal of the Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012, COM (2013) 228 final 2013/0119 (COD).

One important question in delivering the data in the area of EU is data protection. As the legal regulations of data protection of member states differ, there should be solved first the "regulatory complexity in practice". In EU, the trend in policy of this field is "one continent, one law".[67]

The IMI is a software application accessible via the Internet, developed by the Commission in cooperation with the member states, in order to assist member states with the practical implementation of information exchange requirements laid down in EU. It operates by providing a centralized communication mechanism to facilitate cross-border exchange of information and mutual assistance. In particular, IMI helps competent authorities to identify their counterpart in another member state, to manage the exchange of information, including personal data, on the basis of simple and unified procedures and to overcome language barriers on the basis of pre-defined and pre-translated workflows. Where available, the Commission should provide IMI users with any existing additional translation functionality that meets their needs, is compatible with the security and confidentiality requirements for the exchange of information in IMI and can be offered at a reasonable cost. The purpose of IMI should be to improve the functioning of the internal market by providing an effective, user-friendly tool for the implementation of administrative cooperation between member states and between member states and the Commission.[68]

IMI should be seen primarily as a tool used for the exchange of information, including personal data, which would otherwise take place via other means, including regular mail, fax or electronic mail on the basis of a legal obligation imposed on member states' authorities and bodies in EU acts. Personal data exchanged via IMI should only be collected, processed and used for purposes in line with those for which it was originally collected and should be subject to all relevant safeguards.[69]

6 Conclusion

Civil status registration is a function of the state which has been in use from the ancient times. It has evolved with the changes of society and performing to satisfy the specific needs for a certain era. Besides a demographic role, civil status has also an important legal role protecting the rights of an individual. Civil status registration has been strongly related to state borders carrying the different cultural and traditional values, also in the EU.

The free movement and the spread of the cross-border family relations have revealed the needs to converge the civil status registration systems. Developments of the digital and information society have established the need for speed and

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[67] European Commission—Speech (2013).

[68] Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC OJ L 316/1.

[69] Ibid.

convenience in dealing with "data", directing the member states to replace the local Population Registers by the central ones.

It is evident that in the context of free movement of persons there is a need to converge the civil status data member states collect and issue. In EU, there is a trend towards digital exchange of data as an additional mean for pan-European Population Register. It serves also the harmonization of the family laws of member states, but as a bottom-up policy means.

Estonia is a state which has a considerably long practice in digital solutions related to the civil status registration. Today, the whole administrative procedure is digital and the developments on this area are to leave aside the paper documents at all. From Estonian practice, there could be taken over many applicable solutions in digitalizing the civil status registration in other member states of the EU.

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