

**Convention (No.33) on the use of the International Commission on Civil Status
Platform for the international communication of civil-status data
by electronic means**

signed at Rome on 19 September 2012

The signatory States of this Convention, members of the International Commission on Civil Status (« the ICCS »),

Bearing in mind the ICCS conventions providing for the exchange, whether automatic or at the request of a State, of civil-status data between the authorities of Contracting States in the conditions laid down by the said conventions;

Bearing in mind the ICCS conventions providing for the issue of civil-status data to individuals in the conditions laid down by the said conventions;

Bearing in mind ICCS Recommendation No. 4, relating to the accessibility to the public of civil-status registers and records, adopted by the General Assembly in Rome on 5 September 1984;

Bearing in mind ICCS Recommendation No. 8 on the computerisation of civil registration, adopted by the General Assembly in Strasbourg on 21 March 1991;

Bearing in mind the ICCS Convention on international communication by electronic means, signed at Athens on 17 September 2001;

Considering that, in order to apply the aforementioned conventions on the exchange or issue of civil-status data, the States party to the said conventions must be able to benefit from technological advances by replacing a paper document by a computerised document and to adapt the means of transmission by replacing postal means by electronic means ;

Considering that the ICCS has created and put in place a system for the international communication of civil-status data by electronic means, which it owns and places at the disposal of the Contracting States ;

Considering that use of the said system should be as widespread as possible, while respecting certain conditions in order to protect fundamental rights and freedoms, particularly the right to respect for private and family life, as well as the right to the protection of personal data ;

Wishing to use the said system,

Have agreed as follows:

Article 1

For the purposes of this Convention,

- (a) "Platform" means the electronic communications system created by the ICCS;
- (b) "civil-status purposes" means the constitution, keeping, updating, rectification, consultation, verification and conservation of civil-status registers, printing certificates, extracts or full copies of civil-status records, printing civil-status registry tables and the transmission of information to recipients who are entitled to receive it;
- (c) "data processing" means any operation or group of operations carried out using automatic procedures and applied to personal data, such as collection, registration, organisation, conservation, use, communication by transmission, diffusion or any other means, linking or interconnection, locking, erasure or destruction;
- (d) "Qualified State" means a State in respect of which the Bureau of the ICCS has determined, pursuant to Article 11, that it is qualified under Article 12;
- (e) "Contracting State" means a State in respect of which this Convention has entered into force in the

conditions laid down in Article 14, or which has made the declaration provided for in Article 15.

Article 2

The object of this Convention and the Rules of Procedure set out in Appendix I is to determine the conditions for and the effects of using the Platform.

Article 3

1. The Platform enables the transmission, by electronic means, from one Contracting State to another, of civil-status data whose exchange or issue is provided for by the conventions concluded or to be concluded within the ICCS, to which those States are parties. A list of the relevant conventions is set out in Appendix II.
2. Any Contracting State may authorise certain authorities to use the Platform in order to request, transmit and receive civil-status data at the request of persons entitled, by virtue of a convention concluded or to be concluded by the ICCS, to receive such data.
3. The authority making a request following a request from a person pursuant to paragraph 2 shall indicate to the requested authority the identity of or all details needed to identify that person, and the capacity by virtue of which he or she may receive the data concerned.
4. At the request of the person requesting data, the authority receiving the data shall deliver to him or her a paper copy which it declares to conform to the data it has received.
5. Where a document is issued pursuant to paragraph 2, only the authority delivering the document to the individual may charge a fee. Such fee must not be higher than the fee due for a similar document issued pursuant to domestic law.

Article 4

1. Any Contracting State using the Platform for the purposes mentioned in paragraph 1 of Article 3 may extend its use to the exchange or issue of data relating to the status of persons or to nationality other than those referred to in the conventions mentioned in the said paragraph. Such extension shall have effect only as regards relations with those Contracting States that have declared that they accept it.
2. Any Contracting State using the Platform for the purposes mentioned in paragraph 1 of Article 3 may extend its use to the communication of civil-status data within its territory.
3. A Contracting State that is not a member of the ICCS may avail itself of one or the other of the extensions of the use of the Platform mentioned in paragraphs 1 and 2 of this Article only after having been authorised to do so by a decision of the General Assembly of the ICCS adopted by a majority of two-thirds of the member States.
4. Any Contracting State may at any time, by notification addressed to the Swiss Federal Council, accept an extension of the use of the Platform made in accordance with paragraph 1. Such acceptance may at any time be withdrawn by notification addressed to the Swiss Federal Council. The acceptance will take effect on the first day of the seventh month, and its withdrawal on the first day of the second month, following the month of receipt of the said notification.

Article 5

Any Contracting State may decide to use the Platform in a progressive manner, by providing that it will be used only by certain authorities, for the communication of certain civil-status data, or for the application of certain ICCS conventions.

Article 6

Each Contracting State undertakes not to use the data transmitted via the Platform for any purposes other than civil-status purposes or the purposes referred to in the conventions concluded or to be concluded by the ICCS and providing for the exchange or issue of civil-status data.

Article 7

1. Each Contracting State must use, for transmissions via the Platform, an advanced electronic signature

which ensures the integrity and authenticity of the contents and the security and confidentiality of the communication and whose technical elements are specified in the Rules of Procedure set out in Appendix I.

2. The Platform may retain a message only for the time necessary for its transmission.

Article 8

Each Contracting State must recognise that the data transmitted via the Platform have a value in law that is at least equal to that of data transmitted in a material form.

Article 9

1. This Convention is open to signature by any Qualified State that is a member of the ICCS and party to an ICCS convention providing for the exchange or issue of civil-status data.
2. The Convention shall be ratified, accepted or approved. The instruments of ratification, acceptance or approval shall be deposited with the Swiss Federal Council and shall be accompanied by a copy of the decision of the Bureau, taken pursuant to Article 11, establishing that the State in question is qualified.

Article 10

1. After the entry into force of this Convention any other Qualified State that is not a member of the ICCS may accede to it, if it is party to an ICCS convention providing for the exchange or issue of civil-status data.
2. The accession will have effect only as regards the relations between the acceding State and a Contracting State that has declared its acceptance of the accession. Such a declaration will also have to be made by any State ratifying, accepting, approving or adhering to the Convention at a later date.
3. The instrument of accession and any declaration referred to in paragraph 2 shall be deposited with the Swiss Federal Council. The instrument of accession shall be accompanied by a copy of the decision of the Bureau, taken pursuant to Article 11, establishing that the State in question is qualified.

Article 11

Any State wishing to sign, ratify, accept, approve or accede to this Convention shall previously address a request to the ICCS. The Bureau of the ICCS shall determine, by a majority of two-thirds of the member States, whether that State is qualified under Article 12.

Article 12

The Bureau of the ICCS shall consider to be a Qualified State any State respecting, as regards the data that may be transmitted by the Platform, the following conditions:

- (a) the data are processed for specified and legitimate purposes and not used in any way that is incompatible with those purposes ;
- (b) the data are adequate, accurate and, where necessary, kept up to date, and they are relevant and not excessive in relation to the purposes for which they are processed ;
- (c) the data are kept in a form which permits the identification of the data subjects for no longer than is required for the purposes for which they are processed ;
- (d) data revealing racial or ethnic origins, political or union-related opinions, religious or other beliefs, as well as data relating to health or sexual life, may not be processed unless domestic law provides appropriate safeguards ;
- (e) appropriate security measures shall be taken for the protection of data against accidental or unauthorised destruction or loss, as well as against unauthorised access, alteration or dissemination ;
- (f) any person shall be able to establish the identity of the controller of the file or, if relevant, his or her representative ;
- (g) any person shall be able to establish the existence or non-existence of an automated data file

- concerning him or her, and to obtain a communication of these data in an intelligible form ;
- (h) any person shall be able to obtain, as the case may be, rectification or erasure of data concerning him or her if they are false or are processed contrary to the provisions of domestic law ;
 - (i) any person shall be able to have a remedy if a request for confirmation or, as the case may be, communication, rectification or erasure, is not followed up ;
 - (j) an independent control authority is in charge of overseeing the application of the aforementioned conditions.

Article 13

1. In order to determine whether a State meets the conditions set out in Article 12, the Bureau of the ICCS shall make its decision on the basis, if necessary, of a report established by an independent expert of its choice. The fees and expenses shall be paid to the expert by the ICCS, and shall be reimbursed to the ICCS by the State concerned.
2. Any member State of the European Union, or any State with regard to which the European Commission has established that it ensures an adequate level of protection according to the Union Directives relating to the protection of personal data shall be presumed to meet the conditions set out in Article 12.

Article 14

1. This Convention shall enter into force on the first day of the seventh month following the month of deposit of the second instrument of ratification, acceptance or approval.
2. In respect of a State ratifying, accepting, approving or acceding after its entry into force, the Convention shall enter into force on the first day of the seventh month following the month of deposit by that State of the instrument of ratification, acceptance, approval or accession. In the case of an accession, the Convention shall take effect between the acceding State and a Contracting State that has accepted the accession on the first day of the seventh month following the deposit of the declaration of acceptance referred to in Article 10, paragraph 2.

Article 15

1. Pending the entry into force of this Convention in its respect in the conditions laid down in Article 14, a Qualified State that is a member of the ICCS and has signed, ratified, accepted or approved the Convention may, at any moment, declare that the provisions of this Convention shall apply to it on a provisional basis. The period of provisional application may not exceed five years.
2. Any declaration made pursuant to paragraph 1 shall be notified to the Swiss Federal Council. It will take effect on the first day of the seventh month following the month of receipt of the notification.

Article 16

1. Each Contracting State undertakes to guarantee at all times an adequate level of protection of natural persons as regards the processing of personal data transmitted via the Platform.
2. Each Contracting State undertakes to notify the ICCS without delay of any problem relating to data protection that it is encountering or has encountered while using the Platform.

Article 17

1. The General Assembly of the ICCS may, by resolution adopted by a majority of two-thirds, suspend the use of the Platform by any Contracting State that no longer respects the legal or financial obligations binding on it by virtue of this Convention. A State whose use of the Platform is suspended may no longer exercise the rights mentioned in Articles 4, 10, 17 and 22. The resolution shall be notified to the Swiss Federal Council and shall take effect, in the relations between that State and all the other Contracting States, on the first day of the second month following the month of the notification made to the State concerned by the Swiss Federal Council pursuant to Article 25, paragraph 1, letter (f).
2. The General Assembly of the ICCS may, by resolution adopted by a majority of two-thirds, terminate

the suspension mentioned in paragraph 1. The resolution shall be notified to the Swiss Federal Council and shall take effect on the first day of the second month following the month of the notification made to the State concerned by the Swiss Federal Council pursuant to Article 25, paragraph 1, letter (f).

Article 18

1. Any Contracting State may, by declaration addressed to the Swiss Federal Council and after informing the ICCS of its intention at least two months in advance, suspend the application of the Convention in relation to any other Contracting State. The suspension shall take effect on the first day of the second month following the month of the notification made to the State concerned by the Swiss Federal Council pursuant to Article 25, paragraph 1, letter g).
2. Any declaration made pursuant to paragraph 1 may be withdrawn by notification addressed to the Swiss Federal Council. The withdrawal shall take effect on the first day of the second month following the month of the notification made to the State concerned by the Swiss Federal Council pursuant to Article 25, paragraph 1, letter (g).

Article 19

1. At the time of signature, ratification, acceptance or approval of or accession to this Convention or at any later date,
 - (a) any State that authorises certain authorities to act on behalf of individuals in accordance with Article 3, paragraph 2, shall make a declaration to that effect ;
 - (b) any State availing itself of a possibility of extension provided for in Article 4 shall make a declaration to that effect ;
 - (c) any State availing itself of the possibility provided for in Article 5 of using the Platform in a progressive manner shall make a declaration to that effect.
2. Any declaration made pursuant to paragraph 1 shall be notified to the Swiss Federal Council and shall be accompanied, depending on the case, by the list of the authorities mentioned in Article 3, paragraph 2, by the list of the data mentioned in Article 4, paragraph 1, and the list of the authorities, data and conventions mentioned in Article 5.
3. Any State may at any time modify a declaration made in accordance with paragraph 1 by notifying the Swiss Federal Council of the modifications made to the initial declaration. The modifications shall take effect on the first day of the seventh month following the month of receipt of that notification.

Article 20

1. At the time of signature, ratification, acceptance or approval of or accession to this Convention or at any later date, any State may declare that this Convention shall extend to all of the territories for whose international relations it is responsible, or to one or more of them.
2. Any declaration made pursuant to paragraph 1 shall be notified to the Swiss Federal Council. It shall take effect when the Convention enters into force for that State or, subsequently, on the first day of the seventh month following the month of receipt of the notification.
3. Any declaration made pursuant to paragraph 1 may be withdrawn by notification addressed to the Swiss Federal Council. The Convention shall cease to apply to the designated territory on the first day of the seventh month following the month of receipt of that notification.

Article 21

1. Each Contracting State shall pay to the ICCS a contribution by way of its share of the running and updating costs of the Platform. The amounts and conditions of payment of this contribution shall be fixed by a resolution of the Bureau of the ICCS, depending in particular on the amount of use of the Platform. However, for an initial provisional period, the Bureau may fix this contribution without taking account of the amount of use of the Platform.
2. Any Contracting State that has not participated or has participated partly in the costs of creating the

Platform shall also pay to the ICCS a fixed contribution whose amount and conditions of payment shall be fixed by a resolution of the Bureau of the ICCS.

3. The Platform shall not be placed at the disposal of a Contracting State that has not previously discharged the financial obligations relating to this Convention.
4. The costs generated by the extensions mentioned in Article 4 of the Convention shall be fixed by a resolution of the Bureau of the ICCS and shall be borne entirely by the States concerned.

Article 22

1. This Convention may be revised by decision taken unanimously by the Contracting States and by a majority of two-thirds of the ICCS member States, meeting in an ad hoc General Assembly.
2. The Rules of Procedure set out in Appendix I may be modified by a resolution adopted by a simple majority of the member States and by a simple majority of the Contracting States, meeting in an ad hoc General Assembly. Any modifications adopted shall be binding on all the Contracting States.
3. The list set out in Appendix II may be modified by a decision of the Bureau of the ICCS.
4. Any decision or resolution taken or adopted pursuant to paragraphs 1 to 3 shall be deposited with the Swiss Federal Council. It shall come into effect on the date which it fixes.

Article 23

1. This Convention shall remain in force indefinitely.
2. However, any State party to this Convention shall have the option of denouncing it at any time after the expiry of a period of one year from the date of entry into force of the Convention in respect of that State. Denunciation shall be notified to the Swiss Federal Council and shall take effect on the first day of the seventh month following the month of receipt of that notification. The Convention shall remain in force among the other States.

Article 24

On the entry into force of this Convention, any new ratification, acceptance or approval of, and any new accession to, the Convention on international communication by electronic means, signed at Athens on 17 September 2001 shall be excluded.

Article 25

1. The Swiss Federal Council shall notify the ICCS member States and any other State that has acceded to this Convention of :
 - (a) the deposit of any instrument of ratification, acceptance, approval or accession ;
 - (b) any date of entry into force of the Convention ;
 - (c) any declaration of acceptance and any withdrawal of an acceptance made pursuant to Article 4, paragraph 4, together with the date on which the acceptance or withdrawal will take effect ;
 - (d) any declaration of acceptance made pursuant to Article 10, paragraphs 2 and 3, together with the date on which the acceptance will take effect ;
 - (e) any declaration made pursuant to Article 15 ;
 - (f) any resolution adopted pursuant to Article 17, paragraph 1 or 2, together with the date on which it will take effect ;
 - (g) any declaration or notification made pursuant to Article 18, paragraph 1 or 2, together with the date on which it will take effect ;
 - (h) any declaration made pursuant to Article 19, paragraph 1, and any subsequent modification made pursuant to paragraph 3, together with the date on which the modification will take effect ;
 - (i) any declaration made pursuant to Article 20, paragraph 1, or its withdrawal, together with the date on which the declaration or the withdrawal will take effect ;
 - (j) any decision or resolution taken or adopted pursuant to Article 22, together with the date on which it will take effect ;

- (k) any denunciation of the Convention made pursuant to Article 23, paragraph 2, together with the date on which it will take effect.
2. The Swiss Federal Council shall inform the Secretary General of the ICCS of any notification made pursuant to paragraph 1.
 3. On the entry into force of this Convention, a certified copy shall be transmitted by the Swiss Federal Council to the Secretary General of the United Nations for the purposes of registration and publication, in accordance with Article 102 of the United Nations Charter.

In witness whereof the undersigned, duly authorised to this end, have signed this Convention.

Done at Rome on 19 September 2012, in a single copy in the French language, which shall be deposited in the archives of the Swiss Federal Council and a certified copy of which shall be transmitted, through diplomatic channels, to each of the ICCS member States and to the acceding States. A certified copy shall also be sent to the Secretary General of the ICCS.

Declaration

*At the time of signing the Convention, the Kingdom of Belgium formulated the following declaration :
« this signature also engages the French Community, the Flemish Community, the German-speaking Community, the Wallon region, the Flemish region and the region of Brussels. »*