

Statutes for Maintenance of Register of Organic Farming

Government of the Republic Regulation No. 250 of 7 December 2006

The Regulation is established on the basis of subsection 11 (1) of the Organic Farming Act and in conformity with subsection 32 (1) of the Databases Act.

Chapter 1

General Provisions

§ 1. Establishment and official name of register

(1) The organic farming register is established by the Government of the Republic Regulation No. 331 of 30 October 2001 "Establishment of Organic Farming Register and Statutes of Maintenance of Register".

(2) The official name of the organic farming register is the "Organic Farming Register" (hereinafter register).

§ 2. Aim of maintaining register

The aim of maintaining the register is to keep record of the persons engaged in the field of organic farming and of the approved enterprises thereof in a manner accessible to the public which enables the exercise of effective supervision.

§ 3. Chief processor and authorised processor of register

(1) The chief processor of the register is the Ministry of Agriculture.

(2) The authorised processor of the register is the Plant Production Inspectorate.

§ 4. Legal effect of registry data

Registry data have legal effect to the extent provided by the Organic Farming Act.

Chapter 2

Maintenance of Register, Composition of Register, Data Subject to Entry in the Register and Procedure for Processing of Data

§ 5. Manner of maintenance and structure of register

- (1) The register is maintained on paper and in digital form as a single-level database and data is processed both in an automated manner and manually.
- (2) The register comprises:
 - 1) the digital database;
 - 2) digital entry book;
 - 3) registry files;
 - 4) registry data in the archives.

§ 6. Protection and cross-usage of registry data

- (1) The authorised processor of the register shall guarantee, by physical, organisational and information technology measures, the integrity, availability and confidentiality of the registry data as well as the maintenance of the register and the processing, protection, preservation and archival processing of registry data.
- (2) If such service is registered in the state register of databases, interbase cross-usage of data is carried out with other databases, taking account of the conditions and restrictions determined by the description of the service.

§ 7. Information subject to entry in register

The following shall be entered in the register:

- 1) the name, address of residence or seat, personal identification code or registry code, telecommunications numbers and e-mail address of a person engaged in the area of organic farming (hereinafter person);
- 2) the address and telecommunications numbers of the place of business of the person;
- 3) the name of the representative of the operator;
- 4) information concerning decisions made on the basis of §§ 5-10 of the Organic Farming Act;
- 5) date of the beginning of the conversion period;
- 6) information concerning agricultural parcels, fields and the plant species grown therein;
- 7) information on areas not under cultivation and the plants and mushrooms collected therein;

- 8) information concerning the animal species reared;
- 9) information concerning the product groups manufactured;
- 10) information concerning the inspection of the enterprise;
- 11) information concerning agricultural produce or products produced or manufactured in the enterprise during the preceding year according to the requirements of organic farming;
- 12) information concerning gathered plants and mushrooms;
- 13) other necessary information.

§ 8. Source documents of registration of data

The source documents for entry in the register of data are:

- 1) an application for approval of the enterprise and appended documents;
- 2) decision on approval of the enterprise, decision on suspension of validity of the decision of approval, decision on restoration of validity of the decision of approval, and decision on revocation of the decision of approval;
- 3) notice concerning a change in the conditions prevailing in the enterprise, on suspension or termination of activities or on transfer of possession of the enterprise;
- 4) application for the consent specified in subsection 14 (1) of the Organic Farming Act, and a decision on the grant or denial of consent;
- 5) the documents subject to submission, during each year of continued engaging in organic farming, for continuation of organic farming activities;
- 6) documents related to exercise of supervision;
- 7) other relevant documents.

§ 9. Submission of information and entry in register

(1) The following shall submit data to the register:

- 1) the Plant Production Inspectorate;
- 2) the Veterinary and Food Board;
- 3) the Consumer Protection Board;
- 4) the Health Protection Inspectorate.

(2) The agencies specified in clauses (1) 2)–4) shall submit, without delay, the source documents for the entry of data in the register on paper or digitally at the address indicated on the

webpage of the authorised processor of the register to the authorised processor of the register. The document specified in § 8 or an officially certified copy of such document shall be submitted on paper. A document submitted in digital form shall be accompanied by a digital signature.

(3) A source document submitted by a person to the Plant Protection Inspectorate and a source document issued by the Plant Protection Inspectorate is deemed to be submitted to the authorised processor of the register as of the date of submission or issue of the relevant source document.

(4) The authorised processor of the register shall enter the data in the register within five working days after the submission of the source documents to the authorised processor of the register.

§ 10. Delivery of excerpts of register entries

(1) In the case on entry of the data pertaining to a person and the approved enterprise thereof in the register, the authorised processor of the register shall deliver an excerpt of the register entry to the person within ten working days after the date of making of the decision on approval of the enterprise.

(2) If a person submits an application for the issue of a new excerpt of the register entry, the authorised processor of the register shall deliver an excerpt of the register entry to the person within five working days after the date of receipt of the application.

§ 11. Change of data entered in register

(1) Upon becoming aware of a change in the data entered in the register, the submitter of registry data shall immediately submit the new data to the authorised processor of the register. If data has changed, the relevant information shall be closed until the entry is amended.

(2) The authorised processor of the register shall amend the entry within five working days after the date on which the changed information was submitted to the authorised processor.

§ 12. Correction of inaccurate data

(1) Upon reasonable doubt concerning the inaccuracy of data entered in the register, the authorised processor of the register shall close the relevant data until the correctness of the information has been verified or the entry has been corrected.

(2) The authorised processor shall make an inquiry concerning the inaccurate data to the submitter of the registry data within five working days of the date of discovery of the inaccurate data. The submitter of the registry data is required to submit the data to the authorised processor by the specified due date.

(3) The authorised processor shall correct the inaccurate data within five working days of the date of receipt of the correct data and store the incorrect data with a notice concerning the time of use thereof together with the accurate data.

(4) The authorised processor of the register shall correct on its own initiative any data in the register not corresponding to the document on the basis of which the entry was made within five working days after the date on which such deficiency becomes evident.

§ 13. Access to information entered in register

(1) Data entered in the register is public, except for the data which contains business secrets or data whose disclosure is in conflict with the requirements provided in the Protection of Personal Data Act.

(2) Public registry data shall be published on the website of the authorised processor of the register.

§ 14. Release of data from register

(1) Public registry data shall be released from the register pursuant to the procedure provided by the Public Information Act.

(2) Registry data not subject to disclosure may be released to persons whom such information concerns and to persons or agencies who need such data for the performance of duties prescribed by law.

§ 15. Maintaining records of receipt of data in register and release of data from register

(1) Records on receipt of data in the register and release of data from the register shall be maintained in the digital entry book.

(2) Upon receipt of data in the register, the following shall be registered concerning the source documents:

1) the serial number or code;

- 2) name;
 - 3) date of issue;
 - 4) issuer;
 - 5) date of submission to the authorised processor;
 - 6) date of submission of the document which is the basis for release of the source document to the supervisory agency.
- (3) Upon release of data from the register, the following is registered:
- 1) the name of the person receiving the data;
 - 2) composition of the data;
 - 3) the time of release of the data.

§ 16. Closing of registry data

- (1) Upon revocation of the decision of approval of a person's enterprise, the data entered in the register concerning such person and the person's enterprise shall be closed.
- (2) The authorised processor of the register shall close the relevant registry data within five working days after the authorised processor of the register receives the decision to revoke the decision of approval of a person's enterprise.

§ 17. Archival processing

- (1) Registry data closed due to the revocation of the decision of approval of a person's enterprise shall be entered in the archives within thirty five working days after the date of closure of the relevant registry data.
- (2) Registry data shall be entered in the archives on paper and digitally.
- (3) Archived registry data and source documents shall be preserved for five years.

§ 18. Preparation of overviews

In agreement with the chief processor of the register, the authorised processor shall prepare and publish (in a manner which precludes the direct or indirect identification of persons) overviews on the results of state supervision and the organic farming situation in Estonia.

Supervision, Financing of Maintenance of Register and Liquidation of Register

§ 19. Supervision over maintenance of register and persons entitled to exercise supervision

The chief processor of the register exercises supervision over the maintenance of the register.

Data protection supervision of the legality of maintenance of the register shall be exercised by the Data Protection Inspectorate according to its competence.

§ 20. Supervision

(1) Within the limits of their competence, the officials of the Data Protection Inspectorate have the right to inspect, at any time, the compliance of the maintenance of the register with Acts and other legislation and to receive information on the release of data from the register and use of data.

(2) If deficiencies become evident in the maintenance of the register, the authorised processor of the register is required to eliminate the deficiencies indicated in the precept issued by the person exercising supervision by the specified due date.

§ 21. Financing of maintenance of register

The maintenance of the register is financed from the state budget out of funds allocated from the state budget to the authorised processor of the register for such purposes.

§ 22. Liquidation of register

(1) Liquidation of the register is decided by the Government of the Republic. The register shall be liquidated in accordance with the requirements provided for in the Databases Act and Archives Act.

(2) Data are transferred by the authorised processor at the responsibility of the chief processor in the presence of an authorised official of the Data Protection Inspectorate and state information systems co-ordination authority. Upon transfer or destruction of data, corresponding legal instruments shall be prepared.

Chapter 4

Implementing Provisions

§ 23. Data in the register of organic farming

The data entered in the register of organic farming maintained on the basis of subsection 19 (1) of the Organic Farming Act entered into force on 14 February 2004 are deemed to be entered in the register of organic farming maintained on the basis of subsection 11 (1) of the Organic Farming Act entered into force on 1 January 2007.

§ 24. Entry into force of Regulation

This Regulation enters into force on 1 January 2007.