



**Economic and Social
Council**

Distr.
GENERAL

ECE/HBP/WP.7/2009/3
20 March 2009

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

COMMITTEE ON HOUSING AND LAND MANAGEMENT

Working Party on Land Administration

Sixth session

Geneva, 18–19 June 2009

Item 4 of the provisional agenda

**IN-DEPTH DISCUSSION OF CHALLENGES POSED BY FRAUD TO LAND
MANAGEMENT INSTITUTIONS**

**QUESTIONNAIRE ON FRAUD IN ELECTRONIC REGISTRATION AND
CONVEYANCING**

Note by the secretariat

Summary

At the Working Party on Land Administration's fifth session (Geneva, 19–20 November 2007), the delegation of the United Kingdom introduced the issue of fraudulent use of electronic land registration data and related incidents of identity theft (ECE/HBP/WP.7/10, para. 17). The Working Party decided to include this topic in its programme of work (para. 23 (a)). This document presents a questionnaire to be distributed among participants of the Working Party's sixth session and the rationale for such exercise. The purpose is to survey current practices by public authorities in coping with electronic fraud. It is expected that answers will stimulate discussions and provide necessary input to decide whether further study on the topic is needed.

INTRODUCTION

1. The purpose of this survey is to identify good practices in the detection and prevention of fraud in land registration systems in UNECE¹ countries and, in particular, the protection of information against misuse by fraudsters due to the public electronic availability of land and owner information.
2. The questionnaire draws on a report on the results of a survey of some delegates attending the Working Party on Land Administration's fifth session. Fraud in land registration and conveyancing refers to instances of suppression of information or to the dishonest use of changes to the register of land or real estate titles. The survey sought information on delegate's experience of fraud with on-line land information systems in their individual jurisdictions.²
3. The use of electronic technology to store and process land registration data is at present the norm throughout the UNECE region. Many, if not most, land administration authorities now utilize online systems to provide easy access to land information for the general public.³
4. There appears to be little solid statistical evidence to show that fraud in land registration systems has increased because of the introduction of online services. However, at least some law enforcement agencies consider ease of access to be a factor in the increase in registration fraud. Fraud and forgery exist wherever there is commercial activity and delegations to the Working Party agree on the need to have strategies in place to guard against the risk of fraud and to maintain the confidence of stakeholders in the data they hold.
5. The Working Party agreed that the overall problem of fraud was something that it wished to explore as part of its programme of work. The results of the initial survey by Her Majesty's Land Registry were inconclusive and suggested that more work needed to be done in order to collect relevant information about current trends in the UNECE region. Almost all respondents agreed that sharing intelligence with other jurisdictions would be helpful, at least to compare best practice for detecting and preventing fraud. It is also needed to fully understand the nature of registration frauds that have been perpetrated across the region and devise ways of preventing them. Common work should be encouraged with the police and other law enforcement agencies to track fraudsters and identify their modus operandi.

¹ United Nations Economic Commission for Europe.

² The report, on the results of the questionnaire on online access to land registration information, was prepared by Her Majesty's Land Registry (delegation of the United Kingdom) following the Working Party's fifth session.

³ In the survey carried out by Her Majesty's Land Registry, all 18 respondents reported that they held their data electronically, and 83 per cent of these indicated that they made information available online to the general public.

6. Recording the type and incidence of fraud and pooling out information for the common good will constitute an important tool in the fight against crime. In the belief that it would aid the understanding and prevention of registration fraud, it was agreed that the United Kingdom would be the lead country to undertake a more comprehensive survey to bring the information up to date and present the results to WPLA Bureau, which may then wish to discuss if further work on this issue should be developed.

Annex

QUESTIONNAIRE

It would be very helpful if all respondents to the questions provided statistical information, with figures from the last five-year period, to illustrate and support their answers wherever appropriate.

Registration fraud and the availability of information online

1. Does your organization hold land title registration information in computerized/electronic format?

YES
NO

2. Is some or all of this information open to public inspection? Explain (maximum 300 words).

Limits on public inspection

3. If the information is open to public inspection, are there limits on what information is made available?

YES
NO

Please provide brief details if appropriate (maximum 300 words).

4. If the information is open to public inspection, are there limits as to who may apply for it?

YES
NO

Please provide brief details if appropriate (maximum 300 words)

5. Are different methods of application available to distinct groups of customers?

YES
NO

Please provide brief details if appropriate (Maximum 300 words).

Registration of online applicants

6. Do you make public information available to the general public online via the Internet?

YES
NO

7. If the answer to 6 is YES, do you require online applicants to register their details with you before supplying the information?

YES
NO

8. If the answer to 7 is NO, do you have any method of identifying online applicants, or are they effectively anonymous?

Treatment of online applicants compared with others

9. Is exactly the same information available to anonymous online applicants as to identifiable users of your other paper/electronic services?

YES
NO

Limitation of information available to online applicants

10. If you limit the information available to anonymous online applicants, please state which of the following are specifically not available to these applicants:

- Details of proprietors' names and addresses
- Price paid information
- Details of mortgages
- Details of amount secured
- Copies of transfer documents
- Copies of mortgage
- Documents
- Copies of any signed documents

Other – please specify

11. Alternatively, do you limit the information available to anonymous online applicants by editing the documents to remove sensitive information/signatures?

YES
NO

Registration fraud

12. Do you think that registration fraud in your jurisdiction is increasing, has reached a steady level, or is decreasing? Please provide any statistics or examples you may have to support the conclusion (maximum 300 words).

Monitoring of trends in fraud

13. Do you identify attempted fraudulent registrations and monitor trends?

YES
NO

14. Have you identified any significant trends in fraudulent activities, which coincide with your introduction of any new electronic services? Explain (maximum 300 words).

15. Have you identified any clear links in fraudulent activity to the introduction of any new electronic services? Explain (maximum 300 words).

Fraud detection and prevention

16. Have you identified methods of detecting/preventing potential fraudulent activities?

YES
NO

If the answer is YES, please provide brief details if you are able.

17. If any such measures have been introduced, have they been successful? Explain (maximum 300 words).

18. Do you systematically review, evaluate and improve these measures? Explain (maximum 300 words).

Contact with other organizations

19. Do you have a network of contacts in key organizations/agencies in your own jurisdiction which coordinates efforts to combat fraud? Explain (maximum 300 words).

Sharing intelligence

20. Do you believe that sharing intelligence between organizations in different jurisdictions across the UNECE region would be helpful in combating fraud? Explain (maximum 300 words).

Compensation payments

21. Do you pay compensation if someone suffers a loss due to registration fraud?

YES
NO

22. If the answer to 21 is YES, do you keep a record of how much is paid and in what circumstances?

YES
NO

Do you use that information to help with your anti fraud strategy? Explain (maximum 300 words).

23. Within your jurisdiction, are you able to pursue fraudsters for reimbursement of any sums of money paid out in compensation?

YES
NO

24. If the answer to 23 is YES, how successful are you in recovering some or all of these sums of money? Explain (maximum 300 words).

25. Do you think that a cohesive region-wide strategy to combat land registration fraud would prove more successful? Explain (maximum 300 words).

Notaries

26. Do you have a notarial system in your jurisdiction?

YES
NO

27. Do you think that the participation of notaries reduces the likelihood of registration fraud?

YES
NO

28. If you do think that the presence of notaries reduces fraud, please explain why (maximum 300 words).

Staff training

29. Do you have formal training for technical staff to assist in the detection of fraud?

YES
NO

If the answer is YES, please provide brief details (maximum 300 words).
