

EU MODELS FOR REGISTRAL PUBLICITY

GATEKEEPERS:

- NOTARIES
- TAX AUTHORITIES
- BANKS
- OTHERS



INFORMATION HUB

- OBJECT OF THE RIGHT
- SUBJECT OF THE RIGHT
- FORMER OWNER
- PRICE
- RANK (TIMESTAMP)
- DEED
- MORTGAGE

HOW LAND REGISTRY DEAL WITH DATA?

- ELRA STUDIES – <https://www.elra.eu/facts-sheets/>
 - Land registry publicity
 - Description of land registries
 - More than 20 MS contributions

HOW LAND REGISTRY DEAL WITH THE DATA?

- Different approaches:
 - Unconditioned access/access based on proof of legitimate interest
 - Open access to basic LR information/legitimate interest for access to the deeds
 - Approaches influenced by the social culture and judicial tradition

GDPR vs LR

- **Data:** information (in an electronic form that can be processed by a computer).
- **Personal data:** any information relating to an identified or identifiable natural person.
- **Processing of personal data:** any operation or set of operations performed upon personal data (collection, recording, consultation, ...).
- **Data controller:** the person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data (e.g. the Land Registry itself, the ministry, ...).
- **Data subject:** the person whose personal data are being processed (e.g. the proprietor, the mortgagor and mortgagee, ... entered in the land register).

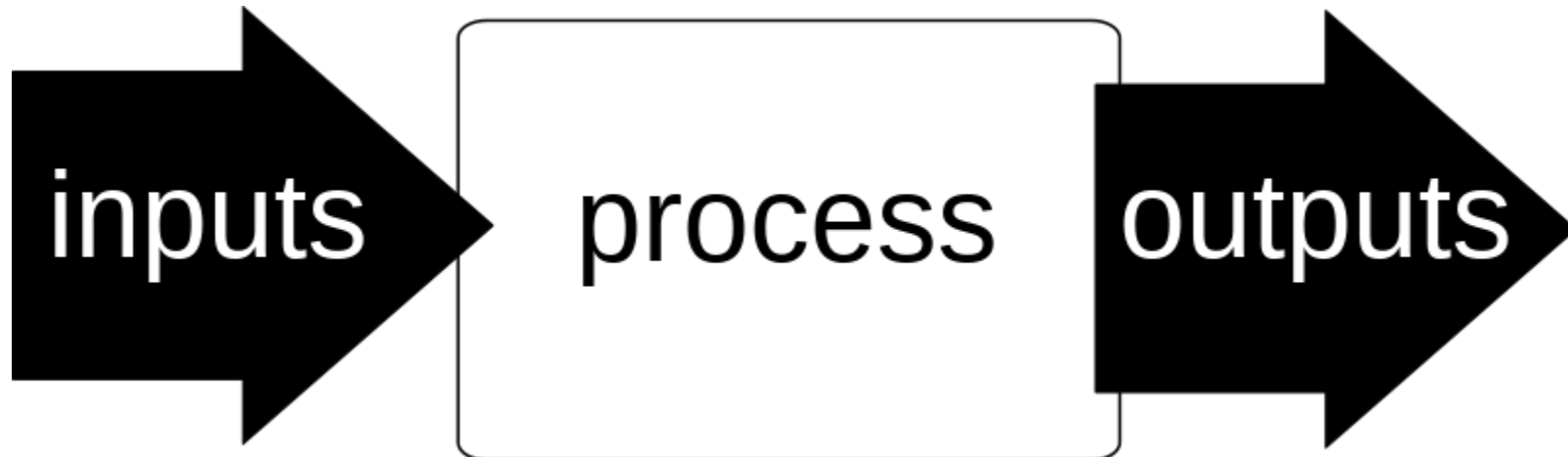
GDPR vs LR

PERSONAL DATA USED BY LR

- names
- PINs
- addresses
- data “behind the curtain”
- other?

HOW LAND REGISTRY DEAL WITH THE DATA?

- INPUT INFORMATION
 - No protected data
- OUTPUT INFORMATION
 - As described before – various approaches



HOW LAND REGISTRY DEALS WITH THE DATA?

- type of information
- Type of applicant
- fees

QUESTIONS

- **Is there any "conflict" between LR and data protection?**
 - **Public/protected**
- **Shall LR be an exception to data protection legislation?**
 - Why (not)?
 - If YES, at what extent?
 - How?
- **How LR comply with data protection?**
 - does "right to be forgotten" applies?
 - should the owner be informed if someone accessed its data?

INTERCONNECTION OF LAND REGISTRIES

- **NEW CHALLENGES/NEW HORIZONS**

2019 - EUROPEAN PARLIAMENT BRIEFING: “UNDERSTANDING MONEY LAUNDERING THROUGH REAL ESTATE TRANSACTIONS”

- **“Real estate: a haven for money laundering?”**
- **“Addressing the misuse of real estate for ML”**
- **“Tackling the problem: a work in progress”**
- **“Real estate ML impact”**

THANK YOU!

Mihai Taus – ELRA member of board