

Act on the Retrieval of a Statement of Previous Convictions in Respect of Children on the Appointment of Staff etc.

Act on the retrieval of a statement of previous convictions in respect of children on the appointment of staff etc. (Act No. 520 of 21 June 2005)

WE MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, do make known that: The Folketing has passed the following Act, which has received the Royal Assent:

1. This Act applies to public administrative authorities and to private physical and legal persons.
2. The relevant Minister shall lay down detailed regulations governing the retrieval of a statement of previous convictions in respect of children (cf. subsection 3) before authorities and private physical and legal persons appoint or employ persons who in the course of their duties are to come into direct contact with children under the age of 15. The Minister concerned may lay down regulations governing supervision.
 - (2) In the same way, the Minister concerned may lay down regulations governing the retrieval of a statement of previous convictions in respect of the spouses, cohabitants and children living at home of the physical persons referred to in subsection 1, provided these may come into direct contact with children under the age of 15. The relevant Minister may lay down regulations governing supervision.
 - (3) The expression "statement of previous convictions in respect of children" refers to a certificate as mentioned in Section 36 of the Executive Order on the processing of personal data in the Central Criminal Register (the Criminal Register).
 - (4) In regulations laid down under subsections 1 and 2 it may be prescribed that deliberate infringement of such regulations is punishable by fine, but this does not apply to infringements by public administrative authorities. Companies etc. (legal persons) may be subject to criminal liability under the rules in Chapter 5 of the Penal Code.
3. Retrieval of a statement as referred to in Section 2 (1) and (2) shall take place in accordance with the rules governing such statements.
4. Authorities and private physical and legal persons who retrieve statements of previous convictions in respect of children on the basis of regulations issued pursuant to Section 2 (1) and (2) shall not for this reason report to or obtain a statement or permission from the Danish Data Protection Agency with reference to Chapters 12 or 13 of the Danish Personal Data Act.
5. This Act enters into force on 1 July 2005.
 - (2) A proposal for revision of this Act shall be laid before the Folketing not later than the parliamentary year 2007-08.
6. This Act does not apply to the Faroes and Greenland.