

I. General Provisions

MINISTRY OF JUSTICE

8146 *ROYAL DECREE 513/2005, of 9th May, by which Royal Decree 355/2004 of 5th March regulating the Central Registry for the protection of victims of domestic violence is amended.*

Section 8 of article 544 ter of the Criminal Procedure Act, introduced by Act 27/2003 of 31st July regulating the order of protection for victims of domestic violence establishes the requirement that such protection order needs to be notified to the parties and communicated by the judge, through full testimony, to the victim and the public authorities which are in charge of taking the corresponding protection measures, whether these apply to security, social assistance, legal, health, psychological or otherwise. For this purpose, the regulations will establish an integrated system of administrative coordination in order to ensure the agility of these communications.

By Royal Decree 355/2004 of 5th March, the Central Register for the protection of victims of domestic violence was regulated. It established a coordination system whereby the secretaries of the courts and tribunals will have to communicate the orders protection of victims of domestic violence which are adopted and their corresponding applications or requests to the coordination points which were designated by the autonomous community concerned. This will constitute the single channel of notification of these types of resolutions to centres, units, agencies and institutions which have jurisdiction on matters which concern the social protection of these types of victims.

The implementation of a telematic communication system advises that this model will be replaced by a more integrated administrative coordination to eliminate duplication of data transmission and ensure updated, agile and accurate information. In view of the functions assigned by law to the coordination points, it seems unquestionable that this task must be greatly enhanced if there is, in a coordinated way and with the limitations that such sensitive information advises, direct access to the information contained in the registry. This assignment is also covered in articles 11.2.a) and 11.2.d) of Organic Act 15/1999 of 13th December on the Protection of Personal Data, the first in relation to sections 5 and 8 of article 544 ter of the Criminal Procedure Act, as amended by this Act 27/2003 of 31st July.

On the other hand, the reforms introduced by Royal Decree 1475/2004 of 18th June, on the basic organic structure of the Ministry of Justice, together with the continuing obligation of the judicial secretaries to notify the Central Registry of prosecuted and rebels of the final conviction, it makes it unnecessary, since redundant, that the Central Registry of protection for victims of domestic violence had the obligation to communicate the Central Registry of prosecuted and rebels of the final decisions in matters

of domestic violence referred to in article 5.2 of Royal Decree 355/2004 of 5th March; apart from that, the necessary agility in managing judicial proceedings advise to expand the access to the registry database to an officer deliberately assigned to do it (now this access is limited to the judicial secretary), without prejudice to the obligation of the secretary to personally transmit information that must operate in the register. Identical meaning must be given to the possibility which had not been foreseen so far that the transmission of the data can be performed directly from procedural management applications, when this option is technically available.

By virtue of the proposal of the Ministry of Justice with the prior approval of the Minister of Public Administration, in accordance with the Council of State and after deliberation by the Council of Ministers at its meeting on 6th May 2005,

I STIPULATE

Sole article. *Amendment of Royal Decree 355/2004 of 5th March, which regulates the Central Registry for the protection of victims of domestic violence.*

The Royal Decree 355/2004 of 5th March, which regulates the Central Registry for the protection of victims of domestic violence, has been amended as follows:

One. Section 2 of article 2 shall read as follows:

“2. The purpose of the Central Registry for the protection of victims of domestic violence is to provide the criminal courts, the civil courts that can deal with family proceedings, the courts of violence on women, the Public Prosecution Office, the judicial police and the public authorities with adequate jurisdiction, with the necessary information in order to be able to exercise their judicial functions as well as offer the corresponding public services for the protection of victims.”

Two. Section 2 of article 5 has been deleted, so that the existing section, which is section 1, will be a sole section.

Three. Article 8 shall read as follows:

“Article 8. *Access to information contained in the Central Registry.*

1. Access to information contained in the Central Registry shall be limited to the following subjects and purposes:

a) The criminal courts, the civil courts that are responsible for family proceedings and the courts of violence on women will be able to have access to the information required in order to deal with the criminal and civil proceedings and in order to order, amend, implement or monitor measures to protect these victims by means of the corresponding judicial secretary or the corresponding judicial officer from the judicial office to which it has been designated. In any case, this designation will not affect the duties and responsibilities that sections 5 and 6 impose judicial secretaries.

b) The Public Prosecution Office may have access to accurate information for the processing of criminal and civil cases and for the adoption, amendment, implementation and monitoring of measures to protect such victims by means of the public prosecutors serving in the prosecution offices of the courts which have jurisdiction for those cases.

c) The judicial police may access the necessary information in order to carry out the proceedings which have been entrusted to them in connection with the prosecution and monitoring of the behaviours that have access to the Central Registry, by means of the authorised officers who perform these functions.

d) The autonomous communities can access the necessary information to ensure the effective implementation of the protection measures, whether they are temporary or final, which have been ordered by the courts, by means of the person assigned to each coordination point referred to in the first additional provision.

2. The officer in charge of the Central Registry will draw an updated list of authorised users, and also specifying the data to which they can access.

3. The access to the Central Registry data will be carried out telematically, through identification and authentication procedures. The access system must record the identity of the users who access the registry, the data that they consult, the moment when they do it and the purpose of the consultation.

4. The General State Administration and the autonomous communities with jurisdiction over justice, under the Judicial Transparency Plan, may produce statistics of the data contained in the register, avoiding any personal reference to the information and taking into account the provisions under Organic Act 15/1999 of 13th December on the Protection of Personal Data and its supplementary provisions.»

Four. The only additional provision becomes the first additional provision, and a second additional provision is added, which has the following wording:

“Second Additional Provision. *Automatic data transfer to the Central Registry.*”

When the development of procedural management systems allows it, the Ministry of Justice may authorize that the telematic way in which data are communicated to the Central Registry is done automatically by means of the suitable procedural management systems, ensuring in any case the confidentiality, authenticity, veracity and information integrity. In these cases, the users' access to the register will have different profiles of consultation.”

Unique final provision. *Entry into force.*

This Royal Decree shall enter into force the day following its publication in the "Official State Gazette".

Given in Madrid on 9th May 2005.

JUAN CARLOS R.

The Minister of Justice
JUAN FERNANDO LÓPEZ AGUILAR