

MINISTRY OF JUSTICE

11018 *ROYAL DECREE 660/2007 of 25 May, amending the Royal Decree 355/2004, 5 March, which regulates the Central Registry for the protection of victims of domestic violence in relation to the access to information contained in the Central Registry.*

By Royal Decree 355/2004 of 5 March, the Central registry for the protection of victims of domestic violence was regulated, by establishing a coordinated system whereby the court and judicial secretaries must notify the protection orders adopted for victims of domestic violence and their corresponding application forms to those coordination points designated by the corresponding autonomous community, which constitute the single notification channel of these resolutions to sites, units, agencies and institutions responsible for social protection in relation to these victims. By Royal Decree 513 / 2005, May 9, this rule was modified taking into account the functions that the law assigns to these coordination points established in the autonomous communities , allowing them access to the information in the Registry. This assignment was also covered in articles 11.2 a) and 11.2 d) of Organic Act 15/1999 of 13 December, on protection of personal data, the first, in relation with paragraphs 5 and 8 of article 544 ter of the Criminal Procedure Act, as amended by Act 27/2003 of 31 July.

The evolution of the phenomenon of domestic and gender violence suggests deepening as for hat protection to victims, first taking the necessary means to prevent such actions and in second place, preventing the abuser from getting a direct or indirect benefit from his actions. The Agreement achieved by Council of Ministers of 15 December 2006, at its catalogue of urgent measures, provides for the protection units for victims in Government delegations and sub-delegations, constituted as an important element in this protection. At the same time, the information exchange and coordination between the Registry of victims of Domestic Violence, the Social Security Department and the Ministry of Economy and Finance altogether may avoid undesirable effects on the generation of pensions or other benefits and all under the provisions of the first additional provision of the Organic Act 1/2004 of 28 December, on Integral Protection Measures against Gender Violence.

Finally it increases the number of officials for the judicial office that the court secretary may designate to access to information contained in the Registry, suppressing the former restriction that there was as for the maximum number, which is justified by the increased activity in the courts of domestic violence.

This Royal Decree has been informed by the General Council of the Judiciary, the Attorney General or Chief of Public Prosecutions and the Spanish Agency of Data Protection.

By virtue, at the proposal of the Minister of Justice, prior approval of the Minister of Public Administration and hearing the State Council and after deliberation of the Council of Ministers at its meeting on 25 May 2007

I DECREE:

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

Article 8 of the Royal Decree 355/2004 of 5 March, by regulating the Central Registry for the protection of victims of domestic violence should read as follows:

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

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

a) Criminal courts, those of civil order that examine family proceedings and the Courts of Violence against Women can access the information they need in order to process criminal and civil cases and in order to take, amendment, execute and monitor such measures to protect victims by means of the corresponding judicial secretary as well as those officials assigned to that judicial office and who have been designated by the corresponding judicial secretary. In any case, this designation will not affect the duties and responsibilities under articles 5 and 6 of this Royal Decree imposed on the judicial secretaries.

b) The Public Prosecution Service may have access to the information required in order to process criminal and civil cases and in order to take, amendment, execute and monitor such measures to protect victims by means of the public prosecutor who have been

designated in the public prosecution offices of the corresponding judicial authorities.

c) The Judicial Police can access the necessary information in order to implement the actions which they have been conferred in relation to the persecution and monitoring behaviours to which they have access through this Central Registry, by means of the authorized officials that they have so as to perform these functions.

d) The autonomous communities will be able to have access to the necessary information in order to guarantee the effective implementation of the protective measures, either interim or final, adopted by the court, by means of the person who have been designated to be the head for each coordination point as stated in the first additional provision, or in any case, by means of the persons who have been designated by that head.

e) Government delegations and sub-delegations will be able to have access to the necessary information in order to guarantee the effective implementation of the protective measures, either interim or final, adopted by the court. In the case of Government delegations, access is carried out by the head of the coordination unit against violence against women or by the persons who have been designated by him. In the case of Government sub-delegations, access will be carried out by the head of the unit against violence against women or by the persons who have been designated by him.

2. The person responsible for the Central Registry, the Registrar, is in charge of developing an updated relation of authorized users, specifying the data which they can access.

3. Access to the Central Registry data will be carried out telematically by identification and authentication procedures. The system must record the identity of the subjects who access the data, the kind of data that they have accessed, the moment when they access the Registry and the purpose for consultation.

4. The Registrar of the Central Registry for the protection of victims of domestic violence will communicate, at least weekly, the National Institute of the Social Security, the Social Institute of Marine and the General Directorate of Personnel Costs and Public Pensions of the Ministry of Economy and Finance the corresponding information as for the proceedings which have been passed with a

final condemning sentence that are entered in the Register on the grounds of having committed an intentional crime of murder in any of its forms or injury when the victim of the crime was the spouse or former spouse or was or had been linked to him by a similar relation of affection, for the purposes of complying with the terms under the first additional provision of Organic Act 1/2004 of 28 December, with comprehensive protective measures against gender violence.

5. The General State Administration and the autonomous communities with jurisdiction in justice matters, within the Framework for Judicial Transparency, may produce statistics of data contained in the register, avoiding any reference as to personal information and taking into account the provisions of Act 15/1999 of December 13, on the Protection of Personal Data D and its supplementary provisions."

Final sole provision. *Entry into force*

This Royal Decree shall enter into force following its publication in the "Official State Gazette, (Spanish BOE)".

Given in Madrid on 25 May 2007.

JUAN CARLOS R.

The Minister of Justice,
Mariano Fernández Bermejo