

MINISTRY OF JUSTICE

5401 ROYAL DECREE
355/2004 of 5th March, which regulates the Central Registry for the protection of victims of domestic violence.

Act 27/2003 of 31st July, which regulates the order of protection for victims of domestic violence, incorporates a new tool in our legal system to protect against criminal offences which have been committed within the family environment. It is characterised, as it is expressed in the reasons for the act in its preamble, by unifying the various instruments of protection and care, so that "through an easy and quick judicial process, which takes place at the Preliminary Investigation Court, the victim can get a comprehensive protection status that focuses on precautionary civil and criminal measures in a coordinated way", and it allows the various public authorities to activate the different instruments of protection and care.

The new article 544 ter introduced in the Criminal Procedure Act by Act 27/2003 of 31st July, provides in its section 10 the entry of the order of protection in the Central Registry for the protection of victims of domestic violence. For that purpose, the first additional provision of Act 27/2003 of 31st July states that "the Government, at the proposal of the Ministry of Justice, after hearing the General Council of the Judiciary and the Data Protection Agency, shall order appropriate regulations concerning the organization of the Central Registry for the protection of victims of domestic violence and the scheme of registration and cancellation of their entries as well

as the access to the information contained in it, by at any case ensuring confidentiality".

The effectiveness of the protection measures that are integrated into the new order of protection is provided through the existence of a single Central Registry, stating the reference of all those penalties and security measures agreed in a ruling, as well as the precautionary measures and orders of protection agreed in criminal proceedings pending against a same defendant due to these types of violations which have already been ordered to guarantee the physical protection of the victim against those aggressions or in order to regulate the legal family or parent-child status that links the victim with the alleged aggressor.

With this objective, this Royal Decree regulates the organization and contents of the Central Registry for the protection of victims of domestic violence, as well as the registration, cancellation and consultation procedures. In this way, it should be noted that data processing is systematised by means of an initial differentiation of the several measures of protection in accordance with the way in which they have been agreed as precautionary measures in criminal proceedings which are still pending or which already have final decision, since his their respective legal regime is different in each case.

Regarding the former, the entry of a precautionary measure or of an order of protection requires the processing of the information about the reference criminal procedure, because

the continued existence of the measure agreed derives, ultimately, of its resolution.

Regarding the latter, the need to ensure an exact correspondence between the new information which is entered in the Central Registry of prosecuted and rebels and the data contained in the Central Registry for the protection of victims of domestic violence calls for the solution to unify the system of registration and cancellation through the telematic remission of sentence notes from the Central Registry for the protection of victims of domestic violence to the Central Registry of prosecuted and rebels.

In both cases, the judicial secretary, in his or her faculty as public notary for judicial proceedings, is in charge of the essential function of communicating the information to be entered in the Central Registry for the protection of victims of domestic violence, therefore providing the maximum legal solvency and confidentiality to the register and ensuring the rights of citizens and victims of crime.

It is also regulated in this Royal Decree, by means of an additional provision, the communication system through the judicial secretaries to the public administrations which have jurisdiction in matters of social protection, which contemplates section 8 of article 544 ter of the Criminal Procedure Act, introduced by Act 27/2003 of 31st July.

By virtue of the proposal of the Minister 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 5th March 2004,

I STIPULATE:

Article 1. Object.

This royal decree aims to establish and regulate the organization of the central registry for the protection of victims of domestic violence, under the provisions of Act 27/2003 of 31st July on the order of protection for victims of domestic violence, as well as the system to record and cancel data.

Article 2. Nature and organization of the registry.

1. The Central Registry for the protection of victims of domestic violence constitutes a system of information on penalties and security measures imposed on convictions for crimes or misdemeanours and precautionary measures and orders of protection which have been agreed in criminal proceedings which are still pending against any of the persons mentioned in article 173.2 of the Penal Code.

2. The sole 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.

3. The Central Registry for the protection of victims of domestic violence covers the entire national territory and is managed by the State Secretary of Justice, by means of the General Direction for the Modernization of the Judiciary.

4. The rights of access, rectification and cancellation, as well as security measures of the data contained in the Central Registry for the protection of victims of domestic violence is governed by the provisions of Act 15/1999 of 13th December, on the Protection of Personal Data, and its supplementary provisions.

Article 3. Those responsible for registration and the security measures.

1. The Central Registry for the protection of victims of domestic violence, attached to the General Direction for the Modernization of the Judiciary is responsible for its control, management and organization. They will take the necessary measures to ensure flexibility in the transmission of regulated information in the following article, as well as the integrity, confidentiality and accessibility of the data contained in the Central Registry.

2. The officer responsible for the Central Registry shall enter the record, verify it with the information which had been telematically submitted, and shall guarantee, with full legal validity, the authenticity and integrity of the data.

Article 4. Information contained in the Central Registry for the protection of victims of domestic violence.

1. The Central Registry for the protection of victims of domestic violence will contain data which are related to penalties and security measures imposed on convictions for crimes or misdemeanours and precautionary measures and orders of protection which have been agreed in criminal proceedings which are still pending against any of the persons mentioned in article 173.2 of the Penal Code.

2. Those entries in the Central Registry for penalties and security measures which have been imposed by means of a final sentence on grounds of any of the criminal cases referred to in the preceding paragraph will contain the following information:

a) Judicial body that passed the sentence, date of the sentence, type of procedure and general identification number of the procedure (NIG in Spanish).

b) Name of the court that declares that the decision is final, the date and the number of the writ of execution.

c) Names and addresses of the convicted, their particulars, date of birth, national identification number, alien identification number, residence card or passport.

d) The names and addresses of the victim, her particulars, date of birth, national identification number, alien identification number, residence card or passport, and relationship to the condemned.

e) Crime and / or misdemeanour committed.

f) Main or incidental penalty imposed, their duration or total, as well as the measures agreed and their extent.

g) Replacement of the penalty that could have been agreed on a final decree or sentence, with expression of the penalty or replacement measure imposed.

h) The suspension of the execution of the sentence which could have been agreed upon, with expression of the term, and the obligations or duties agreed in that case.

3. Entries in the Central Registry concerning procedures still in process as well as precautionary measures or orders of protection which have been issued by any of the grounds referred to

in section 1 shall contain the following information:

a) The judicial body that is in charge of the proceedings, type of proceedings, crime or misdemeanour subject of the proceedings, the date of the order to commence the proceedings or reopen the case and the general identification number of the procedure (NIG in Spanish).

b) Name and addresses of the accused, his/her particulars, date of birth, national identification number, alien identification number, residence card or passport.

c) Name and address of the victim, particulars, date of birth, national identification number, alien identification number, residence card or passport and relationship to the defendant.

d) Order of protection or security procedure agreed, the date of the order, civil and criminal actions involving the order of protection, with the expression, in that case, of its contents, scope and duration.

e) Date of the judgment, if it is not final, with expression in that case of the reported crimes or offences, the penalties or security measures imposed and the duration or full amount of these.

Article 5. Communication to the Central Registry for the protection of victims of domestic violence data relating to penalties and security measures imposed in a final judgment.

1. The judicial secretaries will forward, within 24 hours after the declaration of a final judgment for their register in the Central Registry for the protection of victims of domestic violence, the telematic copy of conviction notice expressed in Annex Ia).

Apart from that, in order to facilitate the immediate communication to the Judicial Police about the penalties and security measures imposed for the purpose of their implementation and monitoring, the judicial secretaries will simultaneously forward a printed copy of telematic copy of the conviction notice to the Judicial Police.

2. The officer responsible for the Central Registry for the protection of victims of domestic violence will communicate ex officio to the Central Registry of prosecuted and rebels about the final judgments which have been passed in any of the criminal proceedings referred to in section 1 of the previous article in the same date in which he or she is to register that information, by adding the data mentioned in section 2 of the preceding article.

Article 6. *Communication to the Central Registry of data on criminal proceedings still in process, precautionary measures and orders of protection. Functions of the judicial secretaries.*

1. The communication of data which are to be registered in the Central Registry in relation with criminal proceedings which are still in process, precautionary measures and orders of protection, will be carried out by the judicial secretary within 24 hours after having issued any of the orders included in article 4.3.a), d) e).

2. The transmission of data to the Central Registry will be conducted telematically by the corresponding judicial secretary. For this purpose, the telematic note established by the Ministry of Justice in Annex II.a) shall be completed under the exclusive responsibility of judicial secretary, who will verify the accuracy of their content and will transmit them, electronically, to the Central Registry for the protection of victims of domestic violence.

Furthermore, in order to provide the Judicial Police with immediate communication of the precautionary measures and orders of protection issued for the purpose of their monitoring, the judicial secretaries will simultaneously send the Judicial Police a printed copy of the telematic note.

3. In any case, the identity of the judicial secretary will also be registered, as well as the integrity and confidentiality of the data transmitted.

Article 7. *Information storage devices and communication systems.*

1. The data will be contained in computer-based storage devices which are suitable for storing and expressing,

with legal guarantee and beyond doubt, all information to be included in the registry, providing easy recovery and ensuring its preservation and transmission.

2. The transmission of data to the Central Registry and the access to the information contained herein will be performed through telematic procedures regulated in this Royal Decree and administrative provisions which will implement them.

3. Notwithstanding the foregoing paragraph, if there were technical circumstances that thwart the transmission of data, the transmission of data to the Central Registry for the protection of victims of domestic violence may be made by remitting the person responsible for the Registry the filled in copies expressed in annex Ib) and II.b). In this case, the communication to the Judicial Police referred to in article 5.1, second paragraph, and article 6.2, second paragraph, shall be made by remitting copy of these models.

4. The electronic communications networks operated by the autonomous communities that support the courts of criminal jurisdiction will be connected to the Central Registry in an integrated network environment that guarantees the confidentiality and authenticity of such communications.

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

1. The criminal courts, the Public Prosecution Office and the judicial courts which deal with family proceedings will be able to access the information contained in the Central Registry on grounds of the proceedings that they deal with.

Likewise, the Judicial Police will be able to access this information in order to conduct the proceedings which they are entrusted in connection with the prosecution and monitoring of the behaviours that have access to this Central Registry.

2. The access to the Central Registry data will be carried out telematically either by the judicial secretary of the appropriate judicial body, by prosecutors who are members of the various prosecution offices, or by those members of the Judicial Police to be determined.

In any case, the identity of persons accessing the Central Registry, the data consulted and the purpose of the consultation will be also recorded.

3. The General State Administration shall compile statistics of the data contained in the register, avoiding any reference to the information and taking into account the provisions of Act 15/1999 of 13th December on the Protection of Personal Data, and its supplementary provisions.

Article 9. *Cancellation of data concerning penalties and security measures imposed in a final sentence.*

The person responsible for the Central for the protection of victims of domestic violence will proceed to cancel the annotations regarding criminal conviction related to final sentences when he or she is informed

about the cancellation of the relevant criminal record in the Central Registry of prosecuted and rebels.

For this purpose, the Central Registry of prosecuted and rebels will automatically notify the cancellation of final criminal conviction rendered in one of the proceedings referred to in article 4.1 on the same date of its cancellation.

Article 10. *Cancellation of data related to proceedings in process, precautionary measures and orders of protection.*

1. The person responsible for the Central Registry for the protection of victims of domestic violence will proceed to cancel the data related to the same criminal proceedings in process when the judicial secretaries of the corresponding criminal court communicate the order shelving, dismissal or conclusion due to judgment of acquittal.

2. Furthermore, the accumulation of a procedure that has led to annotation to another proceedings in process and the inhibition in favour of another court will bring about the cancellation when the person responsible for the Central Registry verifies the annotation of the corresponding target proceeding.

Similarly, the person responsible for the Central Registry shall cancel the all data related to proceedings in process when there is a record of the final criminal conviction rendered in the proceedings.

3. The person responsible for the Central Registry for the protection of victims of domestic violence will proceed to cancel the annotations related to precautionary measures or orders of protection, by leaving the subsequent registration of the corresponding criminal proceedings in

process, when the judicial secretaries of the corresponding criminal courts, within the period specified in section 1, communicate their conclusion or loss of effect for whatever the reason.

In any case, the information requested in accordance with the provisions under article 8 shall refer to the precautionary measures or protection measures cancelled, provided that the annotation of the proceedings in which they were ordered had not been cancelled.

4. Those procedures that have resulted in annotations which have not been amended during the period specified in article 131 of the Penal Code, the person responsible for the Central Registry shall contact the judicial secretary of the corresponding court for the purpose of verifying the procedural status, proceeding to cancel the annotation if it was deemed appropriate after assessing the information requested.

5. The judicial secretary shall immediately notify the Central Registry manager the corresponding note related to judgments mentioned in this article once they have been declared final.

6. The interested party may at any time request the person responsible for the Central Registry that the data recorded in the Central Registry for the protection of victims of domestic violence be cancelled or amended. In this case, the person responsible for the Central Registry shall proceed as provided for in the preceding paragraphs.

*Sole additional provision.
Communication of the orders of protection to the public authorities responsible for social protection.*

1. The secretaries of the courts and tribunals will communicate the orders of protection of victims of

domestic violence which are taken and their respective application forms, through full testimony to that or those coordination points designated by the autonomous community concerned, by constituting a single channel for notifying these resolutions to centres, units, agencies and institutions responsible for the social protection of these victims, in accordance with section 8 of article 544 ter of the Criminal Procedure Act.

The communication from the judicial secretary will be sent within a period which will never exceed 24 hours after its adoption, by telematic or electronic means; and if that was not possible, by fax or express mail.

2. The designated coordination point will be referred to the centre, unit, agency or institution that centralises the information, including the e-mail and ordinary address, telephone and fax numbers, timetable and the person or persons responsible for it. In the case of autonomous which have more than one province, there may be a specific connection point for each province.

3. The General Council of the Judiciary will keep an updated list of the designated coordination points, it will forward such identification and integrity as well as possible amendments and updates to the Ministries of Justice, Labour and Social Affairs and Interior as well as to the Director of Public Prosecutions, the Superior Court of Justice, instructional deans and courts of the corresponding autonomous community.

*First transitional provision.
Gradual implementation of telematic communications.*

1. The telematic communication of data to the Central Registry will be the single and mandatory channel to report such information to the Central

Registry once the General Protocol of Computer Security concerning judicial registers enters into force; It will be approved within three months by means of a ministerial order, without prejudice to article 7.3.

2. In the meanwhile, until the entry into force of the General Protocol of Computer Security, data transmission to the Central Registry for the protection of victims of domestic violence will be conducted through written communication from the judicial secretary to the person responsible for the Central Registry; in this case, the copies annexed Ib) and II.b) should have to be filled in.

The management of these written submissions of the judicial secretaries and the entry in the Central Registry for the protection of victims of domestic violence will be made by the person responsible for the Central Registry, with the administrative support from the General Direction for the Modernization of Judiciary.

In this case, the communication to the Judicial Police referred to in article 5.1, second paragraph, and article 6.2, second paragraph, shall be conducted by submitting a copy of these models.

Second transitional provision.
Incorporation of data concerning orders of protection prior to the entry into force of this Royal Decree.

The data relating to orders of protection issued under Act 27/2003 of 31st July, reported to the Ministry of Justice prior to the entry into force of this Royal Decree, in accordance with section 10 of article 544 ter of the Criminal Procedure Act, shall be recorded in the Central Registry.

ole final provision. Development faculties.

The Minister of Justice is entitled to adopt the necessary administrative provisions and measures in order to develop and implement this Royal Decree, as well as to approve updates for the copies contained in the annexes.

Given in Madrid, on 5th March 2004.

JUAN CARLOS R.

The Minister of Justice,

JOSÉ MARÍA MICHAVILA
NÚÑEZ

ANNEX I**Copies to communicate data related to penalties and security measures imposed in a final sentence****a) Telematic copy**

NOTIFICATION OF CONVICTION	
DATA CONCERNING THE PROCEEDINGS	
Ref. RCPVD:	Date of entry in the Central Registry:
Proceedings:	NIG:
Judicial court:	Date of order to commence proceedings:
Crime leading to proceedings:	
Sentencing body:	
Proceedings:	Date of the sentence: Date of final sentence:
Was the order of protection requested?	Was it denied?
Writ of execution:	
CONVICTED	
Name:	
I.D. number: Date of birth:	Sex: Parents: In:.....Nationality:
Address:	Number: Flat: Telephone:
VICTIM	
Name:	
I.D. number: Date of birth:	Sex: Parents: In:.....Nationality:
Address:	Number: Flat: Telephone:
Relationship:	Coexistence:
PENALTIES	
Type: Name of prison: Beginning of sentence: State:	Penalty: Years: Months: Days: Date: Duration:

Type: Name of prison: Beginning of sentence: State:	Penalty: Years: Months: Days: Date: Duration:
Type: Name of prison: Beginning of sentence: State:	Penalty: Years: Months: Days: Date: Duration:
Signature:	Judicial court seal:

b) Copy to send via papers**CENTRAL REGISTRY FOR THE PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE**

NOTIFICATION OF SENTENCED PROCEEDINGS		
DATA CONCERNING THE PROCEEDINGS		
Examining court:	Town:	Province:
N.I.G. of the case:	Type of proceedings:	Number / year:
Crime / misdemeanour leading to proceedings:		Date when proceedings were commenced:
Sentencing court:	Town:	Province:
Type of proceedings:		Number / year:
Date of sentence:	Date of final sentence:	
Court of writ of execution:	Town:	Province:
Number / year of the writ of execution		

CONVICTED	
First surname:	Second surname:
Name: Sex:	Father's name: Mother's name:
Date of birth: Place of birth:	Province of birth: Nationality:
I.D. number / Passport / Residence card / Alien Identification number:	Telephone: Adress: Number: Flat:
Town: Postal Code:	Province: Country:

VICTIM	
First surname:	Second surname:
Name: Sex:	Father's name: Mother's name:
Date of birth: Place of birth:	Province of birth: Nationality:
I.D. number / Passport / Residence card / Alien Identification number:	Telephone: Adress: Number: Flat:
Town: Postal Code:	Province: Country:
Family or emotional relationship with the defendant or accused:	

PENALTIES IMPOSED ON THE CONVICTED		
Crime:	Penalty:	Type (principal / incidental / security measure):
		Date of beginning:
		Duration (days - months - years):
		Total:
		Name of the prison:
		State:
		Date of state:
	Replacement penalty / duty derived from the suspension of the penalty:	Duration of the suspension / substitution:
		Date of revocation:

PENALTIES IMPOSED ON THE CONVICTED		
Crime:	Penalty:	Type (principal / incidental / security measure):
		Date of beginning:
		Duration (days - months - years):
		Total:
		Name of the prison:
		State:
		Date of state:
	Replacement penalty / duty derived from the suspension of the penalty:	Duration of the suspension / substitution:
		Date of revocation:

Signature:	Judicial court seal:
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ANNEX II**Copies to communicate data related to criminal proceedings in process,
precautionary measures and orders of protection****a) Telematic copy****CENTRAL REGISTRY FOR THE PROTECTION OF VICTIMS OF
DOMESTIC VIOLENCE**

NOTIFICATION OF PROCEEDINGS IN PROCESS	
DATA CONCERNING THE PROCEEDINGS	
Ref. RCPVD:	Date when it was sent to the Central Registry:
Proceedings: Judicial Court:	NIG of the case:
Crime / misdemeanour leading to proceedings:	
Date when proceedings were commenced: Cancellation date: Was the order of protection requested?	Re-opening date: Reason: Has it been denied?
Origin:	
ACCUSED OR DEFENDANT	
Name:	
National Identification number:	Sex: Parents:
Date of birth:	Place of birth: Nationality:
Address:	Number: Flat: Telephone:
Relationship with the victim:	Cohabitation:
ORDER OF PROTECTION	
CRIMINAL PRECAUTIONARY MEASURES	
Affecting: Measures: Date of order:	Date of execution: Date of cancellation:
CIVIL MEASURES	
Affecting: Measures: Date of order:	Date of execution: Date of cancellation:
Signature:	Judicial court seal:

b) Copy to send via papers**CENTRAL REGISTRY FOR THE PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE****NOTICE TO INICIATE, RE-OPEN AND CANCEL CRIMINAL PROCEEDINGS AND NOTICE AND CANCELLATION OF MEASURES**

DATA CONCERNING THE PROCEEDINGS		
Examining court:	Town:	Province:
NIG of the proceedings:	Type of proceedings:	Number / year:
Sentencing court:	Town:	Province:
Type of proceedings:		Number / year:
Date when proceedings were commenced:	Re-opening date:	Cancellation date: Reason:
Crime / misdemeanour leading to proceedings:		
Original court (inhibition / accumulation)	Town:	Province:
Type of proceedings:		Number / year:

ACCUSED OR DEFENDANT	
First surname:	Second surname:
Name: Sex:	Father's name: Mother's name:
Date of birth: Place of birth:	Province of birth: Nationality:
I.D. number / Passport / Residence card / Alien Identification number:	Telephone: Adress: Number: Flat:
Town: Postal Code:	Province: Country:

VICTIM	
First surname:	Second surname:
Name: Sex:	Father's name: Mother's name:
Date of birth: Place of birth:	Province of birth: Nationality:
I.D. number / Passport / Residence card / Alien Identification number:	Telephone: Adress: Number: Flat:
Town: Postal Code:	Province: Country:
Family or emotional relationship with the defendant or accused:	

ORDER OF PROTECTION Date:		PRECAUTIONARY MEASURES: Date:	
CIVIL MEASURES			
Measures and characteristics:	Date of beginning of execution:	Duration:	Date of cancellation:
CRIMINAL MEASURES			
Measures and characteristics:	Date of beginning of execution:	Duration:	Date of cancellation:
Signature:		Judicial court seal:	