

Civil Status Act (PStG)

Working Translation of

Personenstandsgesetz (PStG)

Purpose:

The following text has mainly been translated for the purpose of the course "German Maritime Law".

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Civil Status Act (*Personenstandsgesetz, PStG*)

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Hinweis: Änderung durch Art. 5 G v. 28.3.2021 I 591 (Nr. 14) textlich nachgewiesen, dokumentarisch noch nicht abgeschlossen

Änderung durch Art. 3 G v. 4.5.2021 I 882 (Nr. 21) ist berücksichtigt

Fußnote

(+++ Textnachweis ab: 1.1.2009 +++)

Das G wurde als Artikel 1 des G v. 19.2.2007 I 122 vom Bundestag mit Zustimmung des Bundesrates erlassen. Es tritt gem. Art. 5 Abs. 2 Satz 1 dieses G am 1.1.2009 in Kraft. Die §§ 67 Abs. 4, § 73, 74 und 77 Abs. 1 treten am 24.2.2007 in Kraft. § 67 Abs. 4 tritt am 31.12.2008 außer Kraft.

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Chapter 1 General provisions

Section 1 Civil status, tasks of the registry office

(1) Civil status as referred to in this Act is the legal status of a person, including the person's name, based on the criteria defined in family law. Civil status encompasses data concerning birth, marriage, civil partnership and death as well as facts related to these events in family law and law on names.

(2) The authorities responsible under state law for civil status matters (registry offices) record a person's civil status in accordance with this Act; they are involved in performing marriages.

(3) The registry offices perform additional tasks assigned to them by federal or state law.

Section 2 Registrars

(1) Recording and authentication for civil status purposes are only performed by registrars assigned to these tasks. The same applies to the issuing of civil status documents and other official documents. The responsibility of notaries, other registrars or other bodies for public records and authentication remains unaffected.

(2) When performing their duties as registrars, registrars are not bound by instructions.

(3) Only those civil servants and public employees who are qualified in terms of training and personality may be appointed to serve as registrars.

(4) The job title of registrar (*Standesbeamtin/Standesbeamter*) takes the feminine or masculine form in German as needed.

Chapter 2 Managing civil status registers

Section 3 Civil status registers

(1) For its area of responsibility, the registry office keeps

1. a register of marriages (section 15),
2. a register of civil partnerships (section 17),
3. a register of births (section 21),
4. a register of deaths (section 31).

Entries in the registers consist of a documentary part (main entry and subsequent records) and an informational part.

(2) The registers are kept in digital form. The records in the civil status registers are to be numbered consecutively each year and closed with the last name of the registrar who is authorised to access them. The person who records information must always be identifiable. The software program must enable automated searches using the information recorded in the civil status register; it must be possible at all times to search the registers for entries by year.

Section 4 Back-up registers

(1) The records in a civil status register are to be backed up in a second digital register (back-up register) when they are closed (section 3 (2)).

(2) Like the civil status register, the back-up register must be closed at the end of the year. The back-up register is to be updated with each addition to the civil status register.

Section 5 Updating the civil status registers

(1) In accordance with the provisions of this Act, subsequent records and cross-references are to be added to register entries, and entries are to be corrected.

(2) Subsequent records are entries which revise the content of the record.

(3) Cross-references link different records concerning the same person, that person's spouse, civil partner, parents or children.

(4) The registry office responsible for managing the civil status register (section 3 (1)) is also responsible for such updating. Public bodies must inform this registry office of events which necessitate subsequent records or cross-references.

(5) The following time limits apply to updates of the civil status registers and the back-up registers:

1. 80 years for registers of marriage and civil partnerships;
2. 110 years for registers of births;
3. 30 years for registers of deaths; 80 years for registers of deaths kept by the Special Registry Office in Bad Arolsen.

Section 6 Record-keeping

Documents related to individual records in the civil status registers are kept in special group files.

Section 7 Storage

(1) The civil status registers are to be kept in a place separate from the back-up registers, and both types of registers are to be protected against unauthorised access.

(2) Civil status registers are to be permanently retained. The mandatory retention periods for back-up registers and group files are specified in section 5 (5) for each type of register.

(3) After the time limits specified in section 5 (5) have expired, the civil status registers, back-up registers and group files are to be offered to the responsible public archives in accordance with the relevant provisions of archive law. This does not apply to deactivated register entries referred to in section 47 (4); these are to be deleted.

Section 8 Loss of a civil status register

(1) If all or part of a register of marriage, civil partnership, births or deaths is lost, it must be restored using the back-up register. If the data of a register entry can no longer be accessed due to a system error that cannot be repaired, this is also considered a loss.

(2) If all or part of the back-up register is lost, it must be restored using the civil status register. If both the civil status register and the back-up register are lost, both are to be restored by recording the data again. The data are recorded after they have been officially established.

(3) If the marriage, civil partnership, birth or death of a person has been established with sufficient certainty, this information may be recorded even if the content of the earlier entry can no longer be established beyond doubt. The time of the marriage, the formation of civil partnership, the birth or death is to be determined as precisely as possible depending on the officially established results.

(4) If an entry was corrected, the new record may take the form of a single entry in which the corrections have been made.

Section 9 Basis for recording information

(1) Information is entered in the civil status registers on the basis of notices, orders, declarations, notifications and investigations conducted by the registry office itself, and on the basis of entries in other civil status registers, of civil status documents or of other official documents.

(2) If the persons who are obligated to produce proof are not able to acquire official documents at all or only with extreme difficulty or at unreasonable cost, then other documents may serve as the basis for recording information. If these documents are no easier to acquire than the necessary official documents, or if the statements of the persons in question cannot be substantiated with official or other documents, the registrar may require the persons in question or other persons to make declarations in lieu of an oath as proof of these facts.

Section 10 Obligation to provide information and proof

(1) Those obligated by this Act to make notifications must provide the information necessary to record their vital event if this information cannot be taken from registers to which the registry office has access.

(2) Persons who can provide information on facts needed for recording in the civil status registers are also obligated to provide information under subsection (1).

(3) Subsection (1) applies accordingly to producing proofs.

(4) Childbirth under the condition of anonymity as defined in section 25 (1) of the Act on Pregnancies in Conflict Situations (*Schwangerschaftskonfliktgesetz*, SchKG) is not subject to the obligation to provide information and proof.

Chapter 3 Marriage

Division 1 Responsibility, notification and marriage

Section 11 Responsibility and exclusive right of registry offices to perform marriages

(1) Each German registry office is responsible for performing marriages.

(2) Religious or traditional ceremonies intended to establish a permanent relationship between two persons that is equivalent to marriage are prohibited if one of the persons is not yet 18 years of age. The same applies to contracts which, according to the traditional or religious views of the partners, are intended to take the place of marriage. The prohibitions are directed at persons who

1. undertake or participate in such acts as members of the clergy,
2. arrange such acts as persons with parental responsibility for a minor,
3. agree, as adults or authorised representatives, to a contract establishing a permanent relationship equivalent to marriage, or who

4. serve as witnesses to such acts, if their presence is regarded as necessary for the act to be valid under religious law, traditional views or the law of the country of origin of one of the partners wishing to establish such a relationship.

Section 12 Notification of intent to marry

(1) Persons who intend to marry must notify, orally or in writing, the registry office responsible for the area where one of the persons is a legal resident or has a usual place of residence. If neither person is a legal resident or has a usual place of residence in Germany, the registry office where the marriage is to be performed is responsible for receiving the notification.

(2) When notifying the registry office of their intent to marry, the persons must present official documents proving

1. their civil status,
2. their place of legal or usual residence,
3. their nationality,
4. their most recent marriage or civil partnership and the dissolution of this marriage or civil partnership, if they were previously married or in a civil partnership. If the most recent marriage or civil partnership was not performed in a German registry office, then it is necessary to provide evidence that any previous marriages or civil partnerships were dissolved, unless a German registry office already conducted such a check before a prior marriage was performed or a prior civil partnership was formed.

(3) An application to waive the requirement to present a certificate of no impediment (*Ehefähigkeitszeugnis*) is to be submitted to the registry office, which prepares the decision; for this purpose, the persons who intend to marry must provide the proof necessary to check whether the marriage is permitted under the applicable foreign law. Section 9 applies accordingly.

Section 13 Examination of the requirements for marriage

(1) The registry office which was notified of the intent to marry must examine whether any impediments to the marriage exist. If the documents submitted in accordance with section 12 (2) do not suffice, the persons who intend to marry must present additional documents or other proof.

(2) If there is concrete evidence that the marriage could be annulled under section 1314 (2) of the Civil Code (*Bürgerliches Gesetzbuch*, BGB), the persons who intend to marry may be questioned individually or jointly to the extent necessary; they may be required to present suitable confirmation of their statements. If the documents and questioning do not clarify the matter, a declaration in lieu of an oath may be required regarding facts of significance for determining whether grounds for annulment exist.

(3) If the marriage is to be performed without a final examination pursuant to subsection (1) owing to the life-threatening illness of one of the persons who intend to marry, the fact that the marriage cannot be postponed must be confirmed by a medical certificate or other means. In this case, credible evidence must be provided that there is no impediment to marriage.

(4) If no impediment is found when checking the requirements for marriage, the registry office informs the persons who intend to marry that the marriage can be performed; this information is binding for the registry office performing the marriage. The persons who intend to marry are required to notify the registry office immediately of any changes in their circumstances which affect the requirements for marriage; the information referred to in sentence 1 is revised or revoked. If more than six months have elapsed since the persons who intend to marry notified the registry office and no marriage has been performed, they must notify the registry office again, and the requirements for marriage must be examined again before the marriage is performed.

Section 14 Marriage

(1) Before the marriage is performed, the persons who intend to marry are to be asked whether, since they notified the registry office of their intent to marry, their circumstances have changed in any way which would affect the requirements for marriage, and whether they would like to choose their married name.

(2) The marriage ceremony should be conducted in a dignified form commensurate with the significance of marriage which allows the registrar to perform his or her official duties properly.

(3) The statements of the spouses that they wish to marry each other are to be recorded in writing by the registrar following the marriage ceremony. The written record must contain all the information to be recorded in the marriage register; it is to be signed by the spouses, the witnesses and the registrar. The written record is kept with the group file of the entry in the marriage register.

Section 15 Entry in the marriage register

(1) After the marriage is performed, the following information is recorded in the marriage register:

1. date and place of marriage;
2. the given and family names of the spouses, date and place of their birth, their sex, and if a spouse so wishes, his or her legal membership of a religious community, if it is a corporation under public law;
3. the spouses' given and family names following the marriage.

(2) The entry has cross-references to

1. the spouses' birth records;
2. the spouses' nationality, if they are not German and their foreign nationality has been verified;
3. the choice of a married name;
4. the substantive law on which the use of the spouses' married name is based.

Division 2

Updating the marriage register

Section 16 Updating

(1) The following subsequent records are added to the entry in the marriage register:

1. the record of the death of the spouse who is the first to die;
2. the declaration of death or the official determination by a court of the time of death of one spouse and the annulment of such decisions as well as the dissolution of the marriage when the other spouse remarries;
3. the annulment of the marriage or divorce;
4. the determination that the marriage is void;
5. any change to the spouses' name;
6. any other change to their civil status which affects the information in the marriage entry;
7. a change in the religious affiliation recorded, if the spouse in question so desires;
8. any corrections.

Remarriage or the formation of a civil partnership is noted in a cross-reference.

(2) The entry in the marriage register is no longer updated if under subsection (1) no. 4 a subsequent record on the void marriage has been entered. If a subsequent record has been added to the entry in the marriage register on the dissolution of the marriage or the declaration of death or the official determination by a court of the time of death of one spouse pursuant to subsection (1) nos. 1 to 3, a subsequent record is only to be added on the change of name, corrections and, in the cases of subsection (1) no. 2, on the annulment of a decision and the dissolution of the marriage when the other spouse remarries. The change of given names is not to be entered if the given name was changed due to the Gender Recognition Act (*Transsexuellengesetz*, TSG) or in adoption proceedings. For a spouse who has remarried or formed a civil partnership, only a subsequent record on corrections pursuant to subsection (1) no. 8 is to be entered.

Chapter 4

Civil partnership

Section 17 Updating the civil partnership register

Section 16 applies accordingly to updating the civil partnership register. Additionally, if the civil partnership is converted into a marriage, a subsequent record is to be entered. After this subsequent record is entered, the civil partnership register is not updated.

Section 17a Converting a civil partnership into a marriage and its recording

(1) When converting their civil partnership into a marriage, the civil partners must prove the existence of the civil partnership using official documents.

(2) Sections 11 and 12 (1) and (2) nos. 1 to 3 and sections 14 to 16 apply accordingly to the conversion of a civil partnership into a marriage.

(3) Additionally, the date on which the civil partnership was formed is to be recorded and information about it is to be entered in the marriage register.

Chapter 5 Births

Division 1 Reporting and recording the birth

Section 18 Reporting

(1) The birth of a child must be reported to the registry office responsible for the area where the child was born,

1. orally by the persons referred to in section 19 sentence 1 or
2. in writing by the institutions referred to in section 20 sentences 1 and 2,

within one week of the birth. If a child is stillborn, this must be reported no later than three working days after the birth.

(2) For a child born under the condition of anonymity as defined in section 25 (1) of the Act on Pregnancies in Conflict Situations, the mother's pseudonym and the desired given names of the child are to be reported.

Section 19 Births reported by persons

The following persons are required to report a birth:

1. each of the child's parents who has custody of the child,
2. any other person who was present at the birth or has first-hand knowledge of the birth.

The obligation to report pursuant to no. 2 only applies if the custodial parents are unable to report the birth or their whereabouts are not known.

Section 20 Births reported by institutions

For births in hospitals or other institutions providing assistance with deliveries, the body responsible for the institution is required to report the birth. The same applies to births in institutions for the accommodation of people with mental illness, institutions of the child and youth services and facilities for serving custodial sentences, for the detention of young offenders and for custodial measures of reform and prevention. The entitlement of the persons referred to in section 19 to report a birth and their obligation to provide information that persons required to report pursuant to sentence 1 or 2 are unable to provide remain unaffected.

Section 21 Entry in the birth register

(1) The following information is recorded in the birth register:

1. the child's given names and birth name,
2. place and date of birth, including the hour and minute of birth,

3. the child's sex,

4. the given and family names of the parents, their sex, and if a parent so wishes, his or her legal membership of a religious community, if it is a corporation under public law.

(2) If a child is stillborn, only the information required in subsection (1) nos. 2 to 4 is recorded with the addendum that the child was stillborn. At the request of a person who would have been entitled to care and custody of the child if he or she had lived, information pursuant to subsection (1) no. 1 is to be entered as well. If both parents would have been entitled to care and custody of the child if he or she had lived and they do not use the same family name, a family name for the child can only be entered if the parents agree on the family name of one parent.

(2a) For a child born under the condition of anonymity as defined in section 25 (1) of the Act on Pregnancies in Conflict Situations, only the information required under subsection (1) nos. 1 to 3 is recorded. The responsible administrative authority determines the child's given names and family name.

(3) The birth entry has cross-references to

1. the parents' nationality, if they are not German and their foreign nationality has been verified;
2. the parents' marriage, if the child's parents are married to each other;
3. the record of the mother's and father's birth;
4. the child's acquisition of German citizenship under section 4 (3) of the Nationality Act (*Staatsangehörigkeitsgesetz, StAG*);
5. the substantive law on which the use of the child's name is based.

Footnote

Section 21 (1) no. 3 in conjunction with section 22 (3): According to the operative part of the Federal Constitutional Court Decision of 10 October 2017 I 3783 - 1 BvR 2019/16 -, incompatible with Article 2 (1) in conjunction with Article 1 (1) and with Article 3 (1) of the Basic Law (*Grundgesetz, GG*); a provision compatible with the Constitution must be passed by 31 December 2018. For compliance with this requirement of the Federal Constitutional Court, see the Act of 18 December 2018 I 2635 effective 22 December 2018.

Division 2 Special situations

Section 22 Missing information

(1) If the person reporting the birth is unable to provide the child's given names, they must be reported orally or in writing within one month. They will then be recorded in the birth entry.

(2) The child's given names may be reported to a different registry office than the one that originally recorded the child's birth.

(3) If the child's sex cannot be identified as either male or female, the birth may be recorded in the birth register without this information or with the notation "other".

Section 23 Twins or multiple births

For the birth of twins or multiple children, the birth of each child is to be recorded in a separate entry. The entries must show the order in which the children were born.

Section 24 Foundlings

(1) Anyone who finds a newborn child must report this to the municipal authority by the next day at the latest. This authority will initiate the necessary investigations and will immediately report its findings to the responsible administrative authority.

(2) After a hearing by the health office, the responsible administrative authority determines the probable place and date of birth as well as the child's given names and family name. By its written order, the birth is recorded in the birth register of the registry office responsible for the place of birth as determined.

If the child was born abroad, the registry office of the district where the child was found is responsible for recording the birth.

Section 25 Persons whose civil status is unclear

If the civil status of a person found in Germany cannot be established, the responsible administrative authority determines which place and date of birth is to be entered as well as the person's given names and family name. By its written order, the birth is recorded in the birth register of the registry office responsible for the place of birth as determined. If the place of birth was abroad, the registry office of the district where the person was found is responsible for recording the birth.

Section 26 Subsequent investigation of civil status

If in the cases of sections 24 and 25 the civil status is established later, the entry will be corrected at the written order of the authority that ordered the entry.

Division 3

Updating the birth register

Section 27 Establishing and amending civil status, other updates

(1) If, after a child's birth is recorded, the child's father acknowledges paternity or paternity is established by a court, this is to be recorded in the birth entry. The information about the father referred to in section 21 (1) no. 4 is entered; the recording of his birth is cross-referenced.

(2) Acknowledgement of the maternity of a child is recorded in the birth entry at the oral or written request of the mother or the child if the mother or the man recognised or established with final and binding effect as the father or identified as the father by the child's mother is a foreign national and the law of this parent's country of origin provides for an acknowledgement of maternity.

(3) Subsequent records are to be included on

1. every other change to the child's civil status; section 21 (1) no. 4 applies accordingly to adoption as a child;
2. a change in the name used by one or both parents, if the child also uses the changed name;
3. the establishment of the child's name with generally binding effect;
4. the subsequent entry or change of the child's sex;
5. the child's legal membership of a religious community that is a corporation under public law and a change to this entry, if the child so desires;
6. the correction of the entry.

(4) Section 21 (3) applies accordingly to cross-references to be included due to records pursuant to subsections (1) and (3). In addition, cross-references are made to

1. the child's marriage or civil partnership,
2. the birth of a child,
3. the child's death or a declaration of death or the official determination by a court of the time of death of the child.

Chapter 6

Deaths

Division 1

Reporting and recording deaths

Section 28 Reporting

The death of a person must be reported to the registry office responsible for the area where the person died,

1. orally by the persons referred to in section 29 (1) sentence 1 or
2. in writing by the institutions referred to in section 30 (1) no later than

the third working day following the death.

Section 29 Deaths reported by persons

The following persons are required to report a death:

1. anyone who lived in a household with the deceased,
2. the person in whose home the death occurred,
3. any other person who was present at the death or had first-hand knowledge of the death.

A person is only obligated to report if no other person precedes him or her in the list of persons required to report, or if that person is unable to report the death.

(1) If a funeral home which is registered with a chamber of industry and/or commerce has been assigned to report the death, the death may be reported in written form.

Section 30 Deaths reported by institutions and authorities

(1) Section 20 applies accordingly to deaths that occur in hospitals, retirement homes, care homes or other facilities.

(2) If there is no one who is required to report or if this person's whereabouts are unknown and the municipal authority responsible for the area where the death occurred learns of the death, this authority must report the death.

(3) If an official investigation into the death is conducted, the death is entered following the written report of the responsible authority.

Section 31 Entry in the register of deaths

(1) The following information is recorded in the death register:

1. the given names and family name of the deceased, date and place of the deceased's birth, the sex of the deceased, and if the person reporting the death so wishes, the deceased's legal membership of a religious community, if it is a corporation under public law;
2. the deceased's last legal residence and civil status;
3. the given names, family name and sex of the spouse or civil partner if the deceased was married or in a civil partnership at the time of death; if the marriage or civil partnership was dissolved by death, or if the spouse or civil partner was declared dead or his or her time of death officially determined by a court, the information on the last spouse or civil partner is to be included;
4. the place, date, hour and minute of death.

(2) The death entry has cross-references to

1. the birth record of the deceased;
2. the marriage, if the deceased was married;
3. the formation of a civil partnership, if the deceased was in a civil partnership.

Division 2

Updating the death register; declarations of death

Section 32 Updating

Subsequent records of corrections are added to the death entry. The declaration of death and the court's official determination of the time of death are noted.

Section 33 Declarations of death

Copies of the decisions regarding declarations of death and court determinations of the time of death are permanently retained in a collection at Registry Office I in Berlin.

Chapter 7 Special records

Division 1 Records with foreign aspects; special cases

Section 34 Marriages abroad or before authorised persons in Germany

(1) When a German marries abroad, the marriage may be recorded in the marriage register upon request; the person must be a German citizen at the time of submitting the request. Sections 3 to 7, 9, 15 and 16 apply accordingly. The same applies to stateless persons, displaced foreigners and foreign refugees within the meaning of the Convention relating to the Status of Refugees of 28 July 1951 (Federal Law Gazette 1953 II p. 559) whose usual place of residence is in Germany. Both spouses are entitled to submit a request; if both are deceased, their parents and children are entitled.

(2) The marriage is recorded pursuant to subsection (1) also if the marriage of two non-Germans is performed in Germany before a person who is duly authorised according to the law of one spouse's country of citizenship and in a form required by the law of that country.

(3) Persons who have submitted a declaration pursuant to section 94 of the Federal Expellees Act (*Bundesvertriebenengesetz, BVFG*) are only to be recorded with the given names and family names stated in that declaration; the same applies accordingly to expellees and ethnic German resettlers whose name has been changed in accordance with the Act on the Change of Surnames and Forenames (*Gesetz über die Änderung von Familiennamen und Vornamen, NamÄndG*).

(4) The registry office responsible for the area where the person entitled to submit the request is or was most recently a legal resident or is usually resident is responsible for recording the marriage. If no registry office is responsible on this basis, Registry Office I in Berlin records the marriage.

(5) Registry Office I in Berlin maintains a list of marriages recorded pursuant to subsections (1) and (2).

Section 35 Formation of civil partnerships abroad

(1) If a German abroad formed a civil partnership within the meaning of section 1 of the Act on Registered Life Partnerships (*Lebenspartnerschaftsgesetz, LPartG*) in the version applicable up to 21 December 2018, the civil partnership may be recorded in the civil partnership register on request; the person must be a German citizen at the time of submitting the request. Sections 3 to 7, 9, 10 and 17 apply accordingly. Stateless persons, displaced foreigners and foreign refugees within the meaning of the Convention relating to the Status of Refugees having their usual place of residence in Germany have the same legal status as Germans. Both civil partners are entitled to submit a request; if both are deceased, their parents and children are entitled.

(2) Section 34 (3) applies accordingly.

(3) The registry office responsible for the area where the person entitled to submit the request is or was most recently a legal resident or is usually resident is responsible for recording the civil partnership. If no registry office is responsible on this basis, Registry Office I in Berlin records the civil partnership.

(4) Registry Office I in Berlin maintains a list of civil partnerships recorded pursuant to subsection (1).

(5) (repealed)

Section 36 Births and deaths abroad

(1) If a German is born or dies abroad, this vital event may be recorded in the birth or death register on request;

the person must be a German citizen at the time of submitting the request. Sections 3 to 7, 9, 10, 21, 27, 31 and 32 apply accordingly. The same applies to stateless persons, displaced foreigners and foreign refugees within the meaning of the Convention relating to the Status of Refugees having their usual place of residence in Germany. Requests may be submitted by the following persons:

1. for a birth, the child's parents, the child, the child's spouse, civil partner or children;
2. for a death, the parents, children, spouse or civil partner of the deceased, any other person who can prove a legal interest in recording the death, and the German mission abroad which is responsible for the area where the death occurred.

(2) The registry office responsible for the area where the person born abroad is or was most recently a legal resident or is usually resident is responsible for recording; if the deceased's last legal residence or place of usual residence was in Germany, the registry office responsible for this place records the death. If no registry office is responsible on this basis, the registry office responsible for the area where the person submitting the request is or was most recently a legal resident or is usually resident is responsible for recording the vital event. If no registry office is responsible on this basis, Registry Office I in Berlin records the vital event.

(3) Registry Office I in Berlin maintains a list of vital events recorded pursuant to subsection (1).

Section 37 Births and deaths at sea

(1) Births and deaths during voyages on seagoing vessels registered under the German flag are recorded by Registry Office I in Berlin. The same applies to deaths during voyages that occur neither on board the ship, nor on land, nor in a German port and the deceased is taken on board a ship registered under the German flag.

(2) The person required to report under section 19 or 29 must orally report the birth or death to the captain immediately.

(3) The captain must make a written record of the reported birth or death which is to be signed by the captain and the person reporting the vital event. The written record must include the information to be recorded in the birth or death register under section 21 or 31. The captain must send the written record to Registry Office I in Berlin.

(4) Section 36 applies to the recording of births or deaths of Germans on seagoing ships which are not registered under the German flag. The same applies if the deceased in the case of subsection (1) sentence 2 is taken on board such a ship.

Section 38 Deaths in concentration camps

(1) In Germany, the Special Registry Office in Bad Arolsen has exclusive responsibility for recording the death of inmates of German concentration camps before the end of the Second World War.

(2) These deaths are recorded following the written report by the office for examining documents at the Special Registry Office in Bad Arolsen or by the Federal Archives. A report may be submitted also by any other person who was present at the death or had first-hand knowledge of the death. Section 3 (2) sentences 1 and 4 and section 4 (1) do not apply.

(3) The death is not recorded if it has already been recorded by another registry office. If no documents can be obtained from that registry office, the death is to be recorded again.

Section 39 Certificates of no impediment

(1) The registry office responsible for the area where the person who intends to marry is legally or usually resident is responsible for issuing a certificate of no impediment, which a German needs to marry abroad. If the person who intends to marry is neither legally nor usually resident in Germany, then the registry office responsible for the person's most recent place of usual residence is responsible; if the person never resided in Germany or did so only temporarily, then Registry Office I in Berlin is responsible.

(2) The certificate of no impediment may only be issued if there is no impediment to the marriage under German law; section 13 (1) to (3) applies accordingly. It is not necessary to present a certificate of no impediment for the other person who intends to marry. The certificate of no impediment is valid for six months.

(3) Subsection (1) sentence and subsection (2) apply accordingly to certificates of no impediment issued to stateless persons, displaced foreigners or foreign refugees within the meaning of the Convention relating to the Status of Refugees who have their usual place of residence in Germany and need the certificate to marry abroad.

(4) A certificate of no impediment may also be issued if necessary to form a civil partnership abroad; subsections (1) to (3) apply accordingly.

Section 40 Doubt as to the local responsibility for recording

(1) In case of doubt as to which of several registry offices has local responsibility, the joint supervisory authority decides; if there is no such authority, the Federal Ministry of the Interior, Building and Community (BMI) decides which registry office is responsible.

(2) If there is doubt as to whether a vital event occurred in Germany or abroad, the BMI decides whether the vital event is to be recorded and if so, at which registry office.

(3) If the joint supervisory authority makes the decision, it orders the vital event to be entered. If the BMI decides, it informs the supreme *Land* authority of its decision, which then orders the vital event to be entered.

Division 2

Records pursuant to family law

Section 41 Declarations of spouses' use of names

(1) The declaration by which

1. spouses choose a married name to use after their marriage;
2. one spouse uses his or her birth name or name used at the time of choosing a married name before or after the married name, or by which he or she revokes this declaration;
3. one spouse resumes using the birth name or name used up to the time of choosing a married name;
4. spouses choose the name they will use when they are married in accordance with Article 10 (2) sentences 1 and 2 of the Introductory Act to the Civil Code (*Einführungsgesetz zum Bürgerlichen Gesetzbuch*, EGBGB)

may also be certified or recorded by the registrar. The same applies to the declaration by which a child and his or her spouse apply the name change of the child or the child's parents to their married name.

(2) The registry office responsible for receiving the declarations is the same one that is responsible for recording the marriage or that keeps the marriage register in which the marriage is recorded. If the marriage is not recorded in a German marriage register, then the registry office responsible for the area where one of the declaring parties is or was most recently a legal or usual resident. If no registry office is responsible on this basis, Registry Office I in Berlin is responsible. Registry Office I in Berlin maintains a list of declarations received pursuant to sentences 2 and 3.

Section 42 Declarations of civil partners' use of names

(1) The declaration by which

1. civil partners choose the name they will use after forming their civil partnership;
2. one civil partner uses his or her birth name or name used at the time of choosing a civil partnership name before or after the civil partnership name, or by which he or she revokes this declaration;
3. one civil partner resumes using the birth name or name used up to the time of choosing a civil partnership name;
4. civil partners choose the name they will use after forming their civil partnership in accordance with Article 17b (2) of the Introductory Act to the Civil Code

may be certified or recorded by the registrar.

(2) The registry office responsible for receiving the declarations is the same one that is responsible for recording the civil partnership or that keeps the civil partnership register in which the civil partnership is recorded. If the civil partnership is not recorded in a German civil partnership register, then the registry office responsible for the area where one of the declaring parties is or was most recently a legal or usual resident. If no registry office is responsible on this basis, Registry Office I in Berlin is responsible. Registry Office I in Berlin maintains a list of declarations received pursuant to sentences 2 and 3.

(3) Section 23 of the Act on Registered Life Partnerships remains unaffected.

Section 43 Declarations of name changes

(1) Declarations as to the choice of names according to Article 48 of the Introductory Act to the German Civil Code or as to the changing of family and given names according to Article 47 of the Introductory Act to the German Civil Code or according to section 94 of the Federal Expellees Act may also be certified or recorded by the registrar.

(2) The registry office responsible for receiving the declarations is the same one that keeps the birth register for the person whose name is to be changed or chosen. If this declaration is submitted together with a declaration as to spouses' or civil partners' use of names, the responsible registry office is the one that is to record the marriage or formation of the civil partnership or that keeps the marriage register or the civil partnership register; this registry office is also responsible if the declaration is not submitted together with a declaration as to the spouses' or civil partners' use of names and no birth entry is kept in Germany. If no registry office is responsible on this basis, then the registry office responsible for the area where one of the declaring parties is or was most recently a legal resident or is usually resident is responsible for receiving the declaration. If no registry office is responsible on this basis, Registry Office I in Berlin is responsible. Registry Office I in Berlin maintains a list of declarations received pursuant to sentences 3 and 4.

Section 44 Declarations acknowledging paternity or maternity

(1) Registrars may also record declarations acknowledging paternity and mothers' declarations confirming paternity. The same applies to any necessary agreement by the child, the legal representative or the mother's husband to such a declaration; it also applies to the revoking of such a declaration.

(2) Registrars may also record declarations acknowledging maternity and any necessary agreement by the mother's legal representative.

(3) A certified copy of the declaration is to be sent to the registry office which keeps the child's birth entry. If the child's birth is not recorded in Germany, the certified copy is to be sent to Registry Office I in Berlin.

Section 45 Declarations of the child's use of names

(1) The declaration by which

1. parents choose the birth name of a child after the birth is recorded;
2. a child agrees with the parents' choice of birth name;
3. a child submits a request to use the mother's name at the time of the child's birth as its birth name, if the child uses the name of a man who has been found with final and binding effect not to be the child's father;
4. a man submits a request under no. 3, if the child has not yet reached the age of five;
5. a child agrees with the change of family name of one or both parents;
6. the parent who has sole or joint custody with the other parent and the former's spouse, who is not the child's parent, or the former's civil partner give the child their married name or civil partnership name or add this name before or after the name used by the child at the time the declaration is made;

7. the parent who has sole custody gives the child the name of the other parent;

and the necessary consent by one parent or the child to the declarations under nos. 6 and 7 may also be certified or recorded by the registrar. The same applies to any necessary consent by the legal representative to a declaration referred to in sentence 1.

(2) The registry office responsible for receiving the declarations is the same one that keeps the birth register in which the child's birth is recorded. If the child's birth is not recorded in a German birth register, then the registry office responsible for the area where the child or one parent is or was most recently a legal resident or is usually resident is responsible for receiving the declarations. If no registry office is responsible on this basis, Registry Office I in Berlin is responsible. Registry Office I in Berlin maintains a list of declarations received pursuant to sentences 2 and 3.

(3) Section 23 of the Act on Registered Life Partnerships remains unaffected.

Section 45a Declarations on the order of given names

(1) If a person's name is governed by German law and the person has more than one given name, the order of given names may be changed if the person submits a declaration to this effect to the registry office. Changing the spelling of given names, adding new given names or removing given names is not permitted; Articles 47 and 48 of the Introductory Act to the German Civil Code and section 94 of the Federal Expellees Act remain unaffected. The declaration must be officially certified; it may also be certified or recorded by the registrar.

(2) A child with limited capacity to contract who has reached the age of 14 may only make the declaration under subsection (1) on his or her own; the child requires the consent of his or her legal representative to do so.

(3) The registry office responsible for receiving the declaration is the same one that keeps the birth register for the person whose given names are to be used in a different order. If the person's birth is not recorded in a German birth register, then the registry office which keeps the person's marriage register or civil partnership register is responsible. If no registry office is responsible on this basis, then the registry office responsible for the area where the person is or was most recently a legal resident or is usually resident is responsible for receiving the declaration. If no registry office is responsible on this basis, Registry Office I in Berlin is responsible.

Section 45b Declarations on the sex and names of intersex persons

(1) Persons with differences in sex development may submit a declaration to the registry office stating that the information on their sex in a German civil status entry is to be deleted or replaced by a different term provided for in section 22 (3). If no German civil status entry exists, this declaration may inform the registry office which of the terms provided for in section 22 (3) applies to them, or they may choose not to provide information on their sex if they

1. are Germans within the meaning of the Basic Law;
2. are stateless persons or displaced foreigners whose usual place of residence is in Germany;
3. are persons entitled to asylum or foreign refugees who are legal residents of Germany;
4. are foreigners whose country of origin does not have comparable legislation;
 - a) have a permanent right of residence;
 - b) have a renewable residence permit and are permanent legal residents of Germany; or
 - c) have an EU Blue Card.

They may also declare a change of given names. These declarations must be officially certified; they may also be certified or recorded by the registrar.

(2) For children who are incapable of contracting or are not yet 14 years old, only their legal representative may submit the declaration. Otherwise, children may only submit the declaration on their own; they require the consent of their legal representative to do so. If the legal representative does not consent, the family court provides consent if amending the information as to sex or given names is not contrary to the child's well-being; the proceedings before the family court are a parent and child case according to Book 2 Division 3 of the Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit*, FamFG).

(3) A medical certificate must be presented as proof of a difference in sex development. This does not apply to persons who provide a declaration in lieu of an oath that they have no medical certificate of medical treatment and in whose case, as a result of treatment, a difference in sex development can no longer be proved or can only be proved through an unreasonable examination.

(4) The registry office responsible for receiving the declaration is the same one that keeps the birth register for the person concerned. If the person's birth is not recorded in a German birth register, then the registry office which keeps the person's marriage register or civil partnership register is responsible. If no registry office is responsible on this basis, then the registry office responsible for the area where the person is or was most recently a legal resident or is usually resident is responsible for receiving the declaration. If no registry office is responsible on this basis, Registry Office I in Berlin is responsible. Registry Office I in Berlin maintains a list of declarations received pursuant to sentences 3 and 4.

Chapter 8

Corrections and court procedures

Division 1

Corrections not involving the court

Section 46 Amending a report

If the written report of a birth or death contains incorrect or incomplete information, and the correct or complete information has been found in official documents or following the registry office's own investigation, the information in question is to be amended with a reference to the sources.

Section 47 Correcting closed entries

(1) Obvious typographical errors are to be corrected in a closed entry in the register. Based on official documents or investigations by the registry office, the following are also to be corrected:

1. cross-references entered in the civil status registers;
2. errors in the transcription of documents on which the entry is based;
3. in the death register, information about the deceased's last legal residence;
4. in all civil status registers, the registration data of a civil status entry;
5. in all civil status registers, the names of elements and headings.

Further, other incorrect or incomplete entries may be corrected if the correct or complete information has been obtained from

1. civil status documents;
2. border documents issued by the country of origin, if by correcting or completing the information an explanatory note on identity or name is to be deleted from the civil status register.

(2) If corrections are reported to the registry office, the following are also to be corrected:

1. in the birth register, information on the time and place of the birth and the child's sex, if the birth has been reported in writing;
2. in the death register, information on the time and place of death, if the death has been reported in writing;
3. in all civil status registers, information on the legal membership of a religious community and the legal status of court decisions.

(3) The persons concerned are to be consulted before corrections are made. No consultation is conducted in the cases of subsection (1) sentence 2 nos. 1, 4 and 5 and of subsection (1) sentence 3 no. 2.

(4) Erroneous registration data of an entry are corrected by marking the relevant register entry and re-recording it. Register entries marked according to sentence 1 are regarded as deactivated and are not to be processed further. The registration data of a deactivated entry may be re-used.

Division 2 Court proceedings

Section 48 Corrections ordered by the court

(1) Other than in the cases of section 47, a closed register entry may only be corrected by court order. The order may include cases of section 47.

(2) All persons concerned, the registry office and the supervisory authority may request an order for correction. They are to be consulted before a decision is made.

Section 49 Instruction by the court

(1) If the registry office refuses to undertake an official act, it may be instructed to do so at the request of the persons concerned or the supervisory authority.

(2) In case of doubt, the registry office may itself ask the court whether an official act is to be undertaken. For the further proceedings, this is regarded as refusal to undertake an official act.

Section 50 Jurisdiction of the courts in terms of location and subject matter

(1) For the decisions referred to in sections 48 and 49, only the local courts in the same municipality as a regional court have jurisdiction. Their district includes the district of the regional court.

(2) Jurisdiction in terms of location is determined by the site of the registry office that requested the court to decide on the matter or that is to undertake an official act or whose civil status register is to be corrected.

Section 51 Court proceedings

(1) The provisions of the Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction apply to the court proceedings. Registry offices and supervisory authorities are exempt from court costs.

(2) The supervisory authority, registry office and the persons concerned may join the proceedings at any stage; they may also declare their participation by filing an appeal.

Section 52 Public announcement of the decision

(1) The court may order the public announcement of a decision if it doubts whether it knows of all the participants. In addition, all participants that the court knows of are to receive special notification. The applicant, the registry office and the supervisory authority must always be specially notified of the decision.

(2) All participants, except those who have been or must be specially notified of the decision, are regarded as having been notified of the decision two weeks after the official notice has been published.

(3) The court determines which form the public notice is to take. Posting an official or certified copy of the decision or an excerpt from it on the court's notice board suffices. The notice is to be posted on the notice board for two weeks; if the announcement of the decision marks the start of a time limit, then the notice is to remain on the notice board until the time limit expires. Removing the notice too early does not affect the validity of the public announcement. The time the notice is posted and the time it is removed are to be noted on the notice.

Section 53 Effective date of court decisions; complaints

(1) A decision ordering a registry office to undertake an official act or ordering the correction of a civil status register takes effect when it is final and binding.

(2) The registry office and the supervisory authority may file a complaint against the decision in every case.

Chapter 9

Probative value and use of civil status registers

Division 1

Probative value; civil status documents

Section 54 Probative value of civil status registers and documents

(1) Records in the civil status registers serve as evidence of marriage, the formation of civil partnerships, birth and death as well as the other information concerning the civil status of the person who is the subject of the entry. Cross-references do not have this probative value.

(2) Civil status documents (section 55 (1)) have the same probative value as records in the civil status registers.

(3) Proof that the facts recorded are incorrect is permitted. Proof that a civil status document is incorrect may be provided by presenting a certified copy taken from the relevant civil status register.

Section 55 Civil status documents

(1) The registry office issues the following civil status documents:

1. certified printouts from all civil status registers;
2. marriage certificates (section 57) from the marriage register; before the marriage is recorded in the marriage register, marriage certificates may also be issued from the record of the marriage;
3. certificates of civil partnership (section 58) from the civil partnership register;
4. birth certificates (section 59) from the birth register;
5. death certificates (section 60) from the death register;
6. certified copies from the collection of declarations of death.

(2) Subject to section 67 (3), the registry office that keeps the relevant register entry is responsible for issuing the civil status document. The civil status document may also be requested from a different registry office if the necessary data can be transmitted to it electronically. For the electronic transmission of data, the receiving registry office and the registry office that keeps the relevant register entry must have the technical equipment necessary to send and receive digital data and must have enabled access to these functions.

(3) After the time limits defined in section 5 (5) for managing civil status registers have expired, no further civil status documents are issued; proof from these civil status registers is issued in accordance with the provisions of archive law.

Section 56 General provisions on issuing civil status documents

(1) Certificates of marriage, civil partnership, birth and death include the name of the registry office that recorded the vital event as well as the year and number of the register entry. When issuing a certificate of marriage or civil partnership from the record of the marriage or formation of civil partnership, a reference to the record is to be included in place of the number of the register entry.

(2) If a register entry is updated using subsequent records, only the facts that have changed are included in the civil status document.

(3) The place and date indicating where and when the civil status documents were issued are given at the end of the document along with the family name of the registrar who issued the document. The registrar signs and stamps the civil status documents with the official stamp.

(4) If an application for a civil status document is submitted to a registry office other than the one responsible for issuing it (section 55 (2) sentence 2), the registrar who manages the register transmits the data necessary to print out the document and does so using a permanently verifiable qualified electronic signature. The receiving registrar uses the data transmitted to print out the civil status document and certifies that the information in the document agrees with the data transmitted; the registrar is to sign and stamp the certification with the official stamp, noting the place and date.

Section 57 Marriage certificates

(1) The marriage certificate includes

1. the given names and family names of the spouses at the time of the marriage and the given names and family names from the register entry at the time the marriage certificate is issued;
2. each spouse's place and date of birth;
3. the place and date of marriage;
4. whether a spouse is a legal member of a religious community, if membership is given in the register entry.

The field for additional information from the register contains the following:

1. whether the marriage has been dissolved;
2. whether the marriage is void;
3. whether the marriage has been annulled;
4. the declaration of death or the court's official determination of the time of death of a spouse;
5. whether the civil partnership has been converted into a marriage.

(2) The marriage certificate contains a cross-reference, separate from the text of the record, to the record of each spouse's birth.

Section 58 Certificates of civil partnership

(1) The certificate of civil partnership includes

1. the given names and family names of the civil partners at the time their civil partnership is formed and the given names and family names from the register entry at the time the certificate of civil partnership is issued;
2. each civil partner's place and date of birth;
3. the place and date indicating where and when the civil partnership was formed;
4. whether a civil partner is a legal member of a religious community, if membership is given in the register entry.

The field for additional information from the register contains the following:

1. whether the civil partnership has been dissolved;
2. whether the civil partnership is void;
3. the declaration of death or the court's official determination of the time of death of a civil partner;
4. whether the civil partnership has been converted into a marriage.

(2) The certificate of civil partnership contains a cross-reference, separate from the text of the record, to the record of each civil partner's birth.

Section 59 Birth certificates

(1) The birth certificate includes

1. the child's given names and birth name;
2. the child's sex;
3. the place and date of birth;
4. the parents' given names and family names;
5. whether the child and the parents are legal members of a religious community, if membership is given in the register entry.

(2) On request, the information under subsection (1) nos. 2, 4 and 5 is not included.

Section 60 Death certificates

The death certificate includes

1. the given names and family name of the deceased, his or her place and date of birth, and whether he or she was a legal member of a religious community, if membership is given in the register entry;
2. the deceased's last legal residence and civil status;
3. the given names and family name of the spouse or civil partner, if the deceased was married or in a civil partnership at the time of death;
the given names and family name of the last spouse or civil partner if the marriage or civil partnership was dissolved by death, or the spouse or civil partner was declared dead or was the time of death officially determined by a court;
4. place and time of death.

Division 2

Use of the civil status registers

Section 61 General provisions on use

(1) Sections 62 to 66 apply to the use of civil status registers kept by the registry offices and group files up to the expiry of the time limits defined in section 5 (5). Use is defined as the issuing of civil status documents from a register entry, information from and inspection of a register entry, and search of multiple register entries; this includes corresponding use of group files.

(2) After expiry of the time limits defined in section 5 (5) for the retention of civil status registers and group files, the provisions of archive law on use apply.

Section 62 Issuing of documents; information; inspection

(1) Civil status documents are to be issued on request to the subjects of the register entry and to their spouses, civil partners, and relatives in the ascending and descending lines. Other persons have a right to be issued civil status documents if they provide credible evidence of legal interest; for the birth register or death register, credible evidence of a legitimate interest suffices if the request is made by a sibling of the child or the deceased. Persons aged 16 and over are permitted to submit requests.

(2) Subsection (1) applies accordingly to information from and inspection of a register entry as well as to information from and inspection of group files.

(3) Before the time limits for managing the civil status files expire, use according to subsections (1) and (2) is to be allowed if credible evidence of a legitimate interest is provided and the last person concerned has been dead for 30 years; for the birth register, the persons concerned are the parent and the child; for the marriage register, the persons concerned are the spouses; and for the civil partnership register the persons concerned are the civil partners.

Section 63 Use in special cases

(1) If a child is adopted, in derogation from section 62 a certified printout from the entry in the birth register may only be issued to the persons adopting the child, their parents, the child's legal representative and the child when he or she is age 16 or over.

This restriction ceases to apply upon the death of the child; section 1758 of the Civil Code remains unaffected.

(2) If a person's given names have been changed on grounds of the Gender Recognition Act of 10 September 1980 (Federal Law Gazette I, p. 1654) or if it has been established that this person has a sex different from the one entered in the birth entry, then in derogation from section 62 a civil status document from the birth entry may only be issued to the person concerned, and a civil status document from the marriage or civil partnership register may only be issued to the person concerned and his or her spouse or civil partner. These restrictions cease to apply upon the death of the transsexual person; section 5 (1) and section 10 (2) in conjunction with section 5 (1) of the Gender Recognition Act remain unaffected.

(3) Subsections (1) and (2) apply accordingly to information from and inspection of a register entry as well as to information from and inspection of group files.

Section 64 Blocks on releasing information from civil status entries

(1) If the registry office is aware of facts giving reason to believe that issuing a civil status document, releasing information from or allowing inspection of a civil status entry may lead to a threat to life, health, personal liberty or other legitimate interests of the person concerned, at that person's request, a block on releasing information from this entry is entered for a period of three years. This block will be renewed under the conditions of sentence 1; it expires upon the death of the person concerned. If a block has been entered, a civil status document may be issued, information from a civil status entry may be released and a civil status entry may be inspected by the order of a court and without the consent of the person in question if this is essential to remedy a need for evidence or for other reasons which are in the overriding legitimate interest of a third party; sections 50 to 53 apply accordingly.

(2) If the registry office receives a request from the Office for the Protection of Witnesses pursuant to section 4 (2) of the Witness Protection Harmonisation Act (*Zeugenschutzharmonisierungsgesetz, ZSHG*) of 11 December 2001 (Federal Law Gazette I, p. 3510) to block the release of personal data of a person under protection, the registry office will enter a block on the relevant civil status entry. Civil status documents from this entry may only be issued in justified exceptional cases with the permission of the Office for the Protection of Witnesses. The Office for the Protection of Witnesses is to be informed immediately of every request for use. If the Office for the Protection of Witnesses informs the registry office that the civil status entry no longer needs to be blocked, the block is to be removed.

(3) Subsections (1) and (2) apply accordingly to information from and inspection of the entry as well as to information from and inspection of group files.

Section 65 Use by public authorities and courts

(1) Registry offices are to issue civil status documents to public authorities and courts, to release information to them from a register entry and to allow them to inspect multiple entries as needed for them to carry out the tasks for which they are responsible. The same applies to information from and inspection of group files. Public authorities and courts must state the purpose. They bear the responsibility for the lawfulness of the transmission.

(2) Subject to the conditions given in sentence 1, registry offices may issue civil status documents to religious communities in Germany which are corporations under public law and may release information to them from a civil status register, if the request concerns members of their religious community. A marriage certificate may be issued even if only one spouse belongs to the religious community in question and if both spouses have consented to issuing the document.

(3) Subject to the conditions given in subsection 1, civil status documents may be issued to foreign diplomatic or consular representations in Germany and information from a civil status register may be released to them, if the request concerns nationals of the country they represent. If the registrar is aware that the person in question is a displaced foreigner or foreign refugee as defined in the Convention relating to the Status of Refugees, use of the register is to be prohibited.

Section 66 Use for research purposes

(1) Information from a civil status register may be released to institutions of higher education, other institutions which conduct scientific research, and public bodies, and they may be allowed to inspect a civil status register or search for entries in multiple civil status registers if

1. this is necessary for carrying out specific scientific research,
2. it is not possible to use anonymised data for this purpose, or anonymisation would require unreasonable effort, and
3. the public interest in the research project significantly outweighs the legitimate interest of the persons concerned in prohibiting use.

The same applies to information from and inspection of group files.

(2) The use of civil status registers under subsection (1) is subject to the condition that the recipient take the technical and organisational measures which are required and appropriate in accordance with the applicable provisions of data protection law. Use requires the consent of the supreme federal or *Land* authority responsible for the subject area of the research project or the consent of a body designated by it; the responsibility of the supreme *Land* authority is determined by the location of the research institution. The notification of consent must specify the recipient, the type of use of the civil status entries, the group of data subjects and the research project; the notification is to be sent to the responsible data protection officer.

(3) With the consent of the supreme federal or *Land* authority responsible, or the consent of a body designated by it, the data used in accordance with subsection (1) may be used subject to the same conditions for other research projects or transmitted further.

(4) If and as soon as the purpose of research allows, the data obtained pursuant to subsections (1) and (3) are to be anonymised. Until the data are anonymised, features enabling individual items of information about personal or material circumstances to be associated with a certain or identifiable person are to be stored separately; they may be combined with the individual items of information only as required by the research purpose. These features are to be deleted as soon as the research purpose has been achieved.

(5) The data obtained pursuant to subsections (1) and (3) may only be published if

1. the data subjects have consented, or if they are deceased, their spouses or descendants have consented, or
2. this is essential to present research results concerning events of contemporary history; in this case, publication requires consent from the supreme federal or *Land* authority which consented according to subsection (2).

Section 67 Central registers

(1) The *Länder* may establish central registers for the purpose of compiling the register entries of the associated registry offices and enabling their use in accordance with subsection (3).

(2) The registry offices are permitted to transmit register entries they have stored to the central register. The body transmitting the information bears the responsibility for ensuring that the data are accurate and complete. The central register may store the data for the purpose of transmission pursuant to subsection (3).

(3) The registry offices may collect register entries from the central register if this information is needed to issue civil status documents and provide information as well as to permit inspection of the civil status registers and to search in these registers under sections 55 and 61 to 66; all registry offices connected to the central register may be permitted to use the civil status registers.

(4) (repealed)

Section 68 Communication with public authorities and courts as standard procedure

(1) A registry office that enters a record in a civil status register (sections 3, 5) informs, as standard procedure, another public authority or court that it has done so if required by law.

(2) Automated retrieval enabling personal data to be transmitted for retrieval by bodies other than registry offices may only be set up if this is determined by federal or *Land* law defining the data recipient, the type of data to be transmitted and the purpose of transmission.

Section 68a Rights of the data subject

(1) According to section 62, the data subject may inspect the civil status register and the group files relevant to the civil status entry and may receive information from the civil status entry or the group file, which ensures the data subject's right of access under Article 15 (1) and the right to receive a copy of the personal data being processed under Article 15 (3) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119 of 4 May 2016, p. 1; OJ L 314 of 22 November 2016, p. 72; OJ L 127 of 23 May 2018, p. 2) in their applicable versions. If the information on the personal data being processed under Article 15 (3) of Regulation (EU) 2016/679 is provided free of charge in the form of a copy of the official civil status document, this copy is not to be signed, stamped or certified by the registrar. The data subject's right of access under Article 15 (1) (c) of Regulation (EU) 2016/679 is limited to the categories of recipients to whom the personal data in the civil status register or the group files kept in connection with the register entry have been or will be released.

(2) With regard to the personal data contained in the civil status registers, the right to rectification under Article 16 of Regulation (EU) 2016/679 may only be exercised subject to the conditions of sections 47 to 53.

(3) The right to object in accordance with Article 21 of Regulation (EU) 2016/679 does not apply to data recorded in the civil status register or to documents contained in the group files.

Chapter 10

Coercive measures, fines, special features

Section 69 Obligation to report

The registry office may impose a financial penalty to ensure that anyone who is required by this Act to report or to perform other duties complies with this requirement. The financial penalty may not exceed 1,000 euros in an individual case; a written warning is to be issued before the penalty is imposed.

Section 70 Fines

(1) Anyone who acts or concludes a contract in violation of section 11 (2), also in conjunction with section 17 sentence 1, is deemed to have committed an administrative offence.

(2) Any of the following that intentionally or negligently fails to provide a report or provides an incorrect or incomplete report or fails to do so in the stipulated manner or on time is deemed to have committed an administrative offence:

1. a person as referred to in section 19 sentence 1 no. 1 in violation of section 18 (1) sentence 1 no. 1 or sentence 2;
2. a body responsible for an institution as referred to in section 20 sentence 1 in violation of section 18 (1) sentence 1 no. 2 or sentence 2;
3. in violation of section 24 (1) sentence 1
4. a person as referred to in section 29 (1) sentence 1 no. 1 or 2 in violation of section 28 no. 1 or
5. a body responsible for an institution as referred to in section 30 (1) in conjunction with section 20 sentence 1 in violation of section 28 no. 2.

(3) The administrative offence may be punishable by a fine of up to 5,000 euros in the cases of subsection (1), and by a fine of up to 1,000 euros in the other cases.

Section 71 Civil status registers from border regions

Civil status registers in paper form (*Personenstandsbücher*) handed over as a result of the German–Belgian treaty of 24 September 1956 (Federal Law Gazette 1958 II, p. 262, 353) and of the German–Dutch treaty (*Ems-Dollart-Vertrag*) of 8 April 1960 (Federal Law Gazette 1963 II, p. 458, 1078) are the equivalent of civil status registers as referred to in this Act.

If only certified copies were handed over, these are the equivalent of an entry in a civil status register.

Section 72 (repealed)

Chapter 11 Authority to issue statutory instruments

Section 73 Authority to issue statutory instruments

To implement this Act, the Federal Ministry of the Interior, Building and Community is authorised, in consultation with the Federal Ministry of Justice and Consumer Protection and with the consent of the Bundesrat, to issue statutory instruments on

1. keeping, updating, using and storing civil status registers, civil status registers in paper form and civil status registers kept from 1876 to 1938 (*Standesregister*) established by German registrars, and on keeping and updating the back-up registers, copies of civil status registers in paper form and copies of civil status registers;
2. keeping, updating, using and storing civil status entries made by German consular officials;
3. requirements for digital processes
 - a) to keep civil status registers and back-up registers and to store these registers, including requirements for annexes and software programs and for their back-ups (sections 3, 4)
 - b) which make it possible to identify the person who has recorded the information (section 3 (2) sentence 3);
4. the structure and appearance of the digital registers on a computer screen and the forms for civil status documents (sections 3 to 5, 55);
5. the issuing of civil status documents by a registry office other than the one that keeps the relevant register (section 55 (2), section 56 (4));
6. the technical procedures for recording data again after the loss of a register (section 8);
7. the keeping of group files (section 6);
8. communication with public authorities and other official bodies based on legal provisions, in particular the name of the recipient, the specific information to be transmitted, and the procedure for transmission;
9. the transfer of special tasks to Registry Office I in Berlin because, as a result of responsibilities delegated to it by this Act, it receives communications or declarations concerning matters that would otherwise have to be recorded in civil status registers; as well as the organisation and use of lists to be kept by Registry Office I in Berlin, in particular in the context of cooperation with the registry offices;
10. the notification of intent to marry, of marriage and of the conversion of a civil partnership into a marriage and the issuing of a certificate to that effect;
11. the report of a birth or death;
12. the issuing of civil status documents and of certificates indicating receipt of a declaration under the law on names;
13. the recording of vital events in which special circumstances are to be taken into account because they have occurred in the air, on inland vessels, in terrestrial vehicles or mines, or because certain information needed for the record is missing or cannot be officially confirmed;
14. the recording of vital events if one of the persons concerned is deaf, mute or otherwise unable to speak, does not understand German or is unable to write in German;

15. the recording of deaths of members of the German Wehrmacht and the procedure to record deaths in German concentration camps before the end of the Second World War (section 38);
16. further information on the civil status of the deceased and on the place and time of death in the death entry (section 31 (1) nos. 2 and 4) and the death certificate (section 60 nos. 2 and 4);
17. the entering of nationality in the civil status register;
18. the definition of terms for stillborn children and miscarriages;
19. names of persons who do not use given or family names;
20. the name of public authorities and other official bodies that are required by law to inform the registry office of updates to the civil status registers and the information to be transmitted;
21. the specificities of the civil status registers in paper form and certified copies referred to in section 71 based on the fact that no copies of registers exist or that entries differ from entries required by German law;
22. the keeping of the collection of declarations of death, the related reporting obligations and the use of this collection (section 33);
23. the electronic collection and updating of transitional records (section 75) and old registers (section 76);
24. the use of family registers (*Familienbücher*) updated as marriage entries (section 77).

Section 74 Statutory instruments of the *Land* governments

(1) The governments of the *Länder* are authorised by statutory instrument to

1. appoint registrars and determine the professional requirements for them;
2. establish rules for storing copies of registers and back-up registers;
3. set up a digital civil status register and specify rules for keeping it;
4. establish rules for storing group files;
5. establish rules for the electronic collection and updating of transitional records (section 75) and old registers (section 76);
6. decide which local court has jurisdiction if, in the case of section 50 (1) more than one local court is located in the same municipality as a regional court;
7. determine that official bodies other than those referred to in section 73 no. 8 are to be notified of information they need to fulfil their duties.

(2) The *Land* governments may by statutory instrument delegate the authority under subsection (1) to supreme *Land* authorities.

Chapter 12 Transitional provisions

Section 75 Transitional records

Civil status entries recorded in a paper register between 1 January 2009 and 31 December 2013 (transitional records) may be transferred to digital registers; in this case, sections 3 to 5 apply accordingly.

Section 76 Updating, using and storing old registers

(1) Old registers are civil status registers in paper form established up to 31 December 2008 as well as civil status registers and copies of civil status registers kept after 1 January 1876, and the civil status registers kept before then (*Standesbücher*). Sections 5, 16, 17, 27, 32 and 54 apply accordingly to keeping them and to their probative value; subsequent records are to be signed by the registrar.

(2) Section 4 (2) applies accordingly to updating copies of these registers, with the proviso that no cross-references are to be entered.

(3) Sections 61 to 66 apply accordingly to the use of old registers and the related group files.

(4) Section 7 (1) and (3) applies accordingly to keeping and offering old registers, copies of registers in paper form and group files to archives.

(5) Old registers may be converted into digital form within the time limits given in section 5 (5); in this case, sections 3 to 5 apply accordingly.

Section 77 Updating, storing and using family registers

(1) Family registers are updated as marriage entries; previous marriage entries in the marriage books are not updated. Section 16 applies accordingly.

(2) The registry office that keeps the marriage entry is responsible for updating the family register. If the marriage is not recorded in a German marriage register (*Heiratsbuch*), then the registry office which kept the family register on 24 February 2007 is responsible.

(3) Only marriage certificates are issued as civil status documents from the family registers that are updated as marriage entries (section 57).

Section 78 (repealed)

Section 79 Old cases

In derogation from the delegation of responsibility in section 34 (4) sentence 1, section 35 (3) sentence 1, section 36 (2), section 41 (2) sentence 2, section 42 (2) sentence 2, section 43 (2) sentence 3 and section 45 (2) sentence 2, for the processing of applications for the recording of vital events abroad and of declarations made under the law on names submitted to or received by Registry Office I in Berlin before 1 November 2017, Registry Office I in Berlin only remains responsible if the person concerned was previously a legal resident of Germany.